CITY OF CLAYTON
Founded 1857 – Incorporated 1964

AGENDA

JOINT SPECIAL MEETINGS

* * *

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

* * *

TUESDAY, June 29, 2021

7:00 P.M.

*** NEW LOCATION***

This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19 and the Governor's Executive Orders N-25-20 and N-29-20 that allow members of the City Council, City staff and the public to participate and conduct a meeting by teleconference, videoconference or both. In order to comply with public health orders, the requirement to provide a physical location for members of the public to participate in the meeting has been suspended.

Mayor: Carl Wolfe
Vice Mayor: Peter Cloven

Council Members
Jim Diaz
Holly Tillman
Jeff Wan

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

Instructions for Virtual City Council Meeting – June 29

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

To follow or participate in the meeting:

1. **Videoconference:** to follow the meeting on-line, click here to register: https://us02web.zoom.us/webinar/register/WN_eaZvMdFVTv2I_Q4mEgR3cA
   After clicking on the URL, please take a few seconds to submit your first and last name, and e-mail address then click "Register", which will approve your registration and a new URL to join the meeting will appear.

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

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

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

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

Location:

Videoconferencing Meeting (this meeting via teleconferencing is open to the public)
To join this virtual meeting on-line click here:
https://us02web.zoom.us/webinar/register/WN_eaZvMdFVTv2I_Q4mEgR3cA

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

* CITY COUNCIL *

June 29, 2021

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

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

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

4. **CONSENT CALENDAR**

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

(a) Approve the minutes of the City Council's regular meeting of June 15, 2021. (City Clerk) (View Here)

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

(c) Approval of Resolution ordering the levy and collection of special taxes and setting forth the special tax amount for Community Facilities District (CFD) 2006-1 (Downtown "The Grove" Park Maintenance) on the Fiscal Year 2021/22 Tax Assessment. (Assistant to the City Manager) (View Here)

(d) Approval of a Resolution ordering the levy and collection of special taxes and setting forth the special tax amount for Community Facilities District (CFD) 2007-1 (City Wide Landscape Maintenance) on the Fiscal Year 2021/22 Tax Assessment). (Assistant to the City Manager) (View Here)

(e) Approve the Engineer's Report and Declare Intent to Levy and Collect Real Property Assessments for the Diablo Estates at Clayton Benefit Assessment District for Fiscal Year 2021/22 and Give Notice of a Public Hearing to be held on July 20, 2021 at 7:00PM at the City of Clayton City Hall on the Levy of the Proposed Assessments. (City Engineer) (View Here)

(f) Adopt a Resolution of the City Council of the City of Clayton Appointing CalPERS Retired Annuitant Sandra Sato to the Position of Interim Finance Director and Approving an Employment Contract Pursuant to California Government Code Section 21221(h). (City Manager) (View Here)

(g) Adopt a Resolution Approving a Three (3) Year Collective Bargaining Agreement with the Clayton Police Officers' Association (CPOA) – July 1, 2021 – June 30, 2024. (City Manager) (View Here)

(h) Adopt a Resolution Approving the City of Clayton's List of Local Transportation Improvement Projects for Fiscal Year 2021/22 using Road Maintenance and Rehabilitation Account – Local Streets and Road Funds (RMRA-LSR; SB1). (City Engineer) (View Here)

5. RECOGNITIONS AND PRESENTATIONS – None.

6. REPORTS

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

7. PUBLIC COMMENT ON NON - AGENDA ITEMS

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

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

8. PUBLIC HEARINGS

(a) Public Hearing on the City of Clayton Budget for FY 2021/22, and the 5-year Capital Improvement Program (CIP) For Fiscal Years 2021/22 Through 2025/26. (Finance Director) (View Here)

(b) Oak Creek Canyon Project, Public Hearing on Applicant's Appeal of the Planning Commission Recommendation of Denial: Recommending Adoption of the Oak Creek Canyon Residential Planned Development Project Initial Study/Mitigated Negative Declaration (ENV-02-16); Adopting a Resolution Amending the Clayton General Plan Land Use Designation of the Project Site (GPA-02-18); Adopting a Resolution amending the Marsh Creek Road Specific Plan Land Use Designation of the Project Site (SPA-01-18); Introducing and Waiving the First Reading of an Ordinance Amending the Clayton Zoning Map Classification for the Project Site (ZOA-02-18); Adopting a Resolution Approving the Vesting Tentative Map (MAP-01-16), Development Plan Permit (DP-01-19), and Tree Removal Permit (TRP-31-19) for Six Residential Units Located on the North Side of Marsh Creek Road and the Intersection of Diablo Parkway. (Interim Community Development Director) (View Here)

9. ACTION ITEMS

(a) Consideration of a Resolution Authorizing an Appeal of Clayton's Regional Housing Needs Assessment Allocation. (City Manager) (View Here)

(b) Adopt a Resolution of the City Council of the City of Clayton Adopting the City of Clayton's Salary Schedule Effective July 1, 2021 in Conformance with CalPERS Requirements to Provide a Publicly Available Salary Schedule. (City Manager) (View Here)

10. RECESS THE CITY COUNCIL MEETING – Mayor Wolfe
(until after the conclusion of the Oakhurst Geological Hazard Abatement District meeting)

11. RECONVENE THE CITY COUNCIL MEETING – Mayor Wolfe

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

13. ADJOURNMENT

The next regularly scheduled meeting of the City Council will be July 20, 2021.

# # # # #

* OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT *
June 29, 2021

1. **CALL TO ORDER AND ROLL CALL** – Chairperson Tillman.

2. **PUBLIC COMMENTS**

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

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

3. **CONSENT CALENDAR**

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

(a) Approve the Board of Directors' minutes for its regular meeting on June 15, 2021. (Secretary) (View Here)

4. **PUBLIC HEARING** – None.

5. **ACTION ITEMS**

(a) Adopt a Resolution Ordering Improvements and Confirming Real Property Assessments in the Oakhurst Geological Hazard Abatement District for FY 2021/22. (District Manager) (View Here)

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

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

# # #

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, June 15, 2021

6:00 P.M.

1. **CALL TO ORDER & ROLL CALL –** The meeting was called to order at 6:00 p.m. by Mayor Wolfe on a virtual web meeting and telephonically (877) 853-5257. Councilmembers present: Mayor Wolfe, Vice Mayor Cloven, and Councilmembers Diaz, Tillman, and Wan. Councilmembers absent: None. Staff present: City Manager Reina Schwartz, Interim Community Development Director Dana Ayers, and City Clerk/HR Manager Janet Calderon.

2. **PLANNING COMMISSION VACANCY**

(a) Three candidates to be separately interviewed for two appointed offices with the term to expire on June 30, 2023.

The City Council separately interviewed three (3) candidates who had applied for appointment to the City Planning Commission:

Justin Cesarin
Maria Shulman
Edward Miller

(b) City Council discussion and determination of citizen appointment to two openings on the Clayton Planning Commission for term of offices from July 1, 2021 through June 30, 2023. (Mayor Wolfe)

Mayor Wolfe opened the discussion. Following questions by the City Council, Mayor Wolfe opened the item to public comments.

Roy Correa expressed his support for Maria Shulman and Justin Cesarin.

Jonathan Lee did not support Maria Shulman.

Mayor Wolfe closed public comment.

Councilmember Wan made a motion to nominate Justin Cesarin, Mayor Wolfe seconded.

Councilmember Tillman offered a substitute motion to nominate Justin Cesarin and Edward Miller, Vice Mayor Cloven seconded.

It was moved by Councilmember Tillman, seconded by Vice Mayor Cloven, to approve Resolution No. 27-2021 appointing Mr. Justin Cesarin and Mr. Edward Miller to offices on the Clayton Planning Commission, with terms of office to expire June 30, 2023. (Passed; 3-2; Wan and Diaz, No).

Mayor called at short recess until 7:10 p.m.

- Short Recess -

* * * * *

7:00 P.M. REGULAR PUBLIC MEETING

3. **CALL TO ORDER THE CITY COUNCIL –** The meeting was called to order at 7:10 p.m. by Mayor Wolfe on a virtual web meeting and telephonically (877) 853-5257. Councilmembers present: Mayor Wolfe, Vice Mayor Cloven, and Councilmembers Diaz, Tillman, and Wan. Councilmembers absent: None. Staff present: City Manager Reina Schwartz, Interim Community Development Director Dana Ayers, Assistant to the City Manager Laura Hoffmeister, Finance Director Paul Rodrigues, Police Chief Elise Warren, Maintenance Supervisor Jim Warburton, City Attorney Mala Subramanian and City Clerk/HR Manager Janet Calderon.

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

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

6. **CONSENT CALENDAR**

It was moved by Vice Mayor Cloven, seconded by Councilmember Tillman, to approve the Consent Calendar items as amended. (Passed 5-0).

(a) Approved the minutes of the City Council's regular meeting of June 1, 2021. (City Clerk)

(b) Approved the Financial Demands and Obligations of the City. (Finance)

(c) Adopted Resolution No. 28-2021 Contra Costa Transportation Authority (CCTA) Growth Management Program Biennial Compliance Checklist for Calendar Years 2018 and 2019. (Interim Community Development Director)

(d) Adopted Resolution No. 29-2021 Approving the Engineer's Report and Proposed Assessments for the Operation & Maintenance of Street Lights in the Street Lighting Assessment District, FY 2021/22. (City Engineer)

7. **RECOGNITIONS AND PRESENTATIONS**

(a) Proclamation declaring June 19 as "Juneteenth" in the City of Clayton. (Mayor Wolfe)

Mayor Wolfe read the proclamation declaring June 19 as "Juneteenth" in the City of Clayton.

8. **REPORTS**

(a) City Manager/Staff

City Manager Reina Schwartz updated the City Council on the Regional Housing Needs Allocation (RHNA) advising the Association of Bay Area Governments (ABAG) is accepting Appeals for preliminary RHNA allocations due July 9, 2021.

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

Councilmember Tillman emailed and called constituents, attended the Contra Costa County Mayors' Conference, and announced the Clayton Community Library Foundation upcoming Book Sale to take place on July 24, 2021.

Councilmember Diaz emailed and called constituents, met with the City Manager, met with the Police Chief, announced the upcoming Concerts in The Grove to begin on July 17, 2021 featuring Carnaval, and requested a proclamation for former City Councilmember Howard Geller.

Vice Mayor Cloven attended a meeting of Transportation Partnership and Cooperation for Central Contra Costa (TRANSPAC), emailed and called constituents, and participated in activities relating to graduation at Clayton Valley Charter High School.

Councilmember Wan indicated "No Report".

Mayor Wolfe attended the last day of virtual school for Mount Diablo Elementary School Mrs. Ill's third grade class, attended the Contra Costa County Mayors' Conference, wrote newspaper articles, met with the City Manager, met with the Vice Mayor, emailed and called constituents, provided media interviews regarding the theft of the Pride Flag in town, reminded the community Fireworks are illegal in Contra Costa County, announced a professional fireworks display will be taking place at the Concord Pavilion, attended a meeting of Livable California regarding SB9 and SB10, announced the Clayton Business and Community Association will not be hosting any Summer Festivals this year, and the City of Clayton will not be holding its annual 4th of July parade.

9. PUBLIC COMMENT ON NON - AGENDA ITEMS

Christine Muller expressed her concerns of the actions of councilmembers during Zoom City Council meetings.

Roy Correa made several requests of the Mayor/City Council including the Mayor to consider writing Mayors' Column articles about himself so the community can better know him, more resident feedback regarding the Clayton Community Church project, advised the downtown landscape needs attention, and requested simple City Council reports.

Mayor Wolfe closed public comment.

10. PUBLIC HEARINGS – None.

11. ACTION ITEMS

(a) City Council discussion of canceling any regularly scheduled Council meetings in July, August and/or September 2021 relative to quorum availability. (City Manager)

City Manager Reina Schwartz presented the report.

Following questions by City Council, Mayor Wolfe opened the item to public comment; no public comment was offered.

It was moved by Councilmember Diaz, seconded by Councilmember Tillman, to, to cancel the regularly scheduled City Council meetings of July 6, 2021 and September 7, 2021 and address August regularly scheduled meetings as we move closer. (Passed; 5-0 vote).

(b) Adopted Resolution No. 30-2021 Authorizing a Pride Flag to be Flown at City Hall, Clayton Library, and The Grove Throughout the Month of June Each Year in Honor of Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex Plus (LGBTQI+) Pride Month. (City Manager)

City Manager Reina Schwartz presented the report.

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

Kiku Johnson expressed support of the Progress Pride Flag.

Jonathan Lee expressed support of the Progress Pride Flag and indicated there is another Pride Flag that includes a yellow triangle with a purple circle representing the inter-sex community.

Dee Vieira provided some history on the Rainbow Pride Flag.

Mayor Wolfe closed public comment.

It was moved by Councilmember Wan, seconded by Councilmember Diaz, to adopt Resolution No. 30-2021 to Authorize a Pride Flag to be Flown at City Hall, Clayton Library, and The Grove Throughout the Month of June Each Year in Honor of Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex Plus (LGBTQI+) Pride Month. (Passed 5-0).

(c) Letter Supporting Use of County Measure X Funding for Community Crisis Initiative. (City Manager)

City Manager Reina Schwartz presented the report.

Following questions by City Council, Mayor Wolfe opened the item to public comment; no public comment was offered.

It was moved by Councilmember Wan, seconded by Councilmember Diaz, to approve a letter to the County's Measure X Community Advisory Board supporting Measure X funding for the Community Crisis Initiative. (Passed 5-0).

(d) Discussion and Direction to Staff on Proposed Fiscal Year 2021/22 Budget. (Finance Director)

City Manager Reina Schwartz provided a brief introduction.

Finance Director Paul Rodrigues presented the report.

Following questions by City Council, Mayor Wolfe opened the item to public comment; no public comment was offered.

It was moved by Councilmember Wan, seconded by Councilmember Tillman, to provide direction to staff to hold a Special Meeting on June 29, 2021 and bring back the final Operating and Capital Budgets for FY 2021/22. (Passed 5-0).

12. **RECESS THE CITY COUNCIL MEETING** – Mayor Wolfe
(until after the conclusion of the Oakhurst Geological Hazard Abatement District meeting)

Mayor Wolfe announced the City Council will adjourn to an Oakhurst Geological Hazard Abatement District Meeting [8:32 p.m.].

13. **RECONVENE THE CITY COUNCIL MEETING** – Mayor Wolfe

Mayor Wolfe announced the City Council will reconvene the City Council meeting [8:50 p.m.].

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

15. **CLOSED SESSION**
Mayor Wolfe announced the City Council will adjourn into Closed Session for the following noticed items (8:50 p.m.):

(a) *Government Code Section 54957.6*, Conference with Labor Negotiator
Instructions to City-designated labor negotiator: City Manager
Employee Organization: Clayton Police Officers Association (CPOA)

Report out from Closed Session:
Mayor Wolfe reported the City Council received information from and provided direction to its labor negotiator. There is no public action to report.

16. **ADJOURNMENT**– on call by Mayor Wolfe, the City Council adjourned its meeting at 9:15 p.m.

The next regularly scheduled special meeting of the City Council will be June 29, 2021.

# # # # #

Respectfully submitted,

Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Carl Wolfe, Mayor

# # # # #

CITY OF CLAYTON
Founded 1857 .. Incorporated 1964

STAFF REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

FROM: **JENNIFER GIANTVALLEY, ACCOUNTING TECHNICIAN**

DATE: **06/29/2021**

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	Date	Amount
Open Invoice Report - Paid via check prior to meeting	Accounts Payable	6/21/2021	$ 13,725.00
Open Invoice Report	Accounts Payable	6/22/2021	$ 608,917.90
Payroll Reconciliation Summary	Payroll, Taxes	6/15/2021	$ 77,563.49
	Total Required		$ 700,206.39

Attachments:

1. Open Invoice Report, dated 06/21/21 (1 page)
2. Open Invoice Report, dated 06/22/21 (4 pages)
3. Payroll Reconciliation Summary report PPE 6/13/21 (1 page)

City of Clayton
Open Invoice Report
Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Waraner Brothers Tree Service								
Waraner Brothers Tree Service	6/8/2021	6/8/2021	15677	Weed abatement work Diablo Estates	$9,825.00	$0.00		$9,825.00
Waraner Brothers Tree Service	6/8/2021	6/8/2021	15682	Tree work El Portal	$2,100.00	$0.00		$2,100.00
Waraner Brothers Tree Service	6/8/2021	6/8/2021	15686	Tree work Miwok Wy	$1,800.00	$0.00		$1,800.00
				Totals for Waraner Brothers Tree Service:	*$13,725.00*	*$0.00*		*$13,725.00*
				GRAND TOTALS:	**$13,725.00**	**$0.00**		**$13,725.00**

City of Clayton
Open Invoice Report
Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Ace Sierra Tow								
Ace Sierra Tow	5/15/2021	5/15/2021	60494	PD veh tow	$25.00	$0.00		$25.00
				Totals for Ace Sierra Tow	*$25.00*	*$0.00*		*$25.00*
Advanced Elevator Solutions, Inc								
Advanced Elevator Solutions, Inc	6/1/2021	6/1/2021	43672	Elevator service	$124.00	$0.00		$124.00
				Totals for Advanced Elevator Solutions, Inc	*$124.00*	*$0.00*		*$124.00*
Alameda County Sheriff's Office								
Alameda County Sheriff's Office	6/9/2021	6/9/2021	290131-0621-6896	Training class 4/26-4/28/21	$339.00	$0.00		$339.00
				Totals for Alameda County Sheriff's Office	*$339.00*	*$0.00*		*$339.00*
All City Management Services, Inc.								
All City Management Services, Inc.	6/2/2021	6/2/2021	70900	School crossing guard svcs 5/16/21-5/29/21	$542.48	$0.00		$542.48
				Totals for All City Management Services, Inc.	*$542.48*	*$0.00*		*$542.48*
American Fidelity Assurance Company								
American Fidelity Assurance Company	6/11/2021	6/11/2021	6005069	FSA PPE 6/13/21	$128.45	$0.00		$128.45
				Totals for American Fidelity Assurance Company	*$128.45*	*$0.00*		*$128.45*
AT&T (CalNet3)								
AT&T (CalNet3)	6/22/2021	6/22/2021	16646764	Phones 5/22/21-6/21/21	$1,279.19	$0.00		$1,279.19
				Totals for AT&T (CalNet3)	*$1,279.19*	*$0.00*		*$1,279.19*
Best Best & Kreiger LLP								
Best Best & Kreiger LLP	6/14/2021	6/14/2021	907306	Legal svcs May 2021	$9,574.00	$0.00		$9,574.00
Best Best & Kreiger LLP	6/14/2021	6/14/2021	907307	The Olivia legal svcs May 2021	$2,016.00	$0.00		$2,016.00
Best Best & Kreiger LLP	6/14/2021	6/14/2021	907308	Labor legal svcs May 2021	$133.20	$0.00		$133.20
Best Best & Kreiger LLP	6/14/2021	6/14/2021	907309	Employee Benefit legal svcs May 2021	$99.90	$0.00		$99.90
Best Best & Kreiger LLP	6/14/2021	6/14/2021	907310	8053 Kelok Wy legal svcs May 2021	$266.40	$0.00		$266.40
				Totals for Best Best & Kreiger LLP	*$12,089.50*	*$0.00*		*$12,089.50*
CalPERS Health								
CalPERS Health	7/1/2021	7/1/2021	16462599	Medical July 2021	$33,700.42	$0.00		$33,700.42
				Totals for CalPERS Health	*$33,700.42*	*$0.00*		*$33,700.42*
CalPERS Retirement								
CalPERS Retirement	6/13/2021	6/13/2021	061321	Retirement PPE 6/13/21	$18,059.76	$0.00		$18,059.76
				Totals for CalPERS Retirement	*$18,059.76*	*$0.00*		*$18,059.76*
CCWD								
CCWD	6/8/2021	6/8/2021	L series	Water usage 4/6/21-6/3/21	$33,816.14	$0.00		$33,816.14
				Totals for CCWD.	*$33,816.14*	*$0.00*		*$33,816.14*
Cintas Corporation								

City of Clayton
Open Invoice Report
Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Cintas Corporation	6/17/2021	6/17/2021	4087505593	PW uniforms through 6/17/21	$50.72	$0.00		$50.72
Cintas Corporation	4/22/2021	4/22/2021	1902136360	COVID masks	$65.25	$0.00		$65.25
Cintas Corporation	6/4/2021	6/4/2021	4086320887	PW uniforms through 6/4/21	$50.72	$0.00		$50.72
Cintas Corporation	6/10/2021	6/10/2021	4086889087	PW uniforms through 6/10/21	$50.72	$0.00		$50.72
				Totals for Cintas Corporation	*$217.41*	*$0.00*		*$217.41*
City of Concord								
City of Concord	7/1/2021	7/1/2021	88632	Dispatch services July 2021	$25,639.87	$0.00		$25,639.87
				Totals for City of Concord	*$25,639.87*	*$0.00*		*$25,639.87*
Comcast Business (PD)								
Comcast Business (PD)	6/1/2021	6/1/2021	123055130	PD Internet May 2021	$1,002.94	$0.00		$1,002.94
				Totals for Comcast Business (PD)	*$1,002.94*	*$0.00*		*$1,002.94*
Comcast Business								
Comcast Business	6/5/2021	6/5/2021	060521	Internet 6/10/21-7/9/21	$386.16	$0.00		$386.16
				Totals for Comcast Business	*$386.16*	*$0.00*		*$386.16*
Contra Costa County - Office of the Sheriff								
Contra Costa County - Office of the She	6/4/2021	6/4/2021	CLPD-2105	Toxicology May 2021	$500.00	$0.00		$500.00
				Totals for Contra Costa County - Office of the Sheriff	*$500.00*	*$0.00*		*$500.00*
Contra Costa County Office of the Sheriff (Training)								
Contra Costa County Office of the Sheri	6/15/2021	6/15/2021	061521	Training 6/28/21-6/30/21	$150.00	$0.00		$150.00
				Totals for Contra Costa County Office of the Sheriff (Training)	*$150.00*	*$0.00*		*$150.00*
Contra Costa County Public Works Dept								
Contra Costa County Public Works Dept	6/14/2021	6/14/2021	704042	Traffic signal maintenance May 2021	$2,461.06	$0.00		$2,461.06
				Totals for Contra Costa County Public Works Dept	*$2,461.06*	*$0.00*		*$2,461.06*
Globalstar LLC								
Globalstar LLC	5/16/2021	5/16/2021	15534317	Sat phone 5/16/21-6/15/21	$113.19	$0.00		$113.19
				Totals for Globalstar LLC	*$113.19*	*$0.00*		*$113.19*
Haddon Heating								
Haddon Heating	6/11/2021	6/11/2021	3332	Refund, Business License, duplicate pmt	$219.00	$0.00		$219.00
				Totals for Haddon Heating	*$219.00*	*$0.00*		*$219.00*
ICMA Retirement Corporation								
ICMA Retirement Corporation	6/13/2021	6/13/2021	061321	457 Plan contributions PPE 6/13/21	$2,209.62	$0.00		$2,209.62
				Totals for ICMA Retirement Corporation	*$2,209.62*	*$0.00*		*$2,209.62*
J&R Floor Services								
J&R Floor Services	6/30/2021	6/30/2021	Six2021	Janitorial services June 2021	$4,999.52	$0.00		$4,999.52
				Totals for J&R Floor Services	*$4,999.52*	*$0.00*		*$4,999.52*

City of Clayton
Open Invoice Report
Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
JJR Enterprises, Inc								
JJR Enterprises, Inc	6/9/2021	6/9/2021	3270155	Copier usage 5/18/21-6/17/21	$261.38	$0.00		$261.38
				Totals for JJR Enterprises, Inc	*$261.38*	*$0.00*		*$261.38*
Moore Iacofano Golstman, Inc								
Moore Iacofano Golstman, Inc	5/25/2021	5/25/2021	69737	Professional svcs April 2021	$1,710.00	$0.00		$1,710.00
				Totals for Moore Iacofano Golstman, Inc	*$1,710.00*	*$0.00*		*$1,710.00*
MPA								
MPA	6/10/2021	6/10/2021	918-23967	Life/LTD June 2021	$1,645.18	$0.00		$1,645.18
MPA	6/18/2021	6/18/2021	INV001927	Unmet liability deductible May 2021	$220.00	$0.00		$220.00
				Totals for MPA	*$1,865.18*	*$0.00*		*$1,865.18*
Nationwide								
Nationwide	6/13/2021	6/13/2021	061321	457 Plan contributions PPE 6/13/21	$500.00	$0.00		$500.00
				Totals for Nationwide	*$500.00*	*$0.00*		*$500.00*
NBS Govt. Finance Group								
NBS Govt. Finance Group	7/1/2021	7/1/2021	621000220	CFD Admin Q1 FY 2022	$4,871.14	$0.00		$4,871.14
				Totals for NBS Govt. Finance Group	*$4,871.14*	*$0.00*		*$4,871.14*
Neopost (add postage)								
Neopost (add postage)	6/21/2021	6/21/2021	062121	Postage (business licenses)	$300.00	$0.00		$300.00
Neopost (add postage)	6/15/2021	6/15/2021	061521	Postage (GHAD)	$850.00	$0.00		$850.00
				Totals for Neopost (add postage)	*$1,150.00*	*$0.00*		*$1,150.00*
Pacific Office Automation								
Pacific Office Automation	6/17/2021	6/17/2021	215639	Copier usage 5/20/21-6/19/21	$15.00	$0.00		$15.00
Pacific Office Automation	6/7/2021	6/7/2021	215491	Copier lease pmt 51 of 60	$106.58	$0.00		$106.58
				Totals for Pacific Office Automation	*$121.58*	*$0.00*		*$121.58*
Pond M Solutions								
Pond M Solutions	6/1/2021	6/1/2021	7076	Fountain maintenance May 2021	$650.00	$0.00		$650.00
				Totals for Pond M Solutions	*$650.00*	*$0.00*		*$650.00*
Site One Landscape Supply, LLC								
Site One Landscape Supply, LLC	6/9/2021	6/9/2021	110031155-001	Irrigation parts	$386.58	$0.00		$386.58
Site One Landscape Supply, LLC	6/7/2021	6/7/2021	109516010-001	Irrigation parts	$1,468.28	$0.00		$1,468.28
				Totals for Site One Landscape Supply, LLC	*$1,854.86*	*$0.00*		*$1,854.86*
SOS Roofing, George Padilla								
SOS Roofing, George Padilla	6/15/2021	6/15/2021	BP98-2021	C&D refund	$1,000.00	$0.00		$1,000.00
				Totals for SOS Roofing, George Padilla	*$1,000.00*	*$0.00*		*$1,000.00*
Sprint Comm (PD)								

City of Clayton
Open Invoice Report
Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Sprint Comm (PD)	5/29/2021	5/29/2021	703335311-234	PD Cell phones 4/26/21-5/25/21	$715.32	$0.00		$715.32
				Totals for Sprint Comm (PD)	*$715.32*	*$0.00*		*$715.32*
Staples Business Credit								
Staples Business Credit	5/25/2021	5/25/2021	1635899966	Office supplies	$246.89	$0.00		$246.89
				Totals for Staples Business Credit	*$246.89*	*$0.00*		*$246.89*
Stericycle Inc								
Stericycle Inc	6/1/2021	6/1/2021	3005562701	Medical waste disposal	$65.00	$0.00		$65.00
				Totals for Stericycle Inc	*$65.00*	*$0.00*		*$65.00*
Texas Life Insurance Company								
Texas Life Insurance Company	6/14/2021	6/14/2021	SM0F1B2021051600	Supplemental insurance	$53.00	$0.00		$53.00
				Totals for Texas Life Insurance Company	*$53.00*	*$0.00*		*$53.00*
US Bank - Corp Pmt System CalCard								
US Bank - Corp Pmt System CalCard	5/24/2021	5/24/2021	52421	Cal Card stmt end 5/24/21	$8,165.20	$0.00		$8,165.20
				Totals for US Bank - Corp Pmt System CalCard	*$8,165.20*	*$0.00*		*$8,165.20*
US Bank Ops Center								
US Bank Ops Center	6/16/2021	6/16/2021	1789031	Successor agency bond pmt NC99005662	$377,307.49	$0.00		$377,307.49
				Totals for US Bank Ops Center	*$377,307.49*	*$0.00*		*$377,307.49*
Verizon Wireless								
Verizon Wireless	6/23/2021	6/23/2021	9880955795	PW cell phones 5/2/21-6/1/21	$184.33	$0.00		$184.33
				Totals for Verizon Wireless	*$184.33*	*$0.00*		*$184.33*
Victor Stanley, Inc								
Victor Stanley, Inc	5/25/2021	5/25/2021	SI48027	Memorial bench Merle Hufford	$2,230.23	$0.00		$2,230.23
				Totals for Victor Stanley, Inc	*$2,230.23*	*$0.00*		*$2,230.23*
Waraner Brothers Tree Service								
Waraner Brothers Tree Service	6/8/2021	6/8/2021	15681	Fire Abatement	$64,739.62	$0.00		$64,739.62
				Totals for Waraner Brothers Tree Service	*$64,739.62*	*$0.00*		*$64,739.62*
Western Exterminator								
Western Exterminator	6/4/2021	6/4/2021	14671C	Pest control May 2021	$435.95	$0.00		$435.95
				Totals for Western Exterminator	*$435.95*	*$0.00*		*$435.95*
Workers.com								
Workers.com	6/11/2021	6/11/2021	130063	Seasonal workers week end 6/6/21	$906.11	$0.00		$906.11
Workers.com	6/4/2021	6/4/2021	130007	Seasonal workers week end 5/30/21	$1,881.91	$0.00		$1,881.91
				Totals for Workers.com	*$2,788.02*	*$0.00*		*$2,788.02*
				GRAND TOTALS:	**$608,917.90**	**$0.00**		**$608,917.90**

BL070 CITY OF CLAYTON
PAYROLL RECONCILIATION SUMMARY

FEDERAL ID: 94-1568979	EMPLOYER TAX ID	TOTAL GROSS	SUBJECT GROSS	TAXABLE GROSS	RATE %	EMPLOYEE TAX WITHHELD	EMPLOYER TAX	THIRD PARTY SICK	TOTAL TAXES DUE
FEDERAL INC TAX - EMPLOYEE	94-1568979	90,543.03	75,876.65	75,876.65		10,116.87	0.00		10,116.87
SOCIAL SECURITY - EMPLOYEE	94-1568979	90,543.03	86,112.57	2,350.00	6.2000	145.70	0.00		145.70
MEDICARE - EMPLOYEE	94-1568979	90,543.03	86,112.57	86,112.57	1.4500	1,248.64	0.00		1,248.64
SOCIAL SECURITY - EMPLOYER	94-1568979	90,543.03	86,112.57	2,350.00	6.2000	0.00	145.70		145.70
MEDICARE - EMPLOYER	94-1568979	90,543.03	86,112.57	86,112.57	1.4500	0.00	1,248.64		1,248.64
				FEDERAL SUB-TOTAL		11,511.21	1,394.34		12,905.55
FEDERAL UNEMPLOYMENT TAX	94-1568979	90,543.03	86,112.57	0.00	.6000	0.00	0.00		0.00
STATE INCOME TAX WITHHOLDING									
CA STATE	69813822	90,543.03	75,876.65	75,876.65		3,509.77	0.00		3,509.77
				STATE W/H SUB-TOTAL		3,509.77	0.00		3,509.77
STATE UNEMPLOYMENT TAXES (EMPLOYER)									
CA SUTA	69813822	90,543.03	86,112.57	5,386.88	2.6000	0.00	140.06		140.06
				SUTA SUB-TOTAL		0.00	140.06		140.06
COUNTY INCOME TAX WITHHOLDING									
				COUNTY W/H SUB-TOTAL		0.00	0.00		0.00
CITY WITHHOLDING TAXES									
				CITY W/H SUB-TOTAL		0.00	0.00		0.00
ALL OTHER TAXES									
Calif Training		90,543.03	86,112.57	5,386.88	.1000	0.00	5.39		5.39
				OTHER W/H SUB-TOTAL		0.00	5.39		5.39
				TOTAL TAX LIABILITY		15,020.98	1,539.79		16,560.77

PAYROLL LIABILITY TOTALS

TOTAL NET DIRECT DEPOSITS	24	53,682.71	
TOTAL PARTIAL DIRECT DEPOSITS	3	2,200.00	
** YOUR ACCOUNT 0982504799 AT BANK 121000358 HAS BEEN DEBITED FOR		55,882.71	**
TAX LIABILITY FROM ABOVE		16,560.77	
** YOUR ACCOUNT 0982504799 AT BANK 121000358 HAS BEEN DEBITED FOR		16,560.77	**
TOTAL NET CHECKS	6	4,456.51	
TOTAL VENDOR ACH PAYMENTS	10	663.50	
** YOUR ACCOUNT 0982504799 AT BANK 121000358 HAS BEEN DEBITED FOR		663.50	**
GRAND TOTAL PAYROLL CASH		77,563.49	

CITY OF CLAYTON
Founded 1857 . . Incorporated 1964

STAFF REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

FROM: **Laura Hoffmeister, Asst. to the City Manager**

DATE: **June 29, 2021**

SUBJECT: **Approval of Resolution ordering the levy and collection of special taxes and setting forth the special tax amount for Community Facilities District (CFD) 2006-1 (Downtown "The Grove" Park Maintenance) on the Fiscal Year 2021/22 Tax Assessment**

RECOMMENDATION

Adoption of Resolution No. __-2021 ordering the levy and collection of special taxes and setting forth the special tax amount for Community Facilities District (CFD) 2006-1 (Downtown "The Grove" Park Operation and Maintenance) on the Fiscal Year 2021/22 Tax Assessment Roll.

BACKGROUND

In November 2006 the electorate voted 68.19% approval to establish a special tax, known as Measure O, for the care and maintenance of a Downtown Park, now known as "The Grove" Park. Measure O was established for a 10-year period (through 2017). In November 2014 the voters approved Measure P (81.25%), an extension of the tax with the same rate methodology for 20 years – from FY 2017/18 through 2036/37. This action represents the fifth levy under this voter approved extension.

This special tax serves as the only funding source for The Grove. To levy the tax the City placed a ballot measure on the November 2014 consolidated election to extend the current time frame and received more than two-thirds approval rate required to enact the tax.

The tax is for annual expenses related to costs of the operation, maintenance, repair and replacement landscaping, irrigation, hardscape, lights, public restroom, gazebo, playground, water, electricity, etc. of "The Grove" Park. Other City parks are not maintained by this special tax but through the General Fund.

The collection of the tax is done by the County, and property owners' payments first payment occurred in November/December 2007. "The Grove" Park was opened to public use in January 2008.

Pursuant to the terms of voter-approved Measure P, the special parcel tax rate may be modified annually by the change in the CPI from April to April. However, in no event shall

the tax rate be increased by more than 3.0% each year. Given the CPI change (from April 2020 to April 2021) posted at 3.8%., the 3% CPI adjustment was also reflected in the workshop presentation of the City FY 2020/21 Budget at its June 15, 2021 meeting, and will be included in the budget for Council adoption on June 29, 2021. It is recommended and included in the proposed levy rates to apply an annual CPI increase of 3.0%.

FISCAL IMPACT

For Fiscal Year 2021/22 the levy amount proposed is $22.84 per residential parcel (an increase of 66 cents from last year rate of $22.18). The non-residential parcels for FY2021/22 are to be levied as follows: Downtown Core, $308.33 per ¼ acre or fraction thereof (an increase of $8.98); Other Commercial, $135.18 per ¼ acre or fraction thereof (an increase of $3.94); Recreation Open Space, $67.58 per ¼ acre or fraction thereof (an increase of $1.97); Multifamily Residential, $71.02 per ¼ acre or fraction thereof (an increase of $2.07).

For FY2021/22 there are approximately 4,110 parcels that are subject to the special tax; of these 4,049 are residential and approximately 61 are non-residential. The total amount of revenue estimated to be received from this tax for FY 2021/22 is $143,774.05 (an increase of $4,165.55 over FY 2020/21). These tax revenues are placed into a Special Revenue Fund (No. 211) through which all eligible expenses are tracked, paid and audited. Allowable expenses include only that for the purposes of the Downtown Park Operation and Maintenance District such as materials, supplies, equipment, utilities, labor, and administration.

CONCLUSION

The City Council, by Ordinance 401, pursuant to Section 53340 of the Government Code of the State of California, has authorized the levy of a special tax to pay for costs and expenses related to Community Facilities District 2006-1. This Resolution authorizes the Contra Costa County Auditor to place the taxes on the next assessment roll for the 2021/22 fiscal year.

Attachments:

1) Resolution No. ___ - 2021
2) Summary of Exhibit A to Reso. No __ - 2021
3) Annual Special Tax Levy Report
4) Ordinance 401
5) Resolution No. 13-2014
   - Exhibit A to Resolution No. 13-2014 (comprising of Resolutions No. 23-2006 and No. 24-2006)
6) Resolution 19-2006
7) Resolution No. 32-2014
8) Resolution No. 43-2014
9) Resolution No. 13-2007
10) Downtown "The Grove" Park Maintenance (CFD 2006-1) proposed Budget 2021/22

RESOLUTION NO. ___ -2021

A RESOLUTION ORDERING THE LEVY AND COLLECTION OF SPECIAL TAXES AND SETTING THE SPECIAL TAX AMOUNT FOR FISCAL YEAR 2021/22 FOR COMMUNITY FACILITIES DISTRICT NO. 2006-1 (DOWNTOWN "The Grove" PARK OPERATIONS AND MAINTENANCE)

THE CITY COUNCIL
City of Clayton, California

WHEREAS, the City Council of the City of Clayton, California, (hereinafter referred to as the "legislative body"), has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in Community Facilities District No.2006-1 (hereinafter referred to as "District"), all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982"; being Chapter *2.5,* Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act"); and,

WHEREAS, this legislative body, by Ordinance No. 401 as authorized by Section 53340 of the Government Code of the State of California, has authorized the levy of a special tax to pay for costs and expenses related to said District, and this legislative body is desirous to establish the specific rate of the special tax to be collected for Fiscal Year 2021/22; and,

WHEREAS, the special taxes are in compliance with all laws pertaining to the Act and the levy of special taxes; the special taxes are levied without regard to property valuation, and the special taxes are in compliance with the provisions of Prop 218.

NOW THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals each true and correct.

SECTION 2. That the specific rate and amount of the special tax to be collected

to pay for the costs and expenses for the next fiscal year (2021/22) for the referenced District are hereby determined and established as set forth in the attached, referenced and incorporated Exhibit “A”.

SECTION 3. That the rate as set forth above does not exceed the amount as previously authorized by Ordinance 401 of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. That the proceeds of the special tax shall be used as provided in Ordinance No. 401, including, but not limited to, the payment of, in whole or in part, the costs of the following:

A. Payment of costs and expenses of the operation, maintenance, repair and replacement of the downtown park facilities;
B. Payment of District administrative costs.
C. Cost of collecting and administering the special tax

The proceeds of the special taxes shall be used as set forth above, and shall not be used for any other purpose.

SECTION 5. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the Tax Collector is hereby authorized to collect the special tax and to deduct reasonable administrative costs incurred in collecting said special tax.

SECTION 6. All monies above collected shall be paid into the Community Facilities District 2006-1 fund.

SECTION 7. The Auditor of the County is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land effected in a space marked “public improvements, special tax” or by any other suitable designation, the installment of the special tax, and for the exact rate and amount of said tax, and assessor’s parcel number (APN), reference is made to the attached Exhibit “A”.

SECTION 8. The County Auditor shall then, at the close of the tax collection period, promptly render to this City a detailed report showing the amount and/or amounts of such special tax installments, interest, penalties and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

PASSED, APPROVED, AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on June 29, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT: .

THE CITY COUNCIL OF CLAYTON, CA

_____
Carl Wolfe, Mayor

ATTEST:

_____
Janet Calderon, City Clerk

Laura/grove park reso fy 21-22

Summary of EXHIBIT A
to Resolution ___-2021

CFD 2006-1 Downtown "The Grove" Park Maintenance District
Special Tax

For Fiscal Year 2021/22 the assessor's parcel numbers and the special tax amounts are as set forth in the Community Facilities District No. 2006-1 (Downtown "The Grove" Park Maintenance) Preliminary Billing Levy Detail Report for FY 2021/22 is on file at the City Clerk's office, City Hall, 6000 Heritage Trail, Clayton, CA. and can be viewed Monday through Friday 9am to 5pm.

Due to the length of the report, it is summarized as follows:

For FY 2021/22 the following shall be levied:
Residential parcels, (single family, condo, and townhouse) shall have a rate of $22.84 per parcel.

Downtown Core Area shall have a rate of $308.33 per ¼ acre or fraction thereof.

Other Commercial Parcels shall have a rate of $135.18 per ¼ acre or fraction thereof.

Recreation Open Space parcels shall have a rate of $67.58 per ¼ acre or fraction thereof.

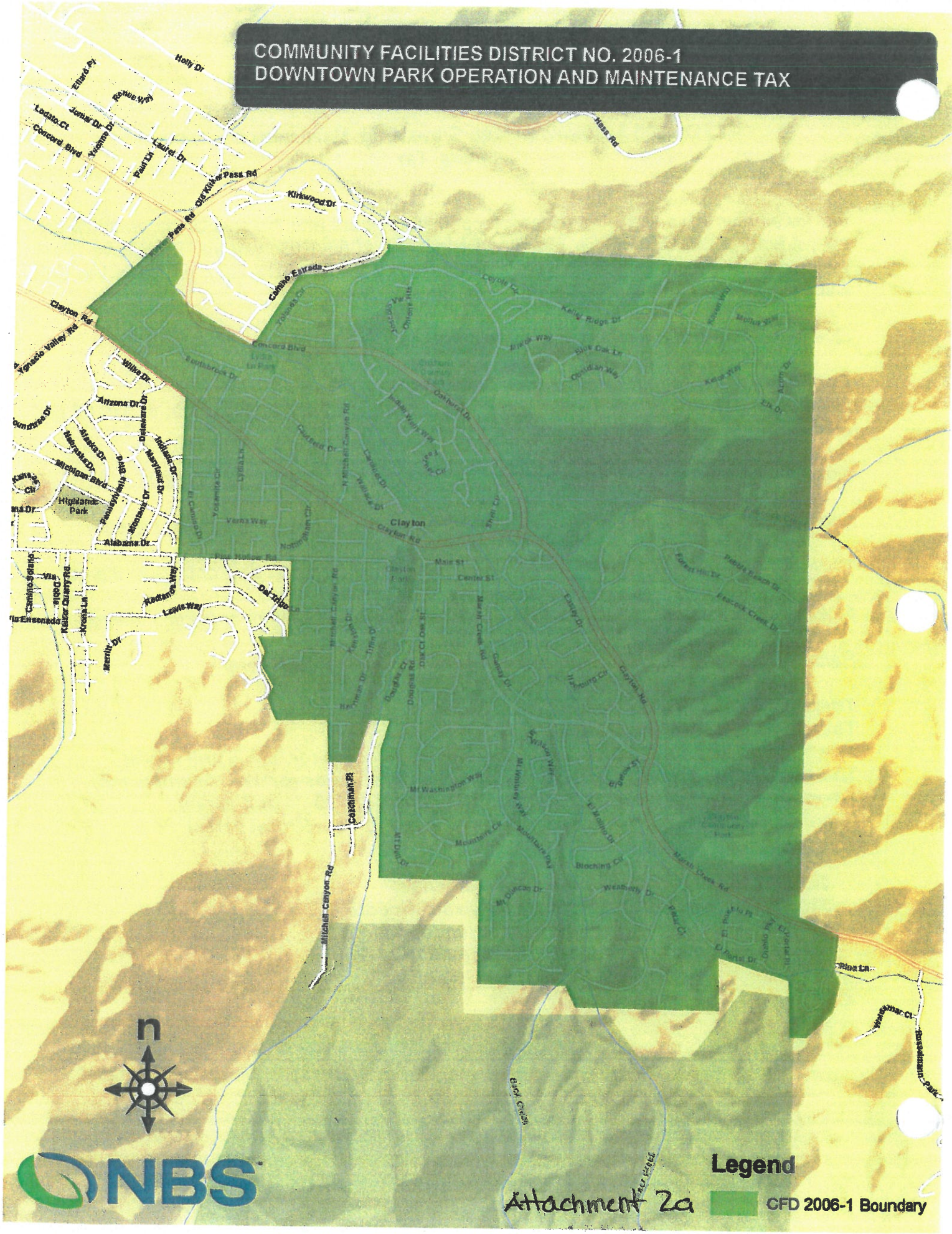
Multifamily residential parcels shall have a rate of $71.02 per ¼ acre or fraction thereof

Parcel size as shown on the most recent County tax and parcel records.

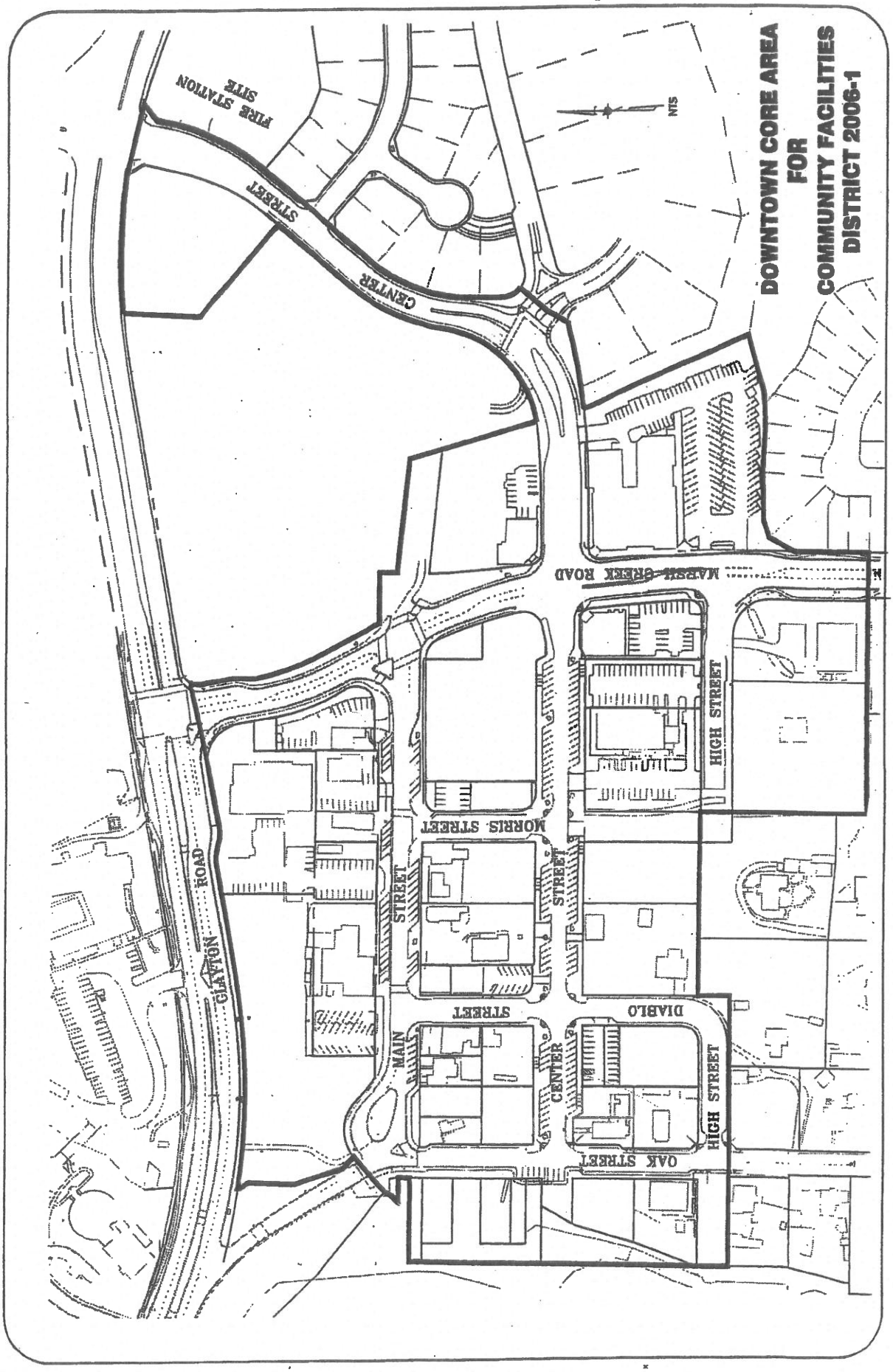
There are a total of 4110 parcels to be levied:
There are 4049 residential levies
There are 31 downtown core levies comprising 16 acres (or 77 ¼ unit acres)
There are 22 other commercial levies comprising 28 acres (or 125 ¼ unit acres)
There are 6 recreation levies comprising 31 acres (or 125 ¼ unit acres)
There are 2 multifamily levies comprising 8 acres (or 33 ¼ unit acres)

$97,479.16 est. total revenue from residential
$23,741.41 est. total revenue from downtown core
$16,762.32 est. total revenue from other commercial
$8,447.50 est. total revenue from recreation and open space
$2,343.66 est. total revenue from multifamily
$ 143.774.05 est. revenue for FY 2021/22

laura/Exhibit A rescfd2006-1 fy21-22



Attachment 2a



ATTACHMENT 2b

CITY OF CLAYTON

Fiscal Year 2021/22 Annual Report:

Community Facilities District No. 2006-1

Downtown Park Operation and Maintenance Tax

June 2021

Prepared by

NBS
helping communities fund tomorrow
nbsgov.com

ATTACHMENT 3

Corporate Headquarters
32605 Temecula Parkway, Suite 100
Temecula, CA 92592
Toll free: 800.676.7516

CITY OF CLAYTON

6000 Heritage Trail

Clayton, California 94517

Phone – 925.673.7300

Fax – 925.672.4917

City Council

Carl Wolfe, Mayor

Peter Cloven, Vice Mayor

Jim Diaz, Councilmember

Holly Tillman, Councilmember

Jeff Wan, Councilmember

City Staff

Reina Schwartz, City Manager

Laura Hoffmeister, Assistant to the City Manager

Paul Rodrigues, Finance Director

Special Tax Administrator

NBS

Tim Seufert, Client Services Director

Greg Davidson, Director

Kristin Harvey, Senior Consultant

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1. EXECUTIVE SUMMARY/SPECIAL ISSUES

1.1. General Information Summary

Maturity	2021/22 Levy [1]	Parcel Count [2]	Delinquency Rate [3]
Fiscal Year 2036/37	$143,774.05	4,305	2.89%

[1] *Includes a rounding adjustment for County tax submittal purposes.*
[2] *Includes 195 exempt parcels.*
[3] *Delinquency Rate for Fiscal Year 2020/21.*

Community Facilities District No. 2006-1, Downtown Park Operation and Maintenance Tax (the "District") was created to finance the costs of operation, maintenance, repair and replacement of an approximate 1- acre public park (APN 119-015-005 and 119-015-006) adjacent to the western edge of (old) March Creek Road between Main and Center Streets located in Town Center Clayton.

In November 2014 voters approved Measure P by 81.25% approval. Measure P is an extension of Measure O, for the care and maintenance of Downtown Park. Measure O was established for a 10-year period (through 2017). The special tax with the same rate methodology is extended for 20 years – beginning Fiscal Year 2017/18 through Fiscal Year 2036/37. The 2017/18 levy was the first year covered by Measure P.

For Fiscal Year 2021/22, all taxable parcels within the District will be levied at 100% of their respective Maximum Special Tax. The Maximum Special Tax rates for Fiscal Year 2021/22, which have been escalated by 3.00%, are as follows:

Parcel Classification	Maximum Special Tax Rate
Residential Parcels	$22.85 per parcel [1]
Downtown Core Parcels	$308.33 per ¼ acre or fraction thereof
Other Commercial Parcels	$135.18 per ¼ acre or fraction thereof
Recreational Open Space Parcels	$67.58 per ¼ acre or fraction thereof
Multi-Family Residential Care Facilities Parcels	$71.02 per ¼ acre or fraction thereof

[1] Actual levy amount is rounded down to the nearest even cent for County tax submittal purposes.

The delinquency rate for the District was 1.25% for Fiscal Year 2020/21. With the City's authorization, NBS sent reminder and demand letters to delinquent property owners to encourage the immediate payment of delinquent property tax bills.

2. 2021/22 LEVY

2.1. Special Tax Spread

All taxable parcels within the District were levied at 100% of their respective Maximum Special Tax rate for Fiscal Year 2021/22. The details of the Special Tax, spread amongst the 4,305 parcels within the District, are as follows:

Parcel Classification	Parcel Count	Maximum Rate [1]	Levy Rate [2]	Total Maximum Special Tax	Total Amount Levied [3]
Residential [4]	4,049	$22.85	$22.84	$92,519.65	$92,479.16
Downtown Core [5]	31	308.33	308.33	23,741.99	23,741.41
Other Commercial [5]	22	135.18	135.18	16,762.51	16,762.32
Recreational Open Space [5]	6	67.58	67.58	8,448.00	8,447.50
Multi-Family Residential Care Facilities [5]	2	71.02	71.02	2,343.91	2,343.66
Exempt	195	0.00	0.00	0.00	0.00
Total	**4,305**			**$143,816.06**	**$143,774.05**

(1) For residential parcels, the actual levy amount is rounded down to the nearest even cent for County tax submittal purposes.
(2) For residential parcels, the levy rate has been rounded down to the nearest even cent to reflect the actual amount levied on the tax bills.
(3) Includes a rounding adjustment for County tax submittal purposes.
(4) Per the Rate and Method of Apportionment, the maximum special tax for residential parcels is calculated on a per parcel basis.
(5) Per the Rate and Method of Apportionment, the maximum special tax for Downtown Core, other commercial, recreational open space, and multi-family residential care facilities is calculated per ¼ acre or fraction thereof.

The table below shows the Fiscal Year 2020/21 Maximum Special Tax within each of the six classifications of the District:

Parcel Classification	Parcel Count	Maximum Rate [1]	Levy Rate [2]	Total Maximum Special Tax	Total Amount Levied [3]
Residential [4]	4,049	$22.19	$22.18	$89,847.31	$89,806.82
Downtown Core [5]	31	299.35	299.35	23,050.31	23,050.06
Other Commercial [5]	22	131.24	131.24	16,274.17	16,274.12
Recreational Open Space [5]	6	65.61	65.61	8,201.92	8,201.88
Multi-Family Residential Care Facilities [5]	2	68.95	68.95	2,275.63	2,275.62
Exempt	195	0.00	0.00	0.00	0.00
Total	**4,305**			**$139,649.34**	**$139,608.50**

(1) For residential parcels, the actual levy amount is rounded down to the nearest even cent for County tax submittal purposes.
(2) For residential parcels, the levy rate has been rounded down to the nearest even cent to reflect the actual amount levied on the tax bills.
(3) Includes a rounding adjustment for County tax submittal purposes.
(4) Per the Rate and Method of Apportionment, the maximum special tax for residential parcels is calculated on a per parcel basis.
(5) Per the Rate and Method of Apportionment, the maximum special tax for Downtown Core, other commercial, recreational open space, and multi-family residential care facilities is calculated per ¼ acre or fraction thereof.

Section 4 of this report contains details of the Special Tax Formula.

3. DELINQUENCY MANAGEMENT

3.1. Delinquency Summary

The following table shows the Fiscal Year 2020/21 delinquency rate for the District:

Levy	Delinquencies	Delinquency Rate	Delinquency Management Steps Taken
$139,608.50	$1,746.41	1.25%	Reminder and Demand Letters Sent

NBS monitors the delinquency rate and reviews the delinquency situation after each payment date. With the City's authorization, NBS sent reminder and demand letters to delinquent property owners to encourage the immediate payment of delinquent property tax bills.

Please refer to section 6 of this report for a delinquency detail report for the District.

3.2. Delinquency Summary Report

The following pages summarize delinquencies for the 2020/21 and prior fiscal years.

City of Clayton

Delinquency Summary Report

As of: 06/09/2021

District	Due Date	Billed Amount	Paid Amount	Delinquent Amount	Delinquent Amount %	Billed Installments	Paid Installments	Delinquent Installments	Delinquent Installments %
CFD 2006-1 - CFD 2006-1 Downtown Park Tax									
	08/01/2007 Billing:								
	12/10/2007	$50,888.87	$50,888.87	$0.00	0.00%	4,074	4,074	0	0.00%
	04/10/2008	$50,888.87	$50,888.87	$0.00	0.00%	4,074	4,074	0	0.00%
	Subtotal:	**$101,777.74**	**$101,777.74**	**$0.00**	**0.00%**	**8,148**	**8,148**	**0**	**0.00%**
	08/01/2008 Billing:								
	12/10/2008	$52,481.16	$52,481.16	$0.00	0.00%	4,081	4,081	0	0.00%
	04/10/2009	$52,481.16	$52,481.16	$0.00	0.00%	4,081	4,081	0	0.00%
	Subtotal:	**$104,962.32**	**$104,962.32**	**$0.00**	**0.00%**	**8,162**	**8,162**	**0**	**0.00%**
	08/01/2009 Billing:								
	12/10/2009	$53,567.86	$53,567.86	$0.00	0.00%	4,105	4,105	0	0.00%
	04/10/2010	$53,567.86	$53,567.86	$0.00	0.00%	4,105	4,105	0	0.00%
	Subtotal:	**$107,135.72**	**$107,135.72**	**$0.00**	**0.00%**	**8,210**	**8,210**	**0**	**0.00%**
	08/01/2010 Billing:								
	12/10/2010	$54,504.71	$54,504.71	$0.00	0.00%	4,105	4,105	0	0.00%
	04/10/2011	$54,504.71	$54,504.71	$0.00	0.00%	4,105	4,105	0	0.00%
	Subtotal:	**$109,009.42**	**$109,009.42**	**$0.00**	**0.00%**	**8,210**	**8,210**	**0**	**0.00%**
	08/01/2011 Billing:								
	12/10/2011	$55,898.46	$55,898.46	$0.00	0.00%	4,103	4,103	0	0.00%
	04/10/2012	$55,898.46	$55,898.46	$0.00	0.00%	4,103	4,103	0	0.00%
	Subtotal:	**$111,796.92**	**$111,796.92**	**$0.00**	**0.00%**	**8,206**	**8,206**	**0**	**0.00%**
	08/01/2012 Billing:								
	12/10/2012	$57,082.13	$57,073.06	$9.07	0.02%	4,103	4,102	1	0.02%
	04/10/2013	$57,082.13	$57,073.06	$9.07	0.02%	4,103	4,102	1	0.02%
	Subtotal:	**$114,164.26**	**$114,146.12**	**$18.14**	**0.02%**	**8,206**	**8,204**	**2**	**0.02%**
	08/01/2013 Billing:								
	12/10/2013	$58,417.11	$58,407.83	$9.28	0.02%	4,103	4,102	1	0.02%
	04/10/2014	$58,417.11	$58,407.83	$9.28	0.02%	4,103	4,102	1	0.02%
	Subtotal:	**$116,834.22**	**$116,815.66**	**$18.56**	**0.02%**	**8,206**	**8,204**	**2**	**0.02%**

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City of Clayton

Delinquency Summary Report

As of: 06/09/2021

District	Due Date	Billed Amount	Paid Amount	Delinquent Amount	Delinquent Amount %	Billed Installments	Paid Installments	Delinquent Installments	Delinquent Installments %
CFD 2006-1 - CFD 2006-1 Downtown Park Tax									
	08/01/2014 Billing:								
	12/10/2014	$60,050.88	$60,031.80	$19.08	0.03%	4,103	4,101	2	0.05%
	04/10/2015	$60,050.88	$60,031.80	$19.08	0.03%	4,103	4,101	2	0.05%
	Subtotal:	**$120,101.76**	**$120,063.60**	**$38.16**	**0.03%**	**8,206**	**8,202**	**4**	**0.05%**
	08/01/2015 Billing:								
	12/10/2015	$61,504.07	$61,494.30	$9.77	0.02%	4,103	4,102	1	0.02%
	04/10/2016	$61,504.07	$61,484.53	$19.54	0.03%	4,103	4,101	2	0.05%
	Subtotal:	**$123,008.14**	**$122,978.83**	**$29.31**	**0.02%**	**8,206**	**8,203**	**3**	**0.04%**
	08/01/2016 Billing:								
	12/10/2016	$63,247.06	$63,237.02	$10.04	0.02%	4,104	4,103	1	0.02%
	04/10/2017	$63,247.06	$63,216.94	$30.12	0.05%	4,104	4,101	3	0.07%
	Subtotal:	**$126,494.12**	**$126,453.96**	**$40.16**	**0.03%**	**8,208**	**8,204**	**4**	**0.05%**
	08/01/2017 Billing:								
	12/10/2017	$65,140.65	$65,140.65	$0.00	0.00%	4,104	4,104	0	0.00%
	04/10/2018	$65,140.65	$65,119.97	$20.68	0.03%	4,104	4,102	2	0.05%
	Subtotal:	**$130,281.30**	**$130,260.62**	**$20.68**	**0.02%**	**8,208**	**8,206**	**2**	**0.02%**
	08/01/2018 Billing:								
	12/10/2018	$67,136.72	$67,126.07	$10.65	0.02%	4,110	4,109	1	0.02%
	04/10/2019	$67,136.72	$67,115.42	$21.30	0.03%	4,110	4,108	2	0.05%
	Subtotal:	**$134,273.44**	**$134,241.49**	**$31.95**	**0.02%**	**8,220**	**8,217**	**3**	**0.04%**
	08/01/2019 Billing:								
	12/10/2019	$69,044.96	$68,990.11	$54.85	0.08%	4,110	4,105	5	0.12%
	04/10/2020	$69,044.96	$68,957.20	$87.76	0.13%	4,110	4,102	8	0.19%
	Subtotal:	**$138,089.92**	**$137,947.31**	**$142.61**	**0.10%**	**8,220**	**8,207**	**13**	**0.16%**
	08/01/2020 Billing:								
	12/10/2020	$69,804.25	$69,660.08	$144.17	0.21%	4,110	4,097	13	0.32%
	04/10/2021	$69,804.25	$68,202.01	$1,602.24	2.30%	4,110	4,058	52	1.27%
	Subtotal:	**$139,608.50**	**$137,862.09**	**$1,746.41**	**1.25%**	**8,220**	**8,155**	**65**	**0.79%**

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City of Clayton

Delinquency Summary Report

As of: 06/09/2021

District	Due Date	Billed Amount	Paid Amount	Delinquent Amount	Delinquent Amount %	Billed Installments	Paid Installments	Delinquent Installments	Delinquent Installments %
CFD 2006-1 - CFD 2006-1 Downtown Park Tax									
CFD 2006-1	Total:	$1,677,537.78	$1,675,451.80	$2,085.98	0.12%	114,836	114,738	98	0.09%
Agency Grand Total:		$1,677,537.78	$1,675,451.80	$2,085.98	0.12%	114,836	114,738	98	0.09%

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4. RATE AND METHOD OF APPORTIONMENT

4.1. Method of Apportionment

A Special Tax will be levied annually on each taxable parcel of land within the District and collected in the same manner as ordinary ad valorem property taxes or in such manner as the City Council or its designee shall determine, including City-originated billing of the affected property owners.

4.2. Definitions

Taxable Parcels - Parcels of land within the boundaries of the District that are not included in the "Exempt Parcel" category listed below.

Exempt Parcels - Parcels of land owned by a public school district, and parcels of land owned by the City of Clayton or the Clayton Redevelopment Agency outside the boundaries of the defined Downtown Core area.

Residential Parcels - Taxable Parcels of land in the District that are classified in the City of Clayton General Plan as either single-family, multi-family or rural estate residential parcels.

Downtown Core Parcels - Taxable Parcels within the Downtown Core area that are not classified as "Residential Parcels."

Other Commercial Parcels - Taxable Parcels outside the boundaries of the Downtown Core area that are not classified as "Residential Parcels," "Recreational Open Space Parcels" or "Multi-Family Residential Care Facilities Parcels."

Recreational Open Space Parcels - Taxable Parcels classified as "Private Golf Course" in the City of Clayton General Plan.

Multi-Family Residential Care Facilities Parcels - Taxable Parcels having institutional or congregate care residential units within a facility with an on-site manager.

Special Tax - The Special Tax allowed to be levied on property within the District, calculated pursuant to the Rate and Method of Apportionment of Special Tax.

4.3. Special Tax Formula

Residential Parcels - An annual Special Tax will be levied on all Residential Parcels, as defined above, at the per parcel tax rate for each Fiscal Year 2007/08 through 2036/37. The annual Special Tax rate approved for Fiscal Year 2007/08 was $16.39 per parcel.

Downtown Core Parcels - An annual Special Tax will be levied on all non-Residential Parcels within the Downtown Core area, as defined above, at the per ¼ acre or fraction thereof, parcel rate for each Fiscal Year 2007/08 through 2036/37. The annual Special Tax rate approved for Fiscal Year 2007/08 was $221.05 per ¼ acre or fraction thereof parcel size as shown on the County tax roll.

Other Commercial Parcels - An annual Special Tax will be levied on all non-Residential Parcels outside the Downtown Core area, as defined above, at the per ¼ acre or fraction thereof parcel rate for each Fiscal Year 2007/08 through 2036/37. The annual Special Tax rate approved for Fiscal Year 2007/08 was $96.92 per ¼ acre or fraction thereof parcel size as shown on the County tax roll.

Recreational Open Space Parcels - An annual Special Tax will be levied on all Private Golf Course Parcels, as defined above, at the per ¼ acre or fraction thereof parcel rate for each Fiscal Year 2007/08 through 2036/37. The annual Special Tax rate approved for Fiscal Year 2007/08 was $48.46 per ¼ acre or fraction thereof parcel size as shown on the County tax roll.

Multi-Family Residential Care Facilities Parcels - An annual Special Tax will be levied on all Multi-Family Residential Care Facilities Parcels, as defined above, at the per ¼ acre or fraction thereof parcel rate for each Fiscal Year 2007/08 through 2036/37. The annual Special Tax rate approved for Fiscal Year 2007/08 was $50.92 per ¼ acre or fraction thereof parcel size as shown on the County tax roll.

4.4. Special Tax Escalator Factor

In Fiscal Years 2008/09 through 2036/37, each annual Special Tax rate may be increased annually by the City of Clayton City Council in an amount not to exceed the full annual adjustment (April to April) in the Consumer Price Index – All Urban Consumers, San Francisco-Oakland-Hayward, CA Area (Base Period 1982-84 =100)(the "CPI increase"). This escalation factor is applicable if determined by the City to be necessary due to expected or actual increases in the operational, maintenance, repair and replacement expenses attributable to the District. In no event shall each annual Special Tax rate in any fiscal year increase by more than three percent (3%) over the previous year.

The Special Tax Escalation Factor for Fiscal Year 2021/22 is 3.00%.

4.5. Duration of Special Tax Levy

Per Measure O, the Special Tax will be levied annually for a period of ten (10) years commencing with Fiscal Year 2007/08 through and including Fiscal Year 2016/17. Per Measure P, the Special Tax with the same rate methodology was extended for twenty (20) years commencing with Fiscal Year 2017/18 through and including Fiscal Year 2036/37. After Fiscal Year 2036/37 the Special Tax may no longer be levied or collected unless extended pursuant to applicable laws, except that a Special Tax that was lawfully levied in or before the final tax year and that remains delinquent may be collected in subsequent years.

5. BACKGROUND INFORMATION

5.1. Definitions

Costs of Operation, Maintenance, Repair and Replacement of the foregoing public park improvements means the furnishing of services and materials for the ordinary and usual operation, maintenance and care of a downtown public park with its appurtenant facilities, public restroom, gazebo, playground equipment and improvements, including repair, removal or replacement of all or part of any landscaping or turf or appurtenant facilities providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, pruning, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris, litter and other solid wastes; and the eradication of landscape pests, including but not limited to vermin and rodents, ground squirrels, gophers, and moles.

Maintenance also means the furnishing of water for public health purposes and irrigation of the park turf, trees and landscaping, and the supply of the electricity to operate the attendant irrigation systems, park lights and electrical outlets. In addition, allowable expenses include the County's cost to levy and collect the District's assessment through the annual property tax bill, the City's shared equipment and facilities charges, City prorated overhead charges to administer and manage the District, and District reserve funds for capital replacements, vandalism and major repairs.

The foregoing services shall be provided through and by the City, either with its own labor forces or by contract with third parties, or any combination thereof, as determined solely by the City.

5.2. Project Description

The services that are financed by the District shall include the attributable costs of operation, maintenance, repair and replacement of the Downtown Park which includes, but is not limited to: costs of operation, maintenance, repair and replacement of an approximate 1-acre public park (APNs 119-015-005 & 119- 015- 006) abutting the western edge of (old) Marsh Creek Road between Main and Center Streets located in Town Center Clayton.

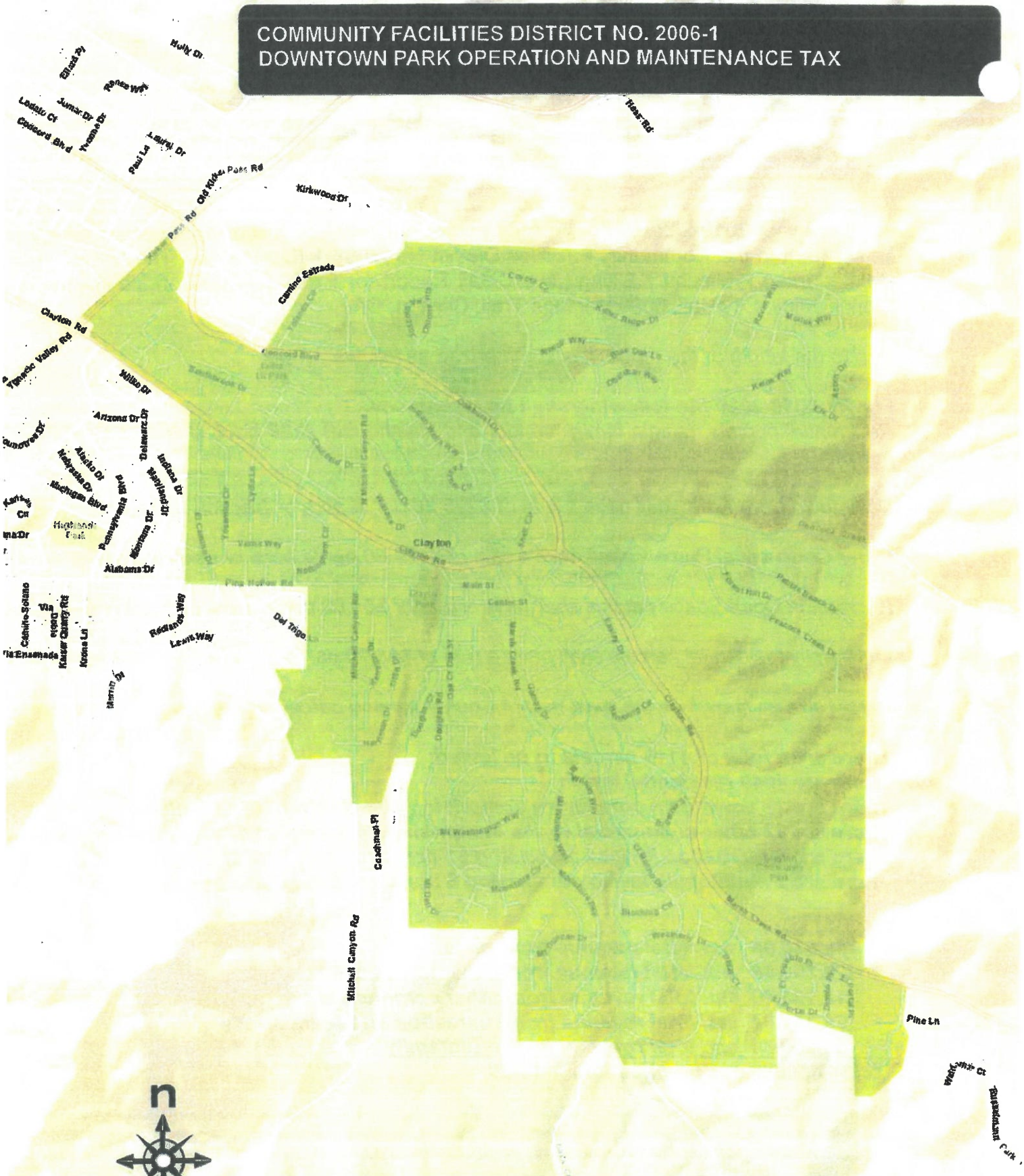
5.3. Resolutions

The resolution authorizing the levy of the special tax is currently being considered by the City Council.

5.4. Boundary Map

The following pages show the boundaries of the District.

COMMUNITY FACILITIES DISTRICT NO. 2006-1
DOWNTOWN PARK OPERATION AND MAINTENANCE TAX


Clayton
Clayton Rd
Kirkwood Dr
Old Kirker Pass Rd
Mitchell Canyon Rd
Cashmere Pl
Del Trigo
Pine Ln
Alabama Dr
Arizona Dr
Lewis Way
Redlands Way
Main St
Center St
Oak Cr
Diablo Rd
Marsh Creek Rd
Mt Washington Way
Mt Wilson Way
Mt Diablo Cir
Mt Olympus Cir
Mt Whitney Ct
Mt Shasta Ct
Mt Rainier Ct
Mt Hood Ct
Mt Tamalpais Ct
Mt Eddy Ct
Mt Lassen Ct
Mt Davidson Ct
Mt Dana Ct
Mt Helena Ct
Mt Hamilton Ct
Mt Vernon Ct
Mt Zion Ct
Mt Ararat Ct
Mt Ashland Ct
Mt Aspiration Ct
Mt Ellen Ct
Mt Ida Ct
Mt Ivy Ct
Mt Jade Ct
Mt Kenya Ct
Mt Lowe Ct
Mt Meru Ct
Mt Oso Ct
Mt Pinos Ct
Mt Rose Ct
Mt Shasta Ct
Mt Tom Ct
Mt Vista Ct
Mt Wilson Ct
Mt Zion Ct
Eagle Peak Ct
Eagle Rock Ct
Eagle Summit Ct
Eagle View Ct
Eagle Vista Ct
Eagle Watch Ct
Eagle Wing Ct
Eagle Wood Ct
Eagle Woods Ct
Eagle Wren Ct
Eagle Wright Ct
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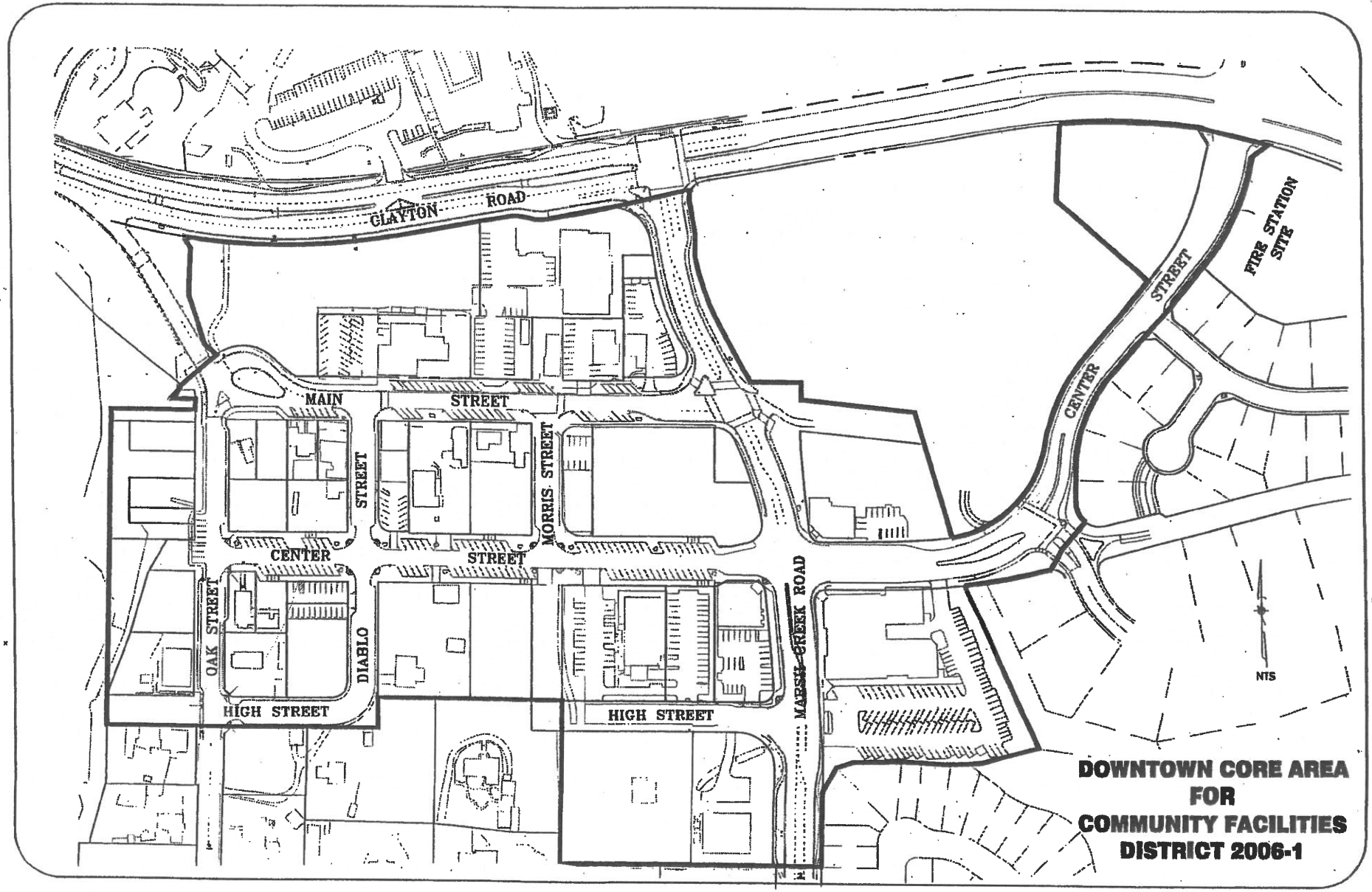

DOWNTOWN CORE AREA FOR COMMUNITY FACILITIES DISTRICT 2006-1

6. DELINQUENCY DETAIL

The following pages detail delinquencies for the 2020/21 and prior fiscal years.

City of Clayton

Delinquency Detail Report

Late Charges Calculated Through: 06/09/2021

Account ID	Owner	Due Date	Amount	Penalties	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
CFD 2006-1 - CFD 2006-1 Downtown Park Tax								
118-082-005	JUBEAULT CHRISTIAN & DIANE TRE 5909 CARDINET DR CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
118-164-006	LAURICELLA MICHAEL & JENNIFER	12/10/2020	11.09	1.11	0.00	12.20		
	1501 TARA CT CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$22.18**	**$2.22**	**$0.00**	**$24.40**		
118-222-011	HENDRICK IVAN L & CHRISALEE C	12/10/2018	10.65	4.90	0.00	15.55	RL,DL	
	PO BOX 860	04/10/2019	10.65	4.90	0.00	15.55	RL,DL	
	CLAYTON, CA 94517	12/10/2019	10.97	3.07	0.00	14.04	RL,DL	
		04/10/2020	10.97	3.07	0.00	14.04	RL,DL	
		12/10/2020	11.09	1.11	0.00	12.20	DL	
		04/10/2021	11.09	1.11	0.00	12.20	DL	
		Account Subtotal:	**$65.42**	**$18.16**	**$0.00**	**$83.58**		
118-322-008	NEMON ALEC H 5615 OHMAN PL CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
118-382-008	GOZA DENNIS MICHAEL & HEATHER 1856 EAGLE PEAK AVE CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
118-402-003	TEETERS JULIE D 1739 INDIAN WELLS WAY CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		

(1) Fees: This amount excludes Delinquency Management fees that were or will be collected in a subsequent billing.

(2) Delinquency Management (DM): RL=Reminder Letter Sent; DL=Demand Letter Sent; SR=Tax Roll Removal Requested; SC=Tax Roll Removal Confirmed; FL=Foreclosure Letter Sent; OL=Other Letter Sent; FI=Judicial Foreclosure Initiated; CP=County Payment Plan; FH=Judicial Forecloseure on Hold/Special Case; FC=Foreclosure Complete; LIT=Litigation Guarantee; LGL=Legal Fees and Costs; O=Other Fees; SO=Tax Roll Removal County Fee; PP=Payment Plan.

(3) Miscellaneous Codes: DB=Direct Bill Sent; BK=Declared Bankruptcy; PM=Partial Payment made, remainder delinquent.

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City of Clayton

Delinquency Detail Report

Late Charges Calculated Through: 06/09/2021

Account ID	Owner	Due Date	Amount	Penalties	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
CFD 2006-1 - CFD 2006-1 Downtown Park Tax								
118-402-008	MEJIA JOSE M & MARIA VICTORIA 1749 INDIAN WELLS WAY CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
118-410-090	MOYLAN JAMES F JR	12/10/2019	10.97	3.07	0.00	14.04	DL,OL	
	1336 SHELL LN	04/10/2020	10.97	3.07	0.00	14.04	DL,OL	
	CLAYTON, CA 94517	12/10/2020	11.09	1.11	0.00	12.20	DL,OL	
		04/10/2021	11.09	1.11	0.00	12.20	DL	
		Account Subtotal:	**$44.12**	**$8.36**	**$0.00**	**$52.48**		
118-410-104	BILLO WILLIAM F & YVONNE R TRE	12/10/2020	11.09	1.11	0.00	12.20		
	1368 SHELL LN CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$22.18**	**$2.22**	**$0.00**	**$24.40**		
118-424-010	PHILLIPS LLOYD P & LATIKA K 401 WAWONA LN CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
118-424-014	FASSIL ABEY TRE & TAKKELE HIYWOT 3042 MIWOK WAY CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
118-441-006	ZAFARI NAJIBULLAH 5111 KELLER RIDGE DR CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		

(1) Fees: This amount excludes Delinquency Management fees that were or will be collected in a subsequent billing.

(2) Delinquency Management (DM): RL=Reminder Letter Sent; DL=Demand Letter Sent; SR=Tax Roll Removal Requested; SC=Tax Roll Removal Confirmed; FL=Foreclosure Letter Sent; OL=Other Letter Sent; FI=Judicial Foreclosure Initiated; CP=County Payment Plan; FH=Judicial Forecloseure on Hold/Special Case; FC=Foreclosure Complete; LIT=Litigation Guarantee; LGL=Legal Fees and Costs; O=Other Fees; SO=Tax Roll Removal County Fee; PP=Payment Plan.

(3) Miscellaneous Codes: DB=Direct Bill Sent; BK=Declared Bankruptcy; PM=Partial Payment made, remainder delinquent.

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City of Clayton

Delinquency Detail Report

Late Charges Calculated Through: 06/09/2021

Account ID	Owner	Due Date	Amount	Penalties	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
CFD 2006-1 - CFD 2006-1 Downtown Park Tax								
118-460-005	KHAN FAROOQ H 608 JULPUN LOOP CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
118-460-042	KAVANAUGH LAWRENCE JAMES 809 CHERT PL CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
118-460-069	MALTBIE JOAN C TRE 1725 INDIAN WELLS WAY CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
118-470-012	EISEMAN JENNIFER 1221 BUCKEYE TER CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
118-470-030	ZABEL IRENE L 1220 BUCKEYE TER CLAYTON, CA 94517	12/10/2020	11.09	1.11	0.00	12.20	DL	
		04/10/2021	11.09	1.11	0.00	12.20	DL	
		Account Subtotal:	**$22.18**	**$2.22**	**$0.00**	**$24.40**		
118-470-064	KIM BENITA M 1003 FEATHER CIR CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
118-470-118	AMARJARGAL RAGCHAA 1023 FEATHER CIR CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		

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City of Clayton

Delinquency Detail Report

Late Charges Calculated Through: 06/09/2021

Account ID	Owner	Due Date	Amount	Penalties	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
CFD 2006-1 - CFD 2006-1 Downtown Park Tax								
118-490-007	AYALA RAYMUNDO	12/10/2020	11.09	1.11	0.00	12.20	DL	
	1032 PEBBLE BEACH DR CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20	DL	
		Account Subtotal:	**$22.18**	**$2.22**	**$0.00**	**$24.40**		
118-510-001	KENNEDY WILLIAM P TRE 1134 PEACOCK CREEK DR CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
118-510-031	LALLY KENNETH & KIM 163 SILVERADO CT CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
118-550-008	DAREZZO GREGORY T TRE 503 RAVEN PL CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
118-560-011	LEGALLET JOE TRE KNOWLEDGE LEARNING CROP/TAX PO BOX 6760 PORTLAND, OR 97228	04/10/2021	598.71	59.87	0.00	658.58	DL	
		Account Subtotal:	**$598.71**	**$59.87**	**$0.00**	**$658.58**		
118-570-031	GALLAGHER DAVID B & CORINNE L 64 ANTELOPE CT CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
118-580-023	KENDALL SUSAN LOWE TRE 5035 KELLER RIDGE DR CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		

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Delinquency Detail Report

Late Charges Calculated Through: 06/09/2021

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CFD 2006-1 - CFD 2006-1 Downtown Park Tax								
118-640-019	ELGAZZAR ANDREW JASON TRE 721 ACORN DR CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
118-660-032	JOFRE ANTONIO R TRE	12/10/2020	11.09	1.11	0.00	12.20		
	3201 COYOTE CIR CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$22.18**	**$2.22**	**$0.00**	**$24.40**		
118-670-011	APRIL STEVEN K TRE 8032 KELOK WAY CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
118-700-010	ROGAN JOHN J & JILL M 1220 BRIDLEWOOD CT CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
119-021-065	PACIFIC TELEPHONE & TELEGRAPH 1 MONTGOMERY ST #412 SAN FRANCISCO, CA 94104	04/10/2021	449.03	44.90	0.00	493.93	DL	
		Account Subtotal:	**$449.03**	**$44.90**	**$0.00**	**$493.93**		
119-022-001	MATHEWS JOHN W EST OF	04/10/2020	10.97	3.07	0.00	14.04	DL	
	C/O: VIOLET CHURCHILL	12/10/2020	11.09	1.11	0.00	12.20		
	11507 SILVERGATE DR DUBLIN, CA 94568	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$33.15**	**$5.29**	**$0.00**	**$38.44**		

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Delinquency Detail Report

Late Charges Calculated Through: 06/09/2021

Account ID	Owner	Due Date	Amount	Penalties	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
CFD 2006-1 - CFD 2006-1 Downtown Park Tax								
119-022-008	HUGHES ANTONIA M TRE 641 WINTERGREEN LN WALNUT CREEK, CA 94598	12/10/2020	11.09	1.11	0.00	12.20		
		04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$22.18**	**$2.22**	**$0.00**	**$24.40**		
119-111-004	CULLEN JOHN J III & LYNN O 6 KENSTON CT CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
119-111-006	TALMADGE DANNIE P 997 KENSTON DR CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
119-153-005	GALLETTI ANTHONY & ALONA 336 MT WASHINGTON WAY CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
119-232-039	MORGAN NAOMI L TRE PO BOX 951 CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
119-241-004	ANDERSON SHARON LORINE & SMITH DOUGLAS W 4 DONNER CREEK CT CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		

(1) Fees: This amount excludes Delinquency Management fees that were or will be collected in a subsequent billing.

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Delinquency Detail Report

Late Charges Calculated Through: 06/09/2021

Account ID	Owner	Due Date	Amount	Penalties	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
CFD 2006-1 - CFD 2006-1 Downtown Park Tax								
119-242-028	GIN MONIQUE	04/10/2020	10.97	3.07	0.00	14.04		
	127 10TH AVE SAN FRANCISCO, CA 94118	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$22.06**	**$4.18**	**$0.00**	**$26.24**		
119-242-033	NIELSEN JAN C EST OF BERT NIELSEN PO BOX 467 ROCKFORD, MN 55373	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
119-301-017	BIGOTT MIGUEL & BENAVIDES DUBRASKA 582 MT DELL DR CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
119-312-013	ROGAN JOHN P & IACINI AMBER L 121 MT ETNA DR CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
119-331-013	DUFFY THOMAS & KRISTIE 26 LONDON CT CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
119-352-010	BLAKELY PATRICIA G TRE 116 REGENCY DR CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
119-392-026	LEVY AARON M TRE & DELCARLO-LEVY RACHEL 159 MT VERNON DR CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		

(1) Fees: This amount excludes Delinquency Management fees that were or will be collected in a subsequent billing.

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Delinquency Detail Report

Late Charges Calculated Through: 06/09/2021

Account ID	Owner	Due Date	Amount	Penalties	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
CFD 2006-1 - CFD 2006-1 Downtown Park Tax								
119-462-007	YOUNG JOHN THOMAS & MARGARET A 781 BLOCHING CIR CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
119-472-001	MALHI MANJOT SINGH 208 EL MOLINO DR CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
119-530-004	ROBINSON ANNETTE D 814 SAVIGNON CT CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$11.09**	**$1.11**	**$0.00**	**$12.20**		
119-530-006	CASTANEDA JUAN F TRE	12/10/2014	9.54	11.26	0.00	20.80	RL,DL	
	826 SAVIGNON CT	04/10/2015	9.54	11.26	0.00	20.80	RL,DL	
	CLAYTON, CA 94517	04/10/2016	9.77	9.77	0.00	19.54	RL,DL	
		04/10/2017	10.04	8.23	0.00	18.27	DL	
		Account Subtotal:	**$38.89**	**$40.52**	**$0.00**	**$79.41**		
119-573-014	SANCHEZ JOSEPH S & JUDY RENE	12/10/2020	11.09	1.11	0.00	12.20		
	PO BOX 1100 CLAYTON, CA 94517	04/10/2021	11.09	1.11	0.00	12.20		
		Account Subtotal:	**$22.18**	**$2.22**	**$0.00**	**$24.40**		

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Delinquency Detail Report

Late Charges Calculated Through: 06/09/2021

Account ID	Owner	Due Date	Amount	Penalties	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
CFD 2006-1 - CFD 2006-1 Downtown Park Tax								
120-013-002	HARE DAVID M TRE	12/10/2012	9.07	13.97	0.00	23.04	RL,DL	
	5832 FOUR OAKS LN	04/10/2013	9.07	13.97	0.00	23.04	RL,DL	
	CLAYTON, CA 94517	12/10/2013	9.28	12.62	0.00	21.90	RL,DL	
		04/10/2014	9.28	12.62	0.00	21.90	RL,DL	
		12/10/2014	9.54	11.26	0.00	20.80	RL,DL	
		04/10/2015	9.54	11.26	0.00	20.80	DL	
		12/10/2015	9.77	9.77	0.00	19.54	DL	
		04/10/2016	9.77	9.77	0.00	19.54	DL	
		12/10/2016	10.04	8.23	0.00	18.27	DL	
		04/10/2017	10.04	8.23	0.00	18.27	DL	
		04/10/2018	10.34	6.62	0.00	16.96	DL	
		Account Subtotal:	**$105.74**	**$118.32**	**$0.00**	**$224.06**		
120-025-004	FRANK JENNIFER TRE	12/10/2019	10.97	3.07	0.00	14.04	RL	
	2329 SILVER CREEK CIR	04/10/2020	10.97	3.07	0.00	14.04	RL	
	ANTIOCH, CA 94509							
		Account Subtotal:	**$21.94**	**$6.14**	**$0.00**	**$28.08**		
120-032-004	TREMAINE RICHARD E & MARY J	04/10/2017	10.04	8.23	0.00	18.27	RL,DL	
	20 NOTTINGHAM CIR	04/10/2018	10.34	6.62	0.00	16.96	DL	
	CLAYTON, CA 94517	04/10/2019	10.65	4.90	0.00	15.55	DL	
		04/10/2020	10.97	3.07	0.00	14.04	DL	
		Account Subtotal:	**$42.00**	**$22.82**	**$0.00**	**$64.82**		
120-104-001	VARGAS JOSEPH C	12/10/2019	10.97	3.07	0.00	14.04	RL,DL	
	5500 ROUNDTREE DR	04/10/2020	10.97	3.07	0.00	14.04	RL,DL	
	CONCORD, CA 94521	12/10/2020	11.09	1.11	0.00	12.20	RL,DL	
		04/10/2021	11.09	1.11	0.00	12.20	DL	
		Account Subtotal:	**$44.12**	**$8.36**	**$0.00**	**$52.48**		

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Account ID	Owner	Due Date	Amount	Penalties	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
CFD 2006-1 - CFD 2006-1 Downtown Park Tax								
121-090-021	HOELMER LAVON M	12/10/2020	11.09	1.11	0.00	12.20		
	4 HERRIMAN CT	04/10/2021	11.09	1.11	0.00	12.20		
	CLAYTON, CA 94517							
		Account Subtotal:	**$22.18**	**$2.22**	**$0.00**	**$24.40**		
121-170-003	SYLVIA USA LLC	12/10/2019	10.97	3.07	0.00	14.04	RL,DL	
	2836 HALLMARK DR	04/10/2020	10.97	3.07	0.00	14.04	RL,DL	
	BELMONT, CA 94002	12/10/2020	11.09	1.11	0.00	12.20	RL,DL	
		04/10/2021	11.09	1.11	0.00	12.20	DL	
		Account Subtotal:	**$44.12**	**$8.36**	**$0.00**	**$52.48**		
District Totals:	**56 Accounts**		**$2,085.98**	**$403.00**	**$0.00**	**$2,488.98**		
Report Totals:	**56 Accounts**		**$2,085.98**	**$403.00**	**$0.00**	**$2,488.98**		

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7. 2021/22 SPECIAL TAX ROLL

The following pages show the 2021/22 Special Tax Roll for the District.

FY 2021/22 SPECIAL TAX ROLL
Summary

CFD 2006-1 Downtown "The Grove" Park Maintenance District
Special Tax

For fiscal year 2021/22 the assessor's parcel numbers and the special tax amounts are as set forth in the Community Facilities District No. 2006-1 (Downtown "The Grove" Park Maintenance) Preliminary Billing Levy Detail Report for FY 2021/22 on file in the City Clerk's office, City Hall, 6000 Heritage Trail, Clayton, CA and can be viewed during office hours Monday through Friday, 9am to 5pm.

Due to the length of the report, it is summarized as follows:

For FY 2021/22 the following shall be levied:
Residential parcels, (single family, condo, and townhouse) shall have a rate of $22.84 per parcel.

Downtown Core Area shall have a rate of $308.33 per ¼ acre or fraction thereof.

Other Commercial Parcels shall have a rate of $135.18 per ¼ acre or fraction thereof.

Recreation Open Space parcels shall have a rate of $67.58 per ¼ acre or fraction thereof.

Multifamily residential parcels shall have a rate of $71.02 per ¼ acre or fraction thereof

Parcel size as shown on the most recent County tax and parcel records.

There are a total of 4110 parcels to be levied:
There are 4049 residential levies
There are 31 downtown core levies comprising 16 acres (or 77 ¼ unit acres)
There are 22 other commercial levies comprising 28 acres (or 125 ¼ unit acres)
There are 6 recreation levies comprising 31 acres (or 125 ¼ unit acres)
There are 2 multifamily levies comprising 8 acres (or 33 ¼ unit acres)

$97,479.16 est. total revenue from residential
$23,741.41 est. total revenue from downtown core
$16,762.32 est. total revenue from other commercial
$8,447.50 est. total revenue from recreation and open space
$2,343.66 est. total revenue from multifamily
$ 143,774.05 est. revenue for FY 21/22

laura/Exhibit A rescfd2006-1 fy 21-22

ORDINANCE NO. 401

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAYTON LEVYING SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 2006-1 (Downtown Park Operation and Maintenance District)

THE CITY COUNCIL
City of Clayton, California

WHEREAS, on May 16, 2006, the City Council (the "Council") of the City of Clayton (the "City") adopted City Resolution No. 19-2006 entitled *"A Resolution of Intention to Establish a Community Facilities District to fund the Annual Operation and Maintenance of a Downtown Park for the time period of Ten Years, and to Authorize the Levy of Special Taxes Therein"* (the "Resolution of Intention") stating its intent to establish City of Clayton Community Facilities District No. 2006-1 (Downtown Park Operation and Maintenance District) (the "CFD") pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"), to finance certain services (the "Services"); and

WHEREAS, notice was duly published as required by the Act relative to the intention of this Council to form the CFD and to provide for the Services; and

WHEREAS, this Council held a noticed public hearing on June 20, 2006 as required by Act relative to the determination to proceed with the formation of the CFD and the rate and method of apportionment of the special tax to be levied within the CFD to finance the costs of the Services; and

WHEREAS, at said public hearing all persons desiring to be heard on all matters pertaining to the formation of the CFD and the levy of said special taxes were heard, substantial evidence was presented and considered by this Council and a full and fair hearing was held; and

WHEREAS, subsequent to said public hearing, on June 20, 2006 this Council adopted City Resolution No. 23-2006 entitled *"A Resolution of Formation of a Community Facilities District, Authorizing the Levy of a Special Tax Therein and Preliminarily Establishing an Appropriations Limit Therefor"* (the "Resolution of Formation"), and further adopted City Resolution No. 24-2006 entitled *"A Resolution Calling a Special Election in a Community Facilities District,"* which resolutions established the CFD, authorized the levy of a special tax with the CFD, and called an election within the CFD on the propositions of levying a special tax and establishing an appropriations limit within the CFD, respectively; and

WHEREAS, the November 7, 2006 election was held within the CFD in which the eligible registered voters approved the propositions presented by more than the two-thirds vote required by the Act, which approval was confirmed by City Resolution No. 59-2006 of this Council.

ATTACHMENT 4

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

Section 1. Special Tax Authorized. By the passage of this Ordinance this Council hereby authorizes and levies special taxes within the CFD pursuant to 53328 and 53340 of the Act, at the rates and in accordance with the method of apportionment set forth in Exhibit B to the Resolution of Formation (the "Rate and Method"). The special taxes are hereby levied commencing in fiscal year 2007-08 and in each fiscal year thereafter through fiscal year 2016-17 for the payment of all costs of the Services and payment of all costs of administering the CFD.

Section 2. Collection Official. Following the approval by the Council of a budget for the CFD for each fiscal year after 2007-08, the City Manager (or his or her designee) (the "Collection Official") is hereby authorized and directed in each fiscal year to determine the specific special tax rate and amount to be levied for the next ensuing fiscal year for each parcel of real property within the CFD, in accordance with such approved budget and in the manner and as provided in the Rate and Method of Apportionment. In the event that this Council has not adopted a budget for the CFD by July 31 of any year, the budget for that fiscal year shall be the same as the budget for the previous fiscal year.

Section 3. Exemptions. Properties or entities of the State, federal or local governments shall be exempt from any levy of the special taxes, as are certain other properties, to the extent set forth in the Rate and Method of Apportionment. In no event shall the special taxes be levied on any parcel within the CFD in excess of the maximum tax specified in the Rate and Method of Apportionment.

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

Section 5. Collection Method. The special taxes of the CFD shall be collected from time to time as necessary to meet the financial obligations of the CFD on the secured real property tax roll in the same manner as ordinary *ad valorem* taxes are collected. In each fiscal year commencing in the fiscal year 2007-08, the Collection Official is authorized and directed to provide all necessary information to the auditor/tax collector of the County of Contra Costa and to otherwise take all actions necessary in order to effect proper billing and collection of the special tax, so that the special tax shall be levied and collected in sufficient amounts and at the times necessary to satisfy the financial obligations of the CFD in each fiscal year until the City shall cease to collect the special taxes and provision has been made for payment of all of the administrative costs of the CFD.

Notwithstanding the foregoing, the Collection Official may collect the special taxes by means of direct billing by the City to the property owners within the CFD if, in the judgment of

the Collection Official such means of collection will reduce the administrative burden on the City in administering the CFD or is otherwise appropriate in the circumstances. In such event, the special taxes shall become delinquent if not paid when due as set forth in any such respective billing to the property owners.

Whether the special taxes are levied in the manner provided in the first or the second preceding paragraph, the special taxes shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes. In addition, the provisions of Section 53356.1 of the Act shall apply to delinquent special tax payments.

Section 6. Partial Invalidity. If for any reason any portion of this ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the CFD, by a Court of competent jurisdiction, the balance of this ordinance and the application of the special tax to the remaining parcels within the CFD shall not be affected.

Section 7. Execution and Posting. The Mayor shall sign this Ordinance and the City Clerk, within fifteen (15) days after its passage, shall cause the same to be posted in three (3) public places as designated by Resolution of the Clayton City Council for the posting of ordinances and public notices.

******

The foregoing Ordinance was introduced at a regular public meeting of the City Council of the City of Clayton held on December 19, 2006.

PASSED, ADOPTED and ORDERED posted at a regular public meeting of the City Council of the City of Clayton, California held on January 2, 2007, by the following vote:

AYES:	Mayor Walcutt, Vice Mayor Manning, Councilmembers Pierce, Shuey and Stratford
NOES:	None
ABSENT:	None
ABSTAIN:	None

THE CITY COUNCIL OF CLAYTON, CA

WILLIAM R. WALCUTT, Mayor

ATTEST:

Laci J. Jackson, City Clerk

APPROVED AS TO FORM:

J. Daniel Adams, City Attorney

APPROVED BY ADMINISTRATION:

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on December 19, 2006, and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on January 2, 2007.

Laci J. Jackson, City Clerk

RESOLUTION NO. 13-2014

A RESOLUTION OF CONSIDERATION TO EXTEND THE EXISTING SPECIAL TAX SUBJECT TO THE SAME ADJUSTMENT METHODOLOGY FOR COMMUNITY FACILITIES DISTRICT 2006-1 FOR TWENTY YEARS

CITY OF CLAYTON
Community Facilities District 2006-1
(Downtown Park Operation and Maintenance District)

WHEREAS, the City of Clayton established Community Facilities District 2006-1 ("CFD") within the City of Clayton, authorized the levy of a special tax on real property within the CFD and established an initial appropriations limit for the CFD; and

WHEREAS, the special tax levied within the CFD is set to expire in Fiscal Year 2016/2017; and

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982 ("Act"), Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code, the City Council of the City of Clayton has determined the public convenience and necessity require that an extension of the existing special tax should be proposed within the CFD to extend the existing special tax subject to the same adjustment methodology for twenty years from Fiscal Year 2017/2018 (i.e., beginning July 1, 2017) through Fiscal Year 2036/2037 (i.e., ending June 30, 2037), and that it should, therefore, adopt a Resolution of Consideration pursuant to Sections 53331 and 53334 of the Act to initiate proceedings for the consideration of such special tax levy; and

WHEREAS, the City Council wishes to schedule a public hearing on such proposed tax extension for July 1, 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON THAT:

SECTION 1. Findings and Background. The City Council finds the preceding recitals are correct and are incorporated into this Resolution.

SECTION 2. Affected Area. The affected area is the Community Facilities District 2006-1 (Downtown Park Operations and Maintenance District) ("CFD"). The territory within the District is generally shown and described on the map of the boundaries of the CFD which was recorded in the Contra Costa Recorder's Office on May 31, 2006 in Book 79 at page 50 of Maps of Assessment and Community Facilities Districts.

SECTION 3. Extended Special Tax. The City Council proposes that an extension of the existing special tax should be levied within the CFD to extend the existing special tax, at its current and existing rate and method of apportionment, for twenty years from Fiscal Year 2017/2018 through Fiscal Year 2036/2037 ("Special Tax"). As such, all references to the expiration or term of the Special Tax in the rate and method of apportionment shall reflect the

ATTACHMENT 5

new expiration date of Fiscal Year 2036/2037. The rate and method of apportionment for the Special Tax, subject to the extended term set forth in this section, is more particularly described and set forth in Resolutions No. 23-2006 and 24-2006. True and correct copies of these Resolutions are attached as Exhibit A and incorporated by this reference and are on file with the Clayton City Clerk.

SECTION 4. No Changes to Services. This Resolution does not propose any changes to the services or facilities provided by the CFD. The CFD would continue to provide operation and maintenance services for the Downtown Park through the extended term of Fiscal Year 2036/2037 as it currently does without any amendments or modifications.

SECTION 5. Appropriations Limit. The previously approved appropriations limit for the CFD shall not be effected by this Resolution and shall be adjusted by the City as permitted by applicable law.

SECTION 6. Public Hearing. Notice is given that on July 1, 2014, at 7:00 p.m. or as soon thereafter as the matter may be heard, at Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA 94517, a public hearing will be held where the City Council will consider the extension of the Special Tax as proposed herein. At the above-mentioned time and place for public hearing any persons interested, including taxpayers and property owners may appear and be heard. The testimony of all interested persons for or against the Special Tax will be heard and considered. Any protests may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the public hearing. If a written majority protest is filed against the Special Tax, the proceedings shall be abandoned.

SECTION 7. Election. If, following the public hearing described in the Section 6 above, the City Council determines to approve the extension of the existing Special Tax, the City Council shall then submit the amendment to the qualified electors of the CFD. As at least twelve (12) persons have been registered to vote within the CFD for each of the ninety (90) days preceding the close of the public hearing, the vote shall be by registered voters of the CFD, with each voter having one (1) vote. Approval of the Special Tax shall require two-thirds approval of those voting on the measure.

SECTION 8. Notice. The City Clerk shall provide notice of the public hearing identified in Section 6 as required by Government Code sections 53322 and 53335. The City Council elects not to provide the optional notice permitted by Government Code section 53322.4.

SECTION 9. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Clayton, California, at a regular meeting thereof held on May 20, 2014 by the following vote:

AYES: Mayor Stratford, Vice Mayor Shuey, Councilmembers Diaz, Geller and Pierce.

NOES: None.

ABSENT: None.

ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON, CA

Hank Stratford, Mayor

ATTEST:

Janet Brown, City Clerk

I certify that the foregoing resolution was duly and regularly passed by the City Council of the City Clayton at a regular meeting held on May 20, 2014.

Janet Brown, City Clerk

EXHIBIT A - To Resolution 13-2014
Comprising
Resolution 23-2006
Resolution 24-2006

Exhibit A

RESOLUTION NO. 23-2006

A RESOLUTION OF FORMATION OF A COMMUNITY FACILITIES DISTRICT, AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN AND PRELIMINARILY ESTABLISHING AN APPROPRIATIONS LIMIT THEREFOR

City of Clayton, California
Community Facilities District 2006-1
(Downtown Park Operation and Maintenance District)

WHEREAS, on May 16, 2006, this Council adopted Resolution No. 19-2006 entitled "A Resolution of Intention to Establish a Community Facilities District to Fund the Annual Operation and Maintenance of a Downtown Park for a Time Period of Ten Years, and to Authorize the Levy of Special Taxes Therein" (the "Resolution of Intention"), stating its intention to form the City of Clayton Community Facilities District No. 2006-1 (Downtown Park Operation and Maintenance District) (the "CFD"), pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"); and

WHEREAS, the Resolution of Intention, incorporating a map of the proposed boundaries of the CFD and stating the Services (as described herein) to be provided, the estimated maximum cost of providing such Services, and the rate and method of apportionment of the special tax to be levied within the CFD to pay for the Services (as hereafter defined) with respect to the CFD, are each on file with the City Clerk and the provisions thereof are incorporated herein by this reference as if fully set forth herein; and

WHEREAS, on June 20, 2006, this City Council held a noticed public hearing as required by the Act and the Resolution of Intention relative to the proposed formation of the CFD; and

WHEREAS, at said hearing all interested persons desiring to be heard on all matters pertaining to the formation of the CFD, the Services to be provided therein and the levy of said special tax were heard and a full and fair hearing was held; and

WHEREAS, at said hearing evidence was presented to this Council on said matters before it, including a report by the City Manager (the "Report") as to the Services to be provided through the CFD and the costs thereof, a copy of which is on file with the City Clerk, and this Council at the conclusion of said hearing is fully advised in the premises; and

WHEREAS, written protests with respect to the formation of the CFD, the furnishing of specified types of Services and the rate and method of apportionment of the special taxes have not been filed with the City Clerk of the City by fifty percent (50%) or more of the registered voters residing within the territory of the CFD or property owners of one-half (1/2) or more of the area of land within the CFD and not exempt from the special tax; and

WHEREAS, the special tax proposed to be levied in the CFD to pay for the proposed Services to be provided therein, as set forth in Exhibit A hereto, has not been

EXHIBIT A

eliminated by protest by fifty percent (50%) or more of the registered voters residing within the territory of the CFD or the owners of one-half (1/2) or more of the area of land within the CFD and not exempt from the special tax.

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

1. Recitals. The foregoing recitals are true and correct.

2. No Majority Protest. The proposed special tax to be levied within the CFD has not been precluded by majority protest pursuant to Section 53324 of the Act.

3. Prior Proceedings. All prior proceedings taken by this Council in connection with the establishment of the CFD and the levy of the special tax have been duly considered and are hereby found and determined to be valid and in conformity with the requirements of the Act. This Council hereby finds and determines that the CFD is in conformity with the goals and policies heretofore adopted by this Council with respect to the formation of the CFD.

4. CFD Established. The community facilities district designated "City of Clayton Community Facilities CFD No. 2006-1 (Downtown Park Operation and Maintenance District)" is hereby established pursuant to the Act.

5. Boundaries Described. The boundaries of the CFD, as set forth in the map of the CFD heretofore recorded in the Contra Costa County Recorder's Office on May 31, 2006 in Book 79 at page 50 of Maps of Assessment and Community Facilities Districts, are hereby approved and incorporated herein by reference and shall be the boundaries of the CFD.

6. Services. The type of public Services proposed to be financed by the CFD and pursuant to the Act shall consist of those items listed as Services on Exhibit A attached hereto and by this reference incorporated herein (the "Services").

7. Special Taxes. Except to the extent that funds are otherwise available to the CFD to pay for the Services, a special tax sufficient to pay the costs thereof, secured by a continuing lien against all non-exempt real property in the CFD, will be levied annually within the CFD, and collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as this Council or its designee shall determine, including direct billing of the affected property owners. The proposed rate and method of apportionment of the special tax among the parcels of real property within the CFD, in sufficient detail to allow each landowner within the proposed CFD to estimate the probable maximum amount such owner will have to pay, are described in Exhibit B attached hereto and by this reference incorporated herein.

8. Tax Collector City. The City Manager, 6000 Heritage Trail, Clayton, California, 94517 telephone number (925) 673-7300 is the officer of the City who will be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and who will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Act.

9. Tax Lien. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each

levy of the special tax shall attach to all nonexempt real property in the CFD and this lien shall continue in force and effect until the special tax obligation ceases and the lien canceled in accordance with law or until collection of the tax by the City ceases.

10. Appropriations Limit. In accordance with Section 53325.7 of the Act, the annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the CFD is hereby preliminarily established at $100,000.00 and said appropriations limit shall be submitted to the voters of the CFD as hereafter provided. The proposition establishing said annual appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of Section 53325.7 of the Act.

11. Election. Pursuant to the provisions of the Act, the proposition of the levy of the special tax and the proposition of the establishment of the appropriations limit specified above shall be submitted to the qualified electors of the CFD at an election the time, place and conditions of which election shall be as specified by a separate resolution of this Council.

12. Effective Date. This Resolution shall take effect upon its adoption.

******

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 20th day of June 2006, on the following vote:

AYES: Councilmember Laurence, Manning, Pierce, Vice Mayor Walcutt and Mayor Shuey.

NOES: None.

ABSENT: None.

ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON, CA

David T. Shuey
DAVID T. SHUEY, MAYOR

ATTEST:

Rhonda K Basore
Rhonda K. Basore, City Clerk

EXHIBIT A

CITY OF CLAYTON
Community Facilities District 2006-1
(Downtown Park Operation and Maintenance District)

DESCRIPTION OF SERVICES TO BE FINANCED BY THE CFD

The Services that are proposed to be financed by the City of Clayton Community Facilities District 2006-1 (Downtown Park Operation and Maintenance District) (the "CFD") shall include the attributable costs of operation, maintenance, repair and replacement of:

A. Downtown Park – which includes but is not limited to:

Costs of operation, maintenance, repair and replacement of an approximate 1-acre public park (APN 119-015-005,006) abutting the western edge of (old) Marsh Creek Road between Main and Center Streets located in Town Center Clayton.

Definition

"Costs of Operation, Maintenance, Repair and Replacement" of the foregoing public park improvements means the furnishing of services and materials for the ordinary and usual operation, maintenance and care of a downtown public park with its appurtenant facilities, public restroom, gazebo, playground equipment and improvements, including repair, removal or replacement of all or part of any landscaping or turf or appurtenant facilities providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, pruning, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris, litter and other solid wastes; and the eradication of landscape pests, including but not limited to vermin and rodents, ground squirrels, gophers, and moles.

"Maintenance" also means the furnishing of water for public health purposes and irrigation of the park turf, trees and landscaping, and the supply of electricity to operate the attendant irrigation systems, park lights and electrical outlets. In addition, allowable expenses include the County's cost to levy and collect the District's assessment through the annual property tax bill, the City's shared equipment and facilities charges, City prorated overhead charges to administer and manage the District, and District reserve funds for capital replacements, vandalism and major repairs.

The foregoing services shall be provided through and by the City of Clayton, either with its own labor forces or by contract with third parties, or any combination thereof, as determined solely by the City of Clayton.

EXHIBIT B

CITY OF CLAYTON
Community Facilities District 2006-1
(Downtown Park Operation and Maintenance District)

RATE AND METHOD OF LEVY OF SPECIAL TAX

A special tax will be levied annually on each taxable parcel of land not defined below as an "Exempt Parcel" within the Community Facilities District 2006-1 (Downtown Park Operation and Maintenance District) (the "CFD") and collected in the same manner as ordinary ad-valorem property taxes or in such manner as the City of Clayton City Council or its designee shall determine, including City-originated billing of the affected property owners.

Definitions

Taxable Parcels:	Parcels of land within the boundaries of the CFD that are not included in the "Exempt Parcel" category listed below.
Exempt Parcels:	Parcels of land owned by a public school district, and parcels of land owned by the City of Clayton or the Clayton Redevelopment Agency outside the boundaries of the defined Downtown Core area (see map, Attachment 1 of Exhibit B).
Residential Parcels:	Taxable Parcels of land in the District that are classified in the City of Clayton General Plan as either single-family, multi-family or rural estate residential parcels.
Downtown Core Parcels:	Taxable Parcels within the Downtown Core area that are not classified as "Residential Parcels".
Other Commercial Parcels:	Taxable Parcels outside the boundaries of the Downtown Core area that are not classified as "Residential Parcels", "Recreational Open Space Parcels" or "Multi-Family Residential Care Facilities".
Recreational Open Space Parcels:	Taxable Parcels classified as "Private Golf Course" in the City of Clayton General Plan.
Multi-Family Residential Care Facilities Parcels:	Taxable Parcels having institutional or congregate care residential units within a facility with an on-site manager.
Special Tax:	The special tax allowed to be levied on property within the CFD, calculated pursuant to this Rate and Method of Apportionment of Special Tax.

Special Tax Formula

A. Residential Parcels:

An annual special tax will be levied on all Residential Parcels, as defined above, at the per parcel tax rate shown below for each fiscal year 2007-2008 through 2016-2017:

Residential Parcel Annual Special Tax Rate: $16.39 per parcel.

B. Downtown Core Parcels:

An annual special tax will be levied on all non-Residential Parcels within the Downtown Core area (see map, Attachment 1), at the per ¼-acre or fraction thereof parcel rate shown below for each fiscal year 2007-2008 through 2016-2017:

Downtown Core Parcel Annual Special Tax Rate: $221.05 per ¼-acre or fraction thereof parcel size as shown on the County tax roll.

C. Other Commercial Parcels:

An annual special tax will be levied on all non-Residential Parcels outside the Downtown Core area, as defined above, at the per ¼-acre or fraction thereof parcel rate shown below for each fiscal year 2007-2008 through 2016-2017:

Other Commercial Parcel Annual Special Tax Rate: $96.92 per ¼-acre or fraction thereof parcel size as shown on the County tax roll.

D. Recreational Open Space Parcels:

An annual special tax will be levied on all Private Golf Course Parcels, as defined above, at the per ¼-acre or fraction thereof parcel rate shown below for each fiscal year 2007-2008 through 2016-2017:

Recreational Open Space Parcel Annual Special Tax Rate: $48.46 per ¼-acre or fraction thereof parcel size as shown on the County tax roll.

E. Multi-Family Residential Care Facilities Parcels:

An annual special tax will be levied on all Multi-Family Residential Care Facilities Parcels, as defined above, at the per ¼-acre or fraction thereof parcel rate shown below for each fiscal year 2007-2008 through 2016-2017:

Multi-Family Residential Care Facilities Parcel Annual Special Tax Rate: $50.92 per ¼-acre or fraction thereof parcel size as shown on the County tax roll.

Duration of Special Tax Levy

The special tax will be levied annually for a period of ten (10) years commencing in fiscal year 2007-2008 (July - June) through and including fiscal year 2016-2017. After the ten (10) year duration has expired the special tax may no longer be levied or collected unless extended pursuant to applicable laws, except that a special tax that was lawfully levied in or before the final tax year and that remains delinquent may be collected in subsequent years.

Special Tax Escalator Factor

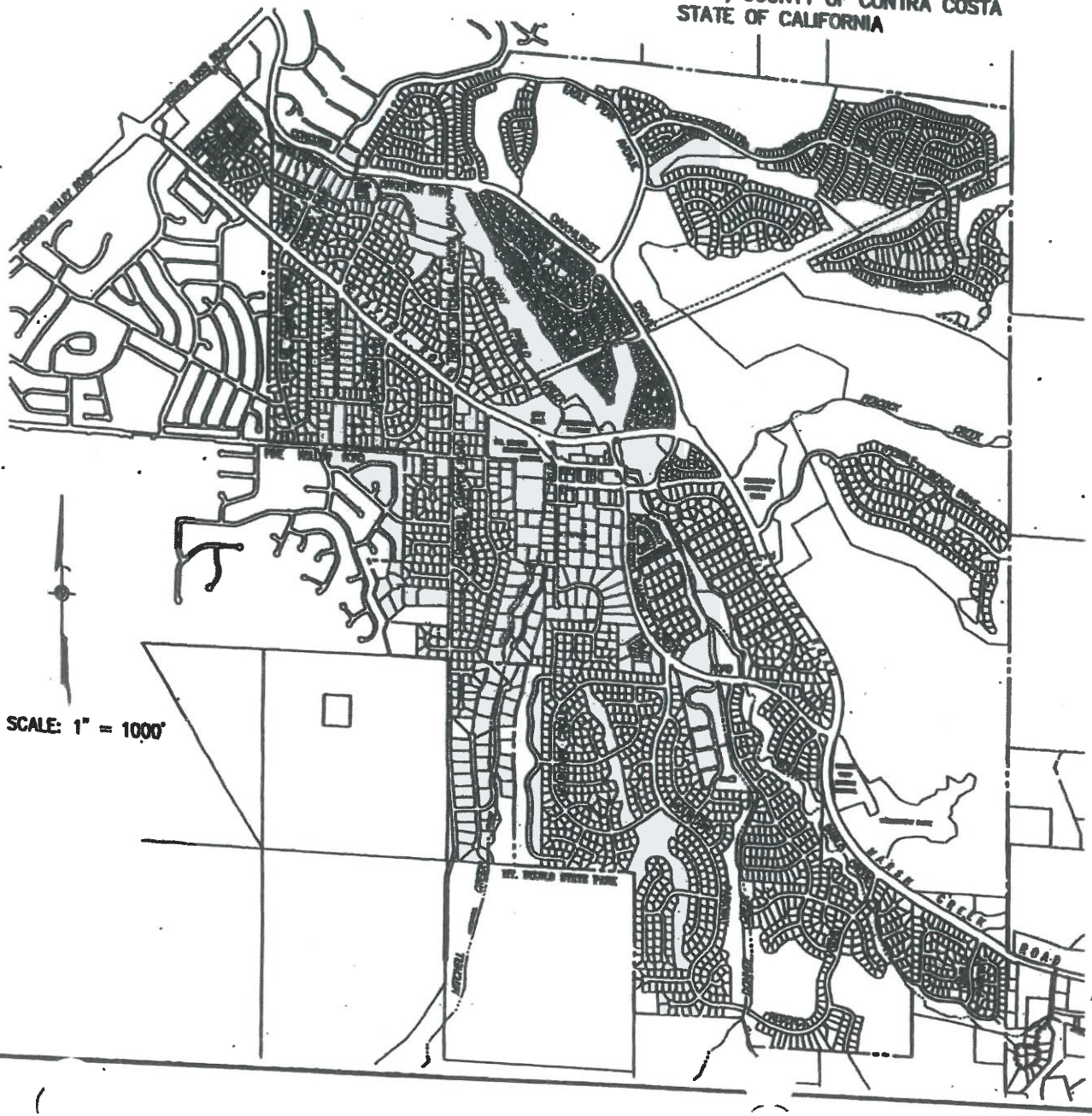
In fiscal years 2008-2009 through 2016-2017, each special annual tax rate may be increased annually by the Clayton City Council in an amount not to exceed the most recent full annual adjustment (April to April) in the Consumer Price Index – All Urban Consumers, San Francisco-Oakland-San Jose, CA Area (Base Period 1982-84 = 100). This escalator factor is applicable if determined by the City to be necessary due to expected or actual increases in the operational, maintenance, repair and replacement expenses funded by the CFD. In no event shall each annual special tax rate in any fiscal year increase by more than three percent (3%) over the previous year.

Attachment 1: Map of Downtown Core area [1 pg.]

PROPOSED BOUNDARIES OF

COMMUNITY FACILITIES DISTRICT NO. 2006-1
(DOWNTOWN PARK OPERATION AND MAINTENANCE DISTRICT)

CITY OF CLAYTON, COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



CITY RECORDER'S STATEMENT:

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CLAYTON, THIS 28th DAY OF April, 2006.

BY: Rhonda K Basore
CITY CLERK
CITY OF CLAYTON

CITY CLERK'S STATEMENT:

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NUMBER 2006-1 IN THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON AT A REGULAR MEETING THEREOF, HELD ON THE 16th DAY OF May, 2006, BY ITS RESOLUTION NO. 19-2006.

BY: Rhonda K Basore
CITY CLERK
CITY OF CLAYTON

RECORDER'S CERTIFICATE:

FILED THIS 31st DAY OF May, 2006, AT THE HOUR OF [illegible] O'CLOCK P.M. IN BOOK 79 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 50, AND AS INSTRUMENT NUMBER 06-171762 IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

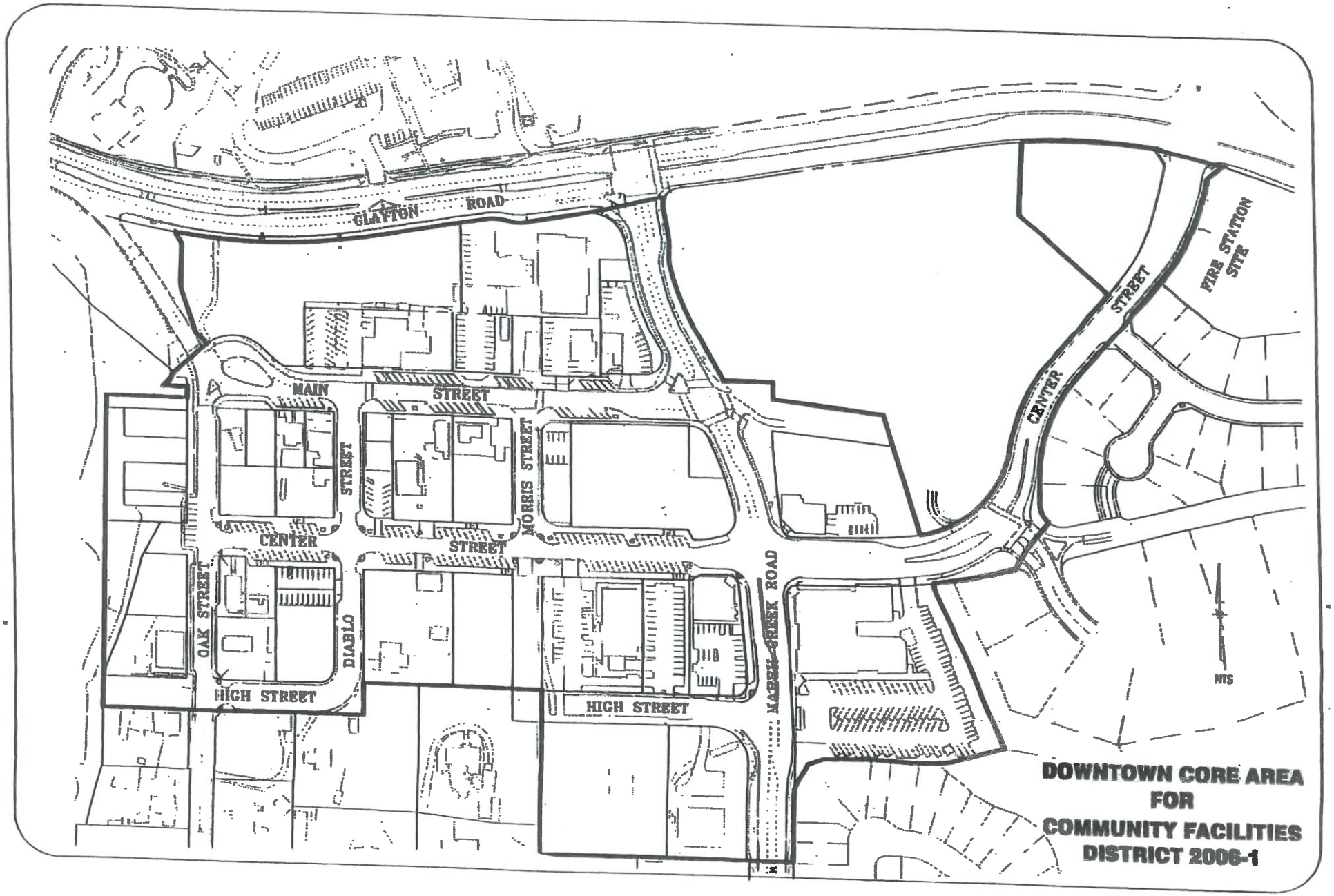
06-171762

BY: Stephen L. Weir
COUNTY RECORDER
COUNTY OF CONTRA COSTA

BY: [signature]
DEPUTY COUNTY RECORDER

LEGEND

CITY LIMIT LINE AND COMMUNITY FACILITY DISTRICT BOUNDARY


CLAYTON ROAD
MAIN STREET
OAK STREET
CENTER STREET
MORRIS STREET
DIABLO STREET
CENTER STREET
FIRE STATION SITE
HIGH STREET
HIGH STREET
MARSH CREEK ROAD
N
MTS
DOWNTOWN CORE AREA
FOR
COMMUNITY FACILITIES
DISTRICT 2006-1

RESOLUTION NO. 24-2006

A RESOLUTION CALLING A SPECIAL ELECTION IN A COMMUNITY FACILITIES DISTRICT

CITY OF CLAYTON
Community Facilities District 2006-1
(Downtown Park Operation and Maintenance District)

WHEREAS, on this date, this Council adopted its Resolution No. 23-2006 entitled "A Resolution of Formation of a Community Facilities District, Authorizing the Levy of Special Taxes Therein and Preliminarily Establishing an Appropriations Limit Therefor" (the "Resolution of Formation"), ordering the formation of the City of Clayton Community Facilities District No. 2006-1 (Downtown Park Operation and Maintenance District) (the "CFD"), authorizing the levy of a special tax on real property within the CFD and preliminarily establishing an appropriations limit for the CFD, all pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"); and

WHEREAS, pursuant to the provisions of the Resolution of Formation, the propositions of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors of the CFD at a special election as required by the Act; and

WHEREAS, this Council desires that the special election be consolidated with the statewide general election to occur on November 7, 2006 and that the proposition be included on the ballot for the statewide general election which ballot is prepared by the officer charged with the duty of conducting the statewide general election for the County of Contra Costa, such official being the Registrar of Voters of the County of Contra Costa (the "Election Official"); and

WHEREAS, Section 9280 of the Elections Code of the State of California authorizes the filing of an impartial analysis and Sections 9281 to 9287 of said code authorize the filing of written arguments for or against any ballot proposition, and, if adopted by the City Council, rebuttal arguments.

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

1. Issue Submitted. Pursuant to Sections 53326 and 53325.7 of the Act, the issue of the levy of said special tax and the establishment of the appropriations limit shall be submitted to the qualified electors (as defined below) of the CFD at an election called therefor as provided below. The question to be voted upon as it shall appear on the ballot shall be as follows:

> *Shall the Downtown Park's annual operation and maintenance expenses be funded for a period of 10 years by the formation of a citywide Community Facilities District with an initial appropriations limit of $100,600 and an annual levy of special taxes?*

The full text of the measure to be printed in the Voter Pamphlet shall include the "Description of Services to Be Financed by the CFD" and the "Rate and Method of Levy of Special Tax", attached as Exhibits "A" and "B"; respectively, to the Resolution of Formation of a Community Facilities District (Resolution No. 23-2006).

2. Qualified Electors. Pursuant to Section 53326 of the Act, the vote shall be by the registered voters of the proposed CFD, with each voter having one vote.

3. Conduct of Election. This Council hereby calls a special election (the "Election") to consider the measure described in paragraph 1 above, which election shall be held in the next general election on November 7, 2006, and conducted by the Election Official. Within three business days of the adoption of this Resolution, the City Clerk shall provide to the Election Official a copy of this Resolution, a certified map of the proposed boundaries of the CFD, and a sufficient description to allow the Election Official to determine the boundaries of the CFD.

The Election is hereby ordered consolidated with the statewide general election to be held within the City on said date, and within the territory affected by the consolidation, the election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the statewide general election and specified herein. The precincts used at the consolidated election shall be those used for the statewide general election, and, where necessary, the County Clerk may adjust precinct lines to coincide with the boundaries of the City. The Board of Supervisors of the County of Contra Costa is hereby requested to order the consolidation of the Election hereby called with said statewide general election, and to permit the County Clerk and the County Election Department to render services relating to the conduct of said election, which services will be determined by the City and the County Election Department, and the Board of Supervisors of the County of Contra Costa is hereby authorized to canvass the returns of said special municipal election, and said election shall be held in all respects as if there were only one election, only one form of ballot shall be used and the returns of the election need not be canvassed by the City Council. The City Clerk is hereby authorized and directed to work with the Elections Official and other appropriate officials of the County to ensure that the applicable requirements of the Elections Code are met.

4. Ballot Materials. The City Attorney is hereby requested to prepare and to provide to Election Official the ballot material described in Section 53327 of the Act.

(a) Impartial Analysis. The City Clerk is hereby directed to submit to the City Attorney a certified copy of the measure set forth above. The City Attorney is hereby authorized and directed to prepare an impartial analysis of the measures showing the effect of the measures on the existing law and the operation of the measures, said analysis to be submitted by the City Attorney to the Election Official for printing before the arguments for and against the measure. The analysis shall not exceed 500 words in length and shall otherwise comply in all respects with the applicable provisions of the Elections Code of the State of California. The deadline date for the submittal of the analysis and primary arguments shall be August 14, 2006.

5. Filing of Primary and Rebuttal Arguments. The deadline for filing primary arguments concerning the ballot measure is August 14, 2006. Provisions for Rebuttal arguments have been previously adopted by the Council. Rebuttal arguments must be filed by August 21, 2006.

6. Effective Date. This Resolution shall take effect upon its adoption.

******

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 20th day of June 2006 on the following vote:

AYES: Councilmember Laurence, Manning, Pierce, Vice Mayor Walcutt and Mayor Shuey.

NOES: None.

ABSENT: None.

ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON, CA

David T. Shuey

DAVID T. SHUEY, MAYOR

ATTEST:

Rhonda K Basore

Rhonda K. Basore, City Clerk

RESOLUTION NO. 19-2006

A RESOLUTION OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT TO FUND THE ANNUAL OPERATION AND MAINTENANCE OF A DOWNTOWN PARK FOR A TIME PERIOD OF TEN YEARS, AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN

The City Council
City of Clayton, California
Community Facilities District 2006-1
(Downtown Park Operation and Maintenance District)

WHEREAS, under the Mello-Roos Community Facilities Act of 1982, as amended (the "Act") Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code (the "Act"), this City Council may be the legislative body for the proposed community facilities district and is empowered with the authority to establish the community facilities district; and

WHEREAS, this City Council now desires to proceed with the establishment of a community facilities district in order to finance the costs of operation, maintenance, repair and replacement services at an approximate 1-acre public park (APN 119-015-005,006) located in the Clayton Town Center (the "Services");

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

1. Recitals. The City Council does hereby find and affirm the above noted Recitals are true and correct facts and information relative to the proceedings at hand.

2. Authority. This Council proposes to conduct proceedings to establish a community facilities district pursuant to the Act.

3. Name of CFD. The name proposed for the community facilities district is City of Clayton Community Facilities District No. 2006-1 (Downtown Park Operation and Maintenance District) (the "CFD").

4. Boundaries Described. The proposed boundaries of the CFD are as shown on the map of it (Exhibit C) on file with the City Clerk, dated 28 April 2006, which boundaries are hereby preliminarily approved and to which map reference is hereby made for further particulars. The City Clerk is hereby directed to record, or cause to be recorded, said map of the boundaries of the CFD in the office of the County Recorder of the County of Contra Costa (the County) within fifteen days of the date of adoption of this Resolution, but in any event at least fifteen days prior to the public hearing specified in paragraph 10 below. The boundaries of the CFD shall also include any parcels subsequently annexed to the City and the CFD.

5. Services. The types of public services proposed to be financed by the CFD and pursuant to the Act shall consist of all or a portion of those items listed on Exhibit A hereto and hereby incorporated herein.

6. Special Tax. Except to the extent that funds are otherwise available to the CFD to pay for the Services, a special tax (the "Special Tax") sufficient to pay the costs thereof, secured by recordation of a continuing lien against all non-exempt real property in the CFD, will be levied annually within the CFD, and collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as this City Council or its designee shall determine, including direct billing of the affected property owners. The proposed rate and method of apportionment of the Special Tax among the parcels of real property within the CFD in sufficient detail to allow each landowner within the proposed CAD to estimate the maximum amount such owner will have to pay, are described in Exhibit B attached hereto and hereby incorporated herein.

This Council hereby finds that the provisions of Section 53313.6, 53313.7 and 53313.9 of the Act (relating to adjustments to *ad valorem* property taxes and schools financed by a community services district) are inapplicable to the proposed CFD.

7. Exempt Property. Except as may otherwise be provided by law or by the rate and method of apportionment of the Special Tax for the CFD specified in Exhibit B, all lands owned by any public entity, including the United States, the State of California, the County and/or the City or any departments or political subdivisions thereof, shall be omitted from the levy of the Special Tax to be made to cover the costs and expenses of the Services and the CFD. In the event that a portion of the property within the CFD shall become for any reason exempt, wholly or in part, from the levy of the Special Tax, this City Council will, on behalf of the CFD, increase the levy to the extent necessary upon the remaining property within the CFD which is not exempt in order to yield the required amounts to pay for the Services of the CFD, if any, subject to the provisions of the rate and method of apportionment of the Special Tax.

8. Voting Procedure. The levy of the Special Tax shall be subject to the approval of the qualified electors of the CFD in the next general election held in November 2006. The proposed voting procedure shall be by registered voters within the proposed CFD, with each voter having one vote.

9. CFD Report. The City Manager of the City as the officer having charge and control of the Services in and for the CFD, or his designee, is hereby directed to study said proposed Services and to make, or cause to be made, and file with the City Clerk a report in writing, (the "CFD Report") presenting the following:

(a) A description of the Services by type which will be required to adequately meet the needs of the CFD.

(b) An estimate of the fair and reasonable cost of the Services including incidental expenses in connection therewith.

The CFD Report shall be made a part of the record of the public hearing specified below.

10. Public Hearing. Tuesday, June 20, 2006, at 7:00 p.m., or as soon as possible thereafter, in the Community Library Meeting Room, 6125 Clayton Road, Clayton, California, be, and the same are hereby appointed and fixed as the time and place when and where this Council, as legislative body for the CFD, will conduct a public hearing on the establishment of the CFD and consider and finally determine whether the public interest, convenience and necessity require the formation of the CFD and the levy of the Special Tax.

11. Notice of Hearing. The City Clerk is hereby directed to cause notice of the public hearing to be given by publication one time in the *Contra Costa Times*, a newspaper circulated in the area of the CFD. The publication shall be completed at least seven days before the date herein set for the hearing. The notice shall be substantially in the form specified in Section 53322 of the Act, with the form summarizing the provisions hereof hereby specifically approved.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held this 16th day of May 2006 on the following vote:

AYES: Councilmember Laurence, Manning, Pierce, Vice Mayor Walcutt and Mayor Shuey.

NOES: None.

ABSENT: None.

ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON, CA

David T. Shuey

David T. Shuey, Mayor

ATTEST:

Rhonda K. Basore

Rhonda K. Basore
City Clerk

I hereby certify that Resolution No. 19-2006 was duly and regularly passed by the City Council of the City Of Clayton at a regular meeting held on May 16, 2006

Rhonda K. Basore

Rhonda K. Basore, City Clerk

Exhibit A — Description of Services to be Financed by CFD
Exhibit B — Rate and Method of Levy of Special Tax
Exhibit C - Map of CFD 2006-1

EXHIBIT A

CITY OF CLAYTON
Community Facilities District 2006-1
(Downtown Park Operation and Maintenance District)

DESCRIPTION OF SERVICES TO BE FINANCED BY THE CFD

The Services that are proposed to be financed by the City of Clayton Community Facilities District 2006-1 (Downtown Park Operation and Maintenance District) (the "CFD") shall include the attributable costs of operation, maintenance, repair and replacement of:

A. Downtown Park – which includes but is not limited to:

Costs of operation, maintenance, repair and replacement of an approximate 1-acre public park (APN 119-015-005,006) abutting the western edge of (old) Marsh Creek Road between Main and Center Streets located in Town Center Clayton.

Definition

"Costs of Operation, Maintenance, Repair and Replacement" of the foregoing public park improvements means the furnishing of services and materials for the ordinary and usual operation, maintenance and care of a downtown public park with its appurtenant facilities, public restroom, gazebo, playground equipment and improvements, including repair, removal or replacement of all or part of any landscaping or turf or appurtenant facilities providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, pruning, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris, litter and other solid wastes; and the eradication of landscape pests, including but not limited to vermin and rodents, ground squirrels, gophers, and moles.

"Maintenance" also means the furnishing of water for public health purposes and irrigation of the park turf, trees and landscaping, and the supply of electricity to operate the attendant irrigation systems, park lights and electrical outlets. In addition, allowable expenses include the County's cost to levy and collect the District's assessment through the annual property tax bill, the City's shared equipment and facilities charges, City prorated overhead charges to administer and manage the District, and District reserve funds for capital replacements, vandalism and major repairs.

The foregoing services shall be provided through and by the City of Clayton, either with its own labor forces or by contract with third parties, or any combination thereof, as determined solely by the City of Clayton.

EXHIBIT B

CITY OF CLAYTON
Community Facilities District 2006-1
(Downtown Park Operation and Maintenance District)

RATE AND METHOD OF LEVY OF SPECIAL TAX

A special tax will be levied annually on each taxable parcel of land not defined below as an "Exempt Parcel" within the Community Facilities District 2006-1 (Downtown Park Operation and Maintenance District) (the "CFD") and collected in the same manner as ordinary ad-valorem property taxes or in such manner as the City of Clayton City Council or its designee shall determine, including City-originated billing of the affected property owners.

Definitions

Taxable Parcels:	Parcels of land within the boundaries of the CFD that are not included in the "Exempt Parcel" category listed below.
Exempt Parcels:	Parcels of land owned by a public school district, and parcels of land owned by the City of Clayton or the Clayton Redevelopment Agency outside the boundaries of the defined Downtown Core area (see map, Attachment 1 of Exhibit B).
Residential Parcels:	Taxable Parcels of land in the District that are classified in the City of Clayton General Plan as either single-family, multi-family or rural estate residential parcels.
Downtown Core Parcels:	Taxable Parcels within the Downtown Core area that are not classified as "Residential Parcels".
Other Commercial Parcels:	Taxable Parcels outside the boundaries of the Downtown Core area that are not classified as "Residential Parcels", "Recreational Open Space Parcels" or "Multi-Family Residential Care Facilities".
Recreational Open Space Parcels:	Taxable Parcels classified as "Private Golf Course" in the City of Clayton General Plan.
Multi-Family Residential Care Facilities Parcels:	Taxable Parcels having institutional or congregate care residential units within a facility with an on-site manager.
Special Tax:	The special tax allowed to be levied on property within the CFD, calculated pursuant to this Rate and Method of Apportionment of Special Tax.

Special Tax Formula

A. Residential Parcels:

An annual special tax will be levied on all Residential Parcels, as defined above, at the per parcel tax rate shown below for each fiscal year 2007-2008 through 2016-2017:

Residential Parcel Annual Special Tax Rate: $16.39 per parcel.

B. Downtown Core Parcels:

An annual special tax will be levied on all non-Residential Parcels within the Downtown Core area (see map, Attachment 1), at the per ¼-acre or fraction thereof parcel rate shown below for each fiscal year 2007-2008 through 2016-2017:

Downtown Core Parcel Annual Special Tax Rate: $221.05 per ¼-acre or fraction thereof parcel size as shown on the County tax roll.

C. Other Commercial Parcels:

An annual special tax will be levied on all non-Residential Parcels outside the Downtown Core area, as defined above, at the per ¼-acre or fraction thereof parcel rate shown below for each fiscal year 2007-2008 through 2016-2017:

Other Commercial Parcel Annual Special Tax Rate: $96.92 per ¼-acre or fraction thereof parcel size as shown on the County tax roll.

D. Recreational Open Space Parcels:

An annual special tax will be levied on all Private Golf Course Parcels, as defined above, at the per ¼-acre or fraction thereof parcel rate shown below for each fiscal year 2007-2008 through 2016-2017:

Recreational Open Space Parcel Annual Special Tax Rate: $48.46 per ¼-acre or fraction thereof parcel size as shown on the County tax roll.

E. Multi-Family Residential Care Facilities Parcels:

An annual special tax will be levied on all Multi-Family Residential Care Facilities Parcels, as defined above, at the per ¼-acre or fraction thereof parcel rate shown below for each fiscal year 2007-2008 through 2016-2017:

Multi-Family Residential Care Facilities Parcel Annual Special Tax Rate: $50.92 per ¼-acre or fraction thereof parcel size as shown on the County tax roll.

Duration of Special Tax Levy

The special tax will be levied annually for a period of ten (10) years commencing in fiscal year 2007-2008 (July - June) through and including fiscal year 2016-2017. After the ten (10) year duration has expired the special tax may no longer be levied or collected unless extended pursuant to applicable laws, except that a special tax that was lawfully levied in or before the final tax year and that remains delinquent may be collected in subsequent years.

Special Tax Escalator Factor

In fiscal years 2008-2009 through 2016-2017, each special annual tax rate may be increased annually by the Clayton City Council in an amount not to exceed the most recent full annual adjustment (April to April) in the Consumer Price Index – All Urban Consumers, San Francisco-Oakland-San Jose, CA Area (Base Period 1982-84 = 100). This escalator factor is applicable if determined by the City to be necessary due to expected or actual increases in the operational, maintenance, repair and replacement expenses funded by the CFD. In no event shall each annual special tax rate in any fiscal year increase by more than three percent (3%) over the previous year.

Attachment 1: Map of Downtown Core area [1 pg.]

RESOLUTION NO. 32 - 2014

A RESOLUTION CALLING AN ELECTION TO EXTEND THE EXISTING SPECIAL TAX SUBJECT TO THE SAME ADJUSTMENT METHODOLOGY FOR COMMUNITYFACILITIES DISTRICT (CFD) 2006-1 DOWNTOWN "THE GROVE" PARK FOR TWENTY YEARS

THE CITY COUNCIL
City of Clayton, CA
Community Facilities District 2006-1
[Downtown "The Grove" Park Operation and Maintenance District]

WHEREAS, the City of Clayton has established Community Facilities District 2006-1 [Downtown "The Grove" Park Operations and Maintenance District] ("CFD") within the City of Clayton, authorized the levy of a special tax on real property within the CFD and established an initial appropriations limit for the CFD; and

WHEREAS, the special tax levied within the CFD is set to expire in Fiscal Year 2016/2017; and

WHEREAS, on May 20, 2014, the City Council adopted Resolution No. 13-2014, a Resolution of Consideration, to extend the existing special tax within the CFD for twenty years from Fiscal Year 2017/2018 (i.e., beginning July 1, 2017) through Fiscal Year 2036/2037 (i.e., ending June 30, 2037); and

WHEREAS, the City Council scheduled a public hearing on such proposed tax extension for July 1, 2014; and

WHEREAS, the City Council continued the public hearing on such proposed tax extension to July 15, 2014 and provided all required notice of the same; and

WHEREAS, at the public hearing, less than a majority of affected property owners protested the extension of the special tax; and

WHEREAS, the City Council wishes to submit the proposed special tax extension to the voters as required by Government Code section 53338.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON THAT:

SECTION 1. Findings and Background. The City Council finds that the preceding recitals are correct and are incorporated into this Resolution.

SECTION 2. Determinations. It is hereby determined by this City Council that:

ATTACHMENT 1

A. All prior proceedings pertaining to the formation of the CFD and extension of the special tax proposed herein were valid and taken in conformity with the requirements of the law, and specifically the provisions of the Community Facilities District Law.

B. The written protests received, if any, do not represent a majority protest as defined by the applicable provisions of the Community Facilities District Law and, therefore, the special tax proposed to be extended has not been precluded by majority protest pursuant to Section 53337 of the Government Code.

C. The City Council now submits the question of whether to extend the special tax within the CFD as set forth herein to the registered voters of the CFD as required by Government Code section 53326. Each registered voter within the CFD shall be entitled to one vote. The Special Tax will be approved if two-thirds of the votes cast upon the question of levying the tax are in favor of levying the tax.

D. The City of Clayton boundaries are the same as those in the previous City election (general election of November 2012).

SECTION 3. Election. The City Council hereby calls an election on November 4, 2014 and submits the extension of the levy of the existing special tax within the CFD to the qualified electors of the CFD. As set forth in the Resolution of Consideration, Resolution No. 13-2014, the City Council proposes extending the existing special tax, at its current and existing rate and method of apportionment, for twenty years from Fiscal Year 2017/2018 through Fiscal Year 2036/2037 ("Special Tax"). As such, all references to the expiration or term of the Special Tax in the rate and method of apportionment shall reflect the new expiration date of Fiscal Year 2036/2037. The rate and method of apportionment for the Special Tax, subject to the extended term set forth in this section, is more particularly described and set forth in Resolutions No. 23-2006 and 24-2006.

SECTION 4. Election Consolidation. The City requests the Contra Costa County Board of Supervisors consolidate the election on the Special Tax with the Statewide election on November 4, 2014. The City requests and authorizes the Contra Costa County elections official to provide the services necessary to implement the election and to consolidate the election on the November 4, 2014 Election Ballot for the County of Contra Costa. The elections official is hereby authorized to take any and all steps necessary for holding the above election. The elections official shall perform and render all services and proceedings incidental to and connected with the conduct of the election, including but not limited to, the following:

A. Prepare and furnish the necessary election supplies for the conduct of the election.

B. Cause to be printed the requisite number of official ballots, tally sheets and other necessary forms.

C. Furnish official ballots for the qualified electors of the CFD.

D. Cause the official ballots to be presented to the qualified electors, as required by law.

E. Receive the returns of the election and supplies.

F. Sort and assemble the election material and supplies in preparation for the canvassing of the returns.

G. Canvass the returns of the election.

H. Furnish a tabulation of the number of votes given in the election.

I. Conduct and handle all other matters relating to the proceedings and conduct of the election in the manner and form as required by law

SECTION 5. Ballot Measure. Pursuant to Elections Code section 10403, the ballot forms shall have printed on them the following words with regard to the measure:

CITY OF CLAYTON **MEASURE: ____.**		
DOWNTOWN "THE GROVE" PARK FUNDING – EXTENSION OF EXISTING SPECIAL TAX To continue the operation and maintenance of the Downtown "The Grove" Park, shall the existing special tax, funded by the citywide Community Facilities District 2006-1 levy, be extended at the current annual special tax with the same methodology rate (currently $19.03 per year for single-family residential parcels, with higher commercial parcel rate) for Fiscal Years 2017/2018 through 2036/2037?	**YES**	
	NO	

SECTION 6. Impartial Analysis. Pursuant to Government Code section 53327 and Elections Code section 9280, the City Clerk shall transmit a copy of the measure to the City Attorney, who shall prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure. The impartial analysis shall be filed with the City Clerk by August 15, 2014.

SECTION 7. Ballot Arguments. Arguments in favor of and in opposition to the ballot measure and rebuttal arguments shall be permitted, and the City hereby adopts the provisions of Elections Code sections 9282 and 9285(a), regarding the acceptance of arguments relating to ballot measures. Primary arguments shall be filed with the City Clerk by August 20, 2014. Rebuttal arguments shall be filed with the City Clerk by August 25, 2014.

SECTION 8. Special Tax Accountability Measures. Pursuant to and in compliance with the provisions of Government Code Section 50075.1, this Board hereby establishes the following accountability measures pertaining to the levy by the CFD of the proposed Special Tax:

A. The Special Tax shall be levied for the specific purposes set forth in the Resolution of Consideration and Section 9 below.

B. The proceeds of the levy of each such special tax shall be applied only to the specific applicable purposes set forth in the Resolution of Consideration (Resolution No. 13-2014) and Section 9 below.

C. The City shall establish a separate account into which the proceeds of the Special Tax shall be deposited.

D. The City Manager or his or her designee, acting for and on behalf of the CFD, shall annually file a report with the City Council as required pursuant to Government Code Section 50075.3.

SECTION 9. Additional Actions. The City Manager and City Clerk are hereby authorized and directed to take all necessary and appropriate steps to place the measure on the ballot. The City may recover the costs of the election and related procedures to place the Special Tax on the ballot from the proceeds of such Special Tax or the existing special tax as an incidental expense of the CFD. The City Council hereby amends Exhibit "A" of Resolution No. 23-2006 to clarify that the election expenses set forth in this Section as permissible costs of the operation and maintenance of the Downtown "The Grove" Park.

SECTION 10. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Clayton, California, at a regular public meeting thereof held on July 15, 2014 by the following vote:

AYES: Mayor Stratford, Councilmembers Diaz, Geller, Pierce.

NOES: None.

ABSENT: Vice Mayor Shuey.

ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON, CA

Hank Stratford, Mayor

ATTEST:

Janet Brown, City Clerk

I certify that the foregoing resolution was duly and regularly passed by the City Council of the City Clayton at a regular meeting held on July 15, 2014.

Janet Brown, City Clerk

RESOLUTION NO. 43-2014

A RESOLUTION DECLARING RESULTS OF CANVASS OF RETURNS IN THE 2014 GENERAL MUNICIPAL ELECTION, DECLARING THE PERSONS ELECTED TO THE CITY COUNCIL OF THE CITY OF CLAYTON AND THE RESULTS OF THE VOTE ON LOCAL BALLOT MEASURE "P", DOWNTOWN "THE GROVE" PARK OPERATIONS AND MAINTENANCE DISTRICT SPECIAL TAX EXTENSION
(Community Facilities District 2006-1)

THE CITY COUNCIL
City of Clayton, California

WHEREAS, a duly noticed general municipal election was held in the City of Clayton on November 4, 2014 for the purpose of voting for candidates for two (2) full-term offices of Council Member on the City Council of the City of Clayton and voter consideration of one (1) local ballot measure, Measure "P", a special tax extension to continue funding the annual operations and maintenance of the Downtown "The Grove" Park for an additional period of twenty (20) years through Fiscal Year 2036-2037; and

WHEREAS, following the canvass of returns by the Contra Costa County Clerk and receipt of his report by the Clayton City Clerk, the City Council met in a regular public meeting on December 2, 2014 and canvassed the returns of the election pursuant to and accordance with applicable provisions of the California Elections Code; and

WHEREAS, the City Council finds the number of votes cast in the City of Clayton at the general municipal election was and is 4,076, a 56.21% turnout; and

WHEREAS, the City Council finds there were seven precincts in the City of Clayton established for holding the November 2014 general municipal election; and

WHEREAS, the City Council finds that the names of the persons voted for and the number of votes given said persons in the general municipal election at each of the above noted precincts and by absentee ballot as candidates for the offices of Council Member on the Clayton City Council and the total votes cast for each candidate, are as set forth in the computer printout from the Contra Costa County Election Department, attached hereto as "Exhibit A" and incorporated herein by such reference; and

WHEREAS, the City Council further finds that all of the votes in consideration of local ballot Measure "P" submitted to the Clayton voters in the general municipal election are also set forth in the computer printout from the Contra Costa County Election Department, attached hereto as "Exhibit B" and incorporated herein by such reference.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Clayton, California that the following candidates (listed by order of top vote) for the two offices of Council

Member of the City Council of the City of Clayton received the highest number of votes and are therefore declared to be the two (2) Council Members duly elected to serve on the Clayton City Council until the results of the November 2014 General Municipal election are canvassed and accepted:

David T. Shuey
Keith Haydon

BE IT FURTHER RESOLVED by the City Council that local Ballot Measure "P" and the levy extension of a special tax therein (Community Facilities District No. 2014-1, Downtown Park Operation and Maintenance District) did garner the requisite two-thirds voter approval and therefore Measure "P" did pass.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 2nd day of December 2014 by the following vote:

AYES: Mayor Stratford, Vice Mayor Shuey, Councilmembers Diaz, Geller and Pierce.

NOES: None.

ABSTAIN: None.

ABSENT: None.

THE CITY COUNCIL OF CLAYTON, CA

Mayor Hank Stratford

ATTEST:

Janet Brown, City Clerk

CERTIFICATE OF COUNTY CLERK AS TO THE RESULTS OF THE CANVASS OF THE

CITY OF CLAYTON

NOVEMBER 4, 2014 GENERAL ELECTION

State of California)
) ss.
County of Contra Costa)

I, JOSEPH E. CANCIAMILLA, County Clerk in and for the County of Contra Costa, State of California, do hereby certify that, pursuant to the provisions of the Elections Code, I did canvass the returns of the votes cast in the CITY OF CLAYTON in said county at the General Election held on November 4, 2014 for said city candidates and Measure P submitted to the vote of the voters. I further certify that the statement of the votes cast, to which this certificate is attached, shows the whole number of votes cast in said City and each respective precinct therein, and that the totals of the respective columns and the totals as shown for each candidate are full, true and correct.

WITNESS my hand and Official Seal this 26th day of November, 2014.

JOSEPH E. CANCIAMILLA, County Clerk

By: Rosa Mena
Rosa Mena, Deputy Clerk

CONTRA COSTA COUNTY
STATEWIDE GENERAL ELECTION
TUESDAY, NOVEMBER 4, 2014

Final Official Results

RUN DATE:11/26/14 09:21 AM

REPORT-EL45A PAGE 0:

Measure P - City of Clayton
Special Tax - 2/3
Vote For 1
(WITH 7 OF 7 PRECINCTS COUNTED)

	TOTAL VOTES	%	ELECTION DAY	VOTE BY MAIL
Yes	3,212	81.25	1,181	2,031
No.	741	18.75	319	422
Total	3,953		1,500	2,453

RESOLUTION NO. 13-2007

A RESOLUTION DESIGNATING THE NAME OF "THE GROVE" FOR THE DOWNTOWN PARK LOCATED BETWEEN MAIN STREET, old MARSH CREEK ROAD and CENTER STREET

THE CITY COUNCIL
City of Clayton, California

WHEREAS, the City of Clayton has begun construction of a new un-named public park bordered by Main Street, old Marsh Creek Road, and Center Street, which is expected to be completed by the end of 2007; and

WHEREAS, the area at the intersection of old Marsh Creek Road, Main Street, and Center Street will be further improved to be a complement to the adjacent Black Diamond Plaza and a focal point in the historic downtown Clayton; and

WHEREAS, the Clayton City Council previously adopted a Park Naming Policy; and

WHEREAS, the Community Services Commission on February 8, 2007 considered names using their recommended Park Naming Policy and had split recommendations of the following names: Downtown Park; Joel Clayton Park; and Grove Park; and

WHEREAS, the City Council did consider the Community Services recommendations, and other names consistent with the Park Naming Policy during its regular meeting of April 17, 2007.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Clayton California, that the new downtown park located between Main Street, old Marsh Creek Road, and Center Streets shall be named "The Grove" and further resolves that this name meets the criteria of the City's Park Naming Policy as a historical site basis, as it was the location of historic eucalyptus grove community gathering place.

ATTACHMENT 9

PASSED, APPROVED and ADOPTED by the City Council of Clayton California at a regular meeting thereof held on the 17th day of April 2007, by the following vote:

AYES: Mayor Walcutt, Vice Mayor Manning, Councilmembers Pierce and Stratford

NOES: None

ABSENT: Councilmember Shuey

ABSTAIN: None

THE CITY COUNCIL OF CLAYTON, CA

W R Walcutt

William R. Walcutt, Mayor

ATTEST:

Laci J Jackson

Laci J. Jackson, City Clerk

****

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of Clayton California at a regular meeting thereof held on April 17, 2007.

Laci J Jackson

Laci J. Jackson, City Clerk

Laurelpark name reso

City of Clayton
The Grove Park Fund 211 (CFD 2006-1)
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular	18,713	15,250	15,250	19,680	15,850
7112	Temporary Help	1,760	5,625	5,625	1,860	5,100
7113	Overtime	1,662	2,000	2,000	300	2,000
7218	LTD/STD Insurance	208	153	153	217	137
7220	PERS Retirement - Normal Cost	1,667	1,432	1,432	2,033	1,464
7221	PERS Retirement - Unfunded Liability	2,805	1,495	1,495	2,123	1,969
7231	Workers Comp Insurance	1,000	1,220	1,220	1,732	965
7232	Unemployment Insurance	75	234	234	332	820
7233	FICA Taxes	302	680	680	966	649
7246	Benefit Insurance	3,074	2,773	2,773	3,938	2,868
7311	General Supplies	489	5,000	5,000	2,071	2,800
7331	Rentals/Leases	-	-	-	-	-
7335	Gas & Electric Serv.	1,793	1,980	1,980	1,980	2,000
7338	Water Service	20,505	28,000	28,000	18,000	22,000
7341	Buildings/Grounds Maintenance	2,991	6,300	6,300	3,504	7,800
7342	Machinery/Equipment Maint.	-	1,000	1,000	2,513	500
7343	Vehicle Maintenance	1,551	1,500	1,500	900	1,000
7344	Vehicle Gas, Oil, and Supplies	742	1,000	1,000	1,024	1,200
7381	Property Tax Admin Cost	3,744	4,000	4,000	3,744	3,744
7413	Special Legal Services	-	-	-	-	-
7417	Janitorial Services	10,369	14,000	14,000	11,616	13,000
7419	Other Prof. Services	4,822	4,920	4,920	4,952	5,020
7429	Animal/Pest Control Services	-	710	710	710	750
7435	Contract Seasonal Labor	6,498	9,000	9,000	2,000	7,000
7440	Tree Trimming Services	4,950	10,000	10,000	9,975	10,000
7484	Capital Outlay - Structures & Imp.	-	6,500	6,500	1,500	27,000
7485	Capital Outlay - Equipment & Machinery	-	-	-	-	70,000
7486	CERF Charges/Depreciation	2,700	2,700	2,700	2,700	2,700
7615	Property Taxes	527	560	560	533	560
8101	Fund Admin - Transfer to GF	7,880	7,970	7,970	7,970	8,273
	Total Expenditures	**100,827**	**136,002**	**136,002**	**108,873**	**217,169**
4613	Downtown Park Special Parcel Tax - O&M	115,090	119,230	119,230	116,608	120,796
4613	Downtown Park Special Parcel Tax - Capital	18,000	18,000	18,000	18,000	18,000
4613	Downtown Park Special Parcel Tax - Restricted	5,000	5,000	5,000	5,000	5,000
5601	Interest	7,206	6,400	6,400	6,400	6,400
5602	Park Use Fee	1,125	1,200	1,200	-	1,000
5606	Unrealized Inv Gain/Loss	7,523	-	-	-	-
5701	Reimbursement/Refunds	-	-	-	-	-
5702	Donations & Contributions	1,000	-	-	-	-
	Total Revenue	**154,944**	**149,830**	**149,830**	**146,008**	**151,196**
	Increase (Decrease) in Fund Balance	**54,117**	**13,828**	**13,828**	**37,135**	**(65,973)**
	Beginning Fund Balance	**352,339**	**393,102**	**393,102**	**406,456**	**443,591**
	Ending Fund Balance	**406,456**	**406,930**	**406,930**	**443,591**	**377,618**
	Ending Fund Balance Includes:					
	Unrestricted Reserve	228,254	183,545	183,545	237,389	218,416
	Asset Replacement Reserve	118,202	153,385	153,385	136,202	84,202
	Unallocated Stabilization Reserve	60,000	70,000	70,000	70,000	75,000
	Total Fund Balance	**406,456**	**406,930**	**406,930**	**443,591**	**377,618**

ATTACHMENT 10

CITY OF CLAYTON
Founded 1857 . . Incorporated 1964

STAFF REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

FROM: **Laura Hoffmeister, Asst. to the City Manager**

DATE: **June 29, 2021**

SUBJECT: **Approval of a Resolution ordering the levy and collection of special taxes and setting forth the special tax amount for Community Facilities District (CFD) 2007-1 (City Wide Landscape Maintenance) on the Fiscal Year 2021/22 Tax Assessment**

RECOMMENDATION

Adoption of Resolution No. __-2021 ordering the levy and collection of special taxes and setting forth the special tax amount for Community Facilities District (CFD) 2007-1 (City Wide Public Landscape Maintenance) on the Fiscal Year 2021/22 Tax Assessment Roll.

BACKGROUND

In June 2007 the electorate voted 82.94% approval to establish a special tax, known as Measure B, for the care and maintenance of Citywide Public Landscaping. Measure B was established for a 10-year period (through 2017) for the Citywide Public Landscape District-known as Community Facilities District (CFD) 2007-1. Measure B was set to expire in June 2017. This is the only source of funds for the maintenance and operation of the Landscape Maintenance District. In June 2016 the voters approved Measure H (77.1%), a continuation of this sole funding special parcel tax with the same rate methodology for another ten years - from FY 2017/18 through 2026/27. This action constitutes the fifth levy under the 2016 voter approved extension.

The tax is for costs related to expenses for public roadway, trail and open space landscape maintenance, and the Clayton Fountain at the corner of Oakhurst Blvd. and Clayton Rd. These areas have a combined 2 million square feet of landscaping and irrigation, 515 acres of open space, 2,871 street trees, and 27 miles of public trails. City parks are not maintained by this special tax but through the General Fund (except for The Grove downtown park which has its own separate special maintenance district funding source).

From 1999-2016 the City employed only five permanent maintenance employees who spend approximately 60% of their time on tasks in the Landscape Maintenance District. Necessity has required maintenance crews to spend more work hours maintaining District assets as landscaping matures, irrigation systems break, and vandalism or vehicle accidents cause damage to trees and shrubs. Additional costs have come due to rate increases in metered irrigation water, electricity increases which run the irrigation controllers and pumps to the fountain; professional services for open space weed abatement and tree trimming. In FY 2016/17 one additional field maintenance position was added which is dedicated solely to tasks of the Landscape Maintenance District.

The collection of the tax is done by the County, and property owners' payments for this new District first occurred in November/December 2007. Established in the voter approved tax is an ability to increase the assessment by the CPI with a maximum of 3% annually.

Pursuant to the terms of voter-approved Measure H, the special parcel tax rate may be modified annually by the change in the CPI from April to April. However, in no event shall the tax rate be increased by more than 3.0% each year. The CPI change (from April 2020 to April 2021) posted at 3.8%. It is recommended and included in the proposed levy rates to apply an annual CPI increase of 3.0%. as stipulated in the ballot measure. This CPI adjustment was also reflected in the presentation of the City FY 2021/22 Budget at its June 15, 2021 meeting, and is included in the budget documents for Council adoption on June 29, 2021.

This results in a modest increase to LMD special parcel tax revenues of $35,118.50 over the prior year's adopted budget. The capped CPI growth adjustment will result in an increase of $8.00 per residential parcel over the prior year rate (last year's single-family rate was $266.46; including the CPI adjustment factor, the new single-family parcel rate will be $274.46). With the proposed levy the LMD will have sufficient revenue and fund balances to address various operational and capital needs.

FISCAL IMPACT

For Fiscal Year 2021/22 the levy amount is $274.46 per residential parcel, or per non residential acre or fraction thereof. For Fiscal Year 2021/22 there are 4,106 parcels that will be subject to the special tax. Of these 4,046 are residential and 60 are non-residential. The total amount of revenue estimated to be received from this tax for FY 2021/22 is $1,204,882.84. These tax revenues are placed into a Special Revenue Fund (No.210) through which all eligible expenses are tracked, paid and audited. Allowable expenses include only that for the purposes of the Landscape District Maintenance materials, supplies, equipment, utilities, labor, and District administration.

There is identified approximately $2.5 million in desired major landscape replacements/repairs and enhancements yet to be funded through this tax amount. Cost savings from water reductions during the earlier 2-year drought and the prior 5-year drought along with other District costs savings have been used for reinvestment in the Landscape District on a pay as you go basis. Over the past ten years, from FY 2007/08 through FY 2020/21, it is estimated the LMD will have used approximately $2.2 million of these special parcel tax funds for public landscape and irrigation and trail system improvements. When including additional LMD improvement projects planned for FY 2021/22, the LMD will have invested over $3 million into landscape-related capital improvements/major maintenance in addition to routine landscape maintenance.

CONCLUSION

The City Council, by Ordinance 409, pursuant to Section 53340 of the Government Code of the State of California, has authorized the levy of a special tax to pay for costs and expenses related to Community Facilities District 2007-1. This Resolution authorizes the Contra Costa County Auditor to place unpaid direct bill taxes on the next assessment roll for the 2021/22 fiscal year.

Attachments:

- 1) Resolution No. __-2021
- 2) Summary of Exhibit A to Resolution __-2021
- 3) Annual Special Tax Levy Report
- 4) Ordinance 409
- 5) Resolution No. 07-2016
  - Exhibit A to Resolution No. 07-2016 (Comprising of Resolutions No. 06-2007 and No. 07-2007)
- 6) Resolution No. 04-2007
- 7) Resolution No. 12-2016
- 8) Resolution No. 45-2016
- 9) Landscape District Budget FY 2021/22

RESOLUTION NO. __-2021

A RESOLUTION ORDERING THE LEVY AND COLLECTION OF SPECIAL TAXES AND SETTING THE SPECIAL TAX AMOUNT FOR FISCAL YEAR 2021/22 FOR COMMUNITY FACILITIES DISTRICT NO. 2007-1 (CITYWIDE LANDSCAPE MAINTENANCE)

THE CITY COUNCIL
City of Clayton, California

WHEREAS, the City Council of the City of Clayton, California, (hereinafter referred to as the "legislative body"), has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in Community Facilities District No.2007-1(hereinafter referred to as "District"), all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982"; being Chapter *2.5,* Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act"). ; and,

WHEREAS, this legislative body, by Ordinance No. 409 as authorized by Section 53340 of the Government Code of the State of California, has authorized the levy of a special tax to pay for costs and expenses related to said District, and this legislative body is desirous to establish the specific rate of the special tax to be collected for Fiscal Year 2021/22; and,

WHEREAS, the special taxes are in compliance with all laws pertaining to the Act and the levy of special taxes; the special taxes are levied without regard to property valuation, and the special taxes are in compliance with the provisions of Prop 218.

NOW THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are each true and correct.

SECTION 2. That the specific rate and amount of the special tax to be collected to pay for the costs and expenses for the next fiscal year (2021/22) for the referenced District is hereby determined and established as set forth in the attached, referenced and incorporated Exhibit "A".

SECTION 3. That the rate as set forth above does not exceed the amount as previously authorized by Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. That the proceeds of the special tax shall be used as provided in Ordinance No. 409, including, but not limited to, the payment of, in whole or in part, the costs of the following:

A. Payment of costs and expenses of public landscape facilities;
B. Payment of District administrative costs.
C. Cost of collecting and administering the special tax

The proceeds of the special taxes shall be used as set forth above, and shall not be used for any other purpose.

SECTION 5. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the Tax Collector is hereby authorized to collect the special tax and to deduct reasonable administrative costs incurred in collecting said special tax.

SECTION 6. All monies above collected shall be paid into the Community Facilities District 2007-1 fund.

SECTION 7. The Auditor of the County is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land effected in a space marked “public improvements, special tax” or by any other suitable designation, the installment of the special tax, and for the exact rate and amount of said tax, and assessor’s parcel number (APN), reference is made to the attached Exhibit “A”.

SECTION 8. The County Auditor shall then, at the close of the tax collection period, promptly render to this City a detailed report showing the amount and/or amounts of such special tax installments, interest, penalties and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

PASSED, APPROVED, AND ADOPTED by the City Council of Clayton, California at a regular public meeting of thereof held on June 29, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

_____
Carl Wolfe, Mayor

ATTEST:

_____
Janet Calderon, City Clerk

Laura/fy21-22 reso cfd 2007-01city lscp

Summary of EXHIBIT A
to Resolution ___ -2021

CFD 2007-1 Citywide Landscape Maintenance District
Special Tax

For Fiscal Year 2021/22 the assessor's parcel numbers and the special tax amounts are as set forth in the Community Facilities District No.2007-1 (Citywide Landscape Maintenance) Preliminary Billing Levy Detail Report for FY 2021/22 is on file and can be reviewed at the City Clerk's office, City Hall, 6000 Heritage Trail, Clayton, CA. Monday through Friday from 9am-5pm.

Due to the length of the report, it is summarized as follows:

In general, all residential parcels, (single family, condo, and townhouse) shall have a rate for FY 21/22 of $274.46 per parcel. All non-residential parcels shall have a rate for FY 21/22 of $274.46 per acre or fraction thereof, based on parcel size as shown on the most recent County tax and parcel records.

There are a total of 4106 parcels to be levied:
There are 4046 residential levies.
There are 60 non-residential levies comprising 362 acres.

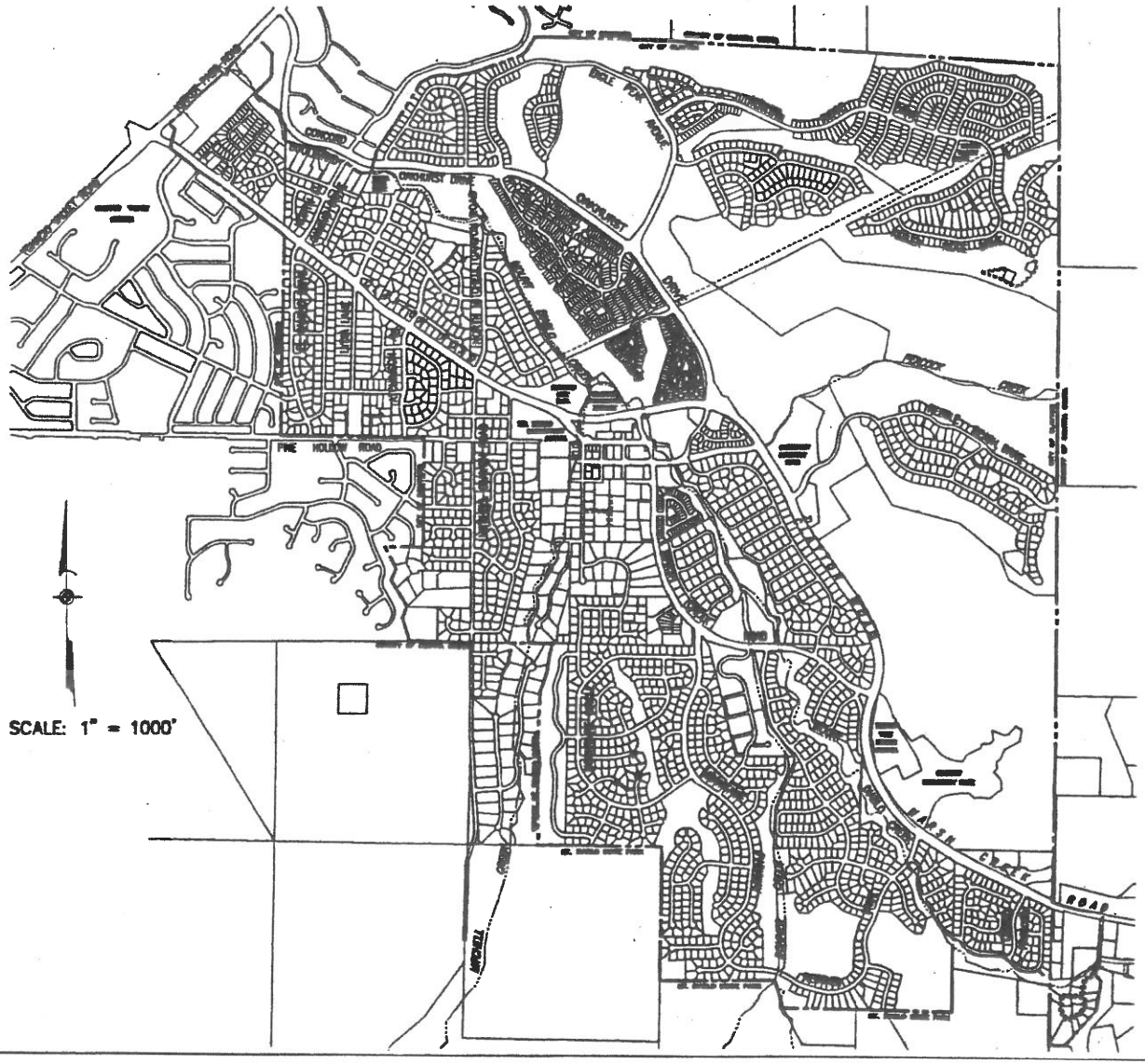
$1,110,465.16 est. total revenue from residential
$94,417.68 est. total revenue from non-residential
$1,204,882.84 est. revenue for FY 2021/22

laura/Exhibit A rescfd2007-1 fy21-22

PROPOSED BOUNDARIES OF

COMMUNITY FACILITIES DISTRICT NO. 2007-1
(CITYWIDE LANDSCAPE MAINTENANCE DISTRICT)

CITY OF CLAYTON, COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



SCALE: 1" = 1000'

CITY RECORDER'S STATEMENT:

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CLAYTON, THIS 4th DAY OF January, 2007.

BY: Lisa J. Jackson
CITY CLERK
CITY OF CLAYTON

CITY CLERK'S STATEMENT:

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NUMBER 2007-1 IN THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON AT A REGULAR MEETING THEREOF, HELD ON THE 16th DAY OF January, 2007, BY ITS RESOLUTION NO. 04-2007

BY: Lisa J. Jackson
CITY CLERK
CITY OF CLAYTON

RECORDER'S CERTIFICATE:

FILED THIS 23rd DAY OF January 2007, AT THE HOUR OF 2:04 O'CLOCK P M. IN BOOK 81 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 15, AND AS INSTRUMENT NUMBER 07-32041 IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

BY: STEPHEN L. WEIR
COUNTY RECORDER
COUNTY OF CONTRA COSTA

BY: D Mardel
DEPUTY COUNTY RECORDER

LEGEND

——— CITY LIMIT LINE AND COMMUNITY FACILITY DISTRICT BOUNDARY

1-23-07 2:04 PM 81-15

ATTACHMENT 2a

CITY OF CLAYTON

Fiscal Year 2021/22 Annual Report:

Community Facilities District No. 2007-1

Citywide Landscape Maintenance Tax

June 2021

Prepared by

NBS
helping communities fund tomorrow
nbsgov.com

Corporate Headquarters
32605 Temecula Parkway, Suite 100
Temecula, CA 92592
Toll free: 800.676.7516

ATTACHMENT 3

CITY OF CLAYTON

6000 Heritage Trail

Clayton, California 94517

Phone – 925.673.7300

Fax – 925.672.4917

City Council

Carl Wolfe, Mayor

Peter Cloven, Vice Mayor

Jim Diaz, Councilmember

Holly Tillman, Councilmember

Jeff Wan, Councilmember

City Staff

Reina Schwartz, City Manager

Laura Hoffmeister, Assistant to the City Manager

Paul Rodrigues, Finance Director

Special Tax Administrator

NBS

Tim Seufert, Client Services Director

Greg Davidson, Director

Kristin Harvey, Senior Consultant

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1. EXECUTIVE SUMMARY/SPECIAL ISSUES

1.1. General Information Summary

Maturity	2021/22 Levy [1]	Parcel Count [2]	Delinquency Rate [3]
Fiscal Year 2026/27	$1,204,882.84	4,305	1.47%

[1] *Includes a rounding adjustment for County tax submittal purposes.*
[2] *Includes 199 exempt parcels.*
[3] *Delinquency Rate for Fiscal Year 2020/21.*

Community Facilities District No. 2007-1, Citywide Landscape Maintenance Tax (the "District"), was created to finance services necessary to operate and maintain public roadway landscaping, open space and trails, and the Clayton Fountain.

On June 7, 2016 voters approved Measure H by 79.23% approval. Measure H is an extension of Measure B, for the care and maintenance of City-Wide Public Landscaping. Measure B was established for a 10-year period (through 2017). The extension of the tax with the same rate methodology is extended for 10 years – beginning Fiscal Year 2017/18 through Fiscal Year 2026/27.

For Fiscal Year 2021/22, all taxable parcels within the District will be levied at 100% of their respective Maximum Special Tax. The Maximum Special Tax rates for Fiscal Year 2021/22, which have been escalated by 3.00%, are as follows:

Parcel Classification	Maximum Rate
Residential Parcels	$274.47 per parcel [1]
Non-Residential Parcels	$274.47 per acre or fraction thereof

[1] Actual levy amount is rounded down to the nearest even cent for County tax submittal purposes.

The delinquency rate for the District was 0.74% for Fiscal Year 2021/21. With the City's authorization, NBS sent reminder and demand letters to delinquent property owners to encourage the immediate payment of delinquent property tax bills.

2. 2021/22 LEVY

2.1. Special Tax Spread

All taxable parcels within the District were levied at 100% of their respective Maximum Special Tax rate for Fiscal Year 2021/22. The details of the Special Tax, spread amongst the 4,305 parcels within the District, are as follows:

Parcel Classification	Parcel Count	Maximum Rate [1]	Levy Rate [2]	Total Maximum Special Tax	Total Amount Levied [3]
Residential [4]	4,046	$274.47	$274.46	$1,110,505.62	$1,110,465.16
Non-Residential [5]	60	274.47	274.47	94,417.68	94,417.68
Exempt	199	0.00	0.00	0.00	0.00
Total	**4,305**			**$1,204,923.30**	**$1,204,882.84**

(1) For residential parcels, the actual levy amount is rounded down to the nearest even cent for County tax submittal purposes.
(2) For residential parcels, the levy rate has been rounded down to the nearest even cent to reflect the actual amount levied on the tax bills.
(3) Includes a rounding adjustment for County tax submittal purposes.
(4) Per the Rate and Method of Apportionment, the maximum special tax for residential parcels is calculated on a per parcel basis.
(5) Per the Rate and Method of Apportionment, the maximum special tax for non-residential parcels is calculated per acre or fraction thereof.

The table below shows the Fiscal Year 2020/21 Maximum Special Tax for the District:

Parcel Classification	Parcel Count	Maximum Rate [1]	Levy Rate [2]	Total Maximum Special Tax	Total Amount Levied [3]
Residential [4]	4,046	$266.47	$266.46	$1,078,137.62	$1,078,097.16
Non-Residential [5]	60	266.47	266.47	91,667.66	91,667.18
Exempt	199	0.00	0.00	0.00	0.00
Total	**4,305**			**$1,169,805.28**	**$1,169,764.34**

(1) For residential parcels, the actual levy amount is rounded down to the nearest even cent for County tax submittal purposes.
(2) For residential parcels, the levy rate has been rounded down to the nearest even cent to reflect the actual amount levied on the tax bills.
(3) Includes a rounding adjustment for County tax submittal purposes.
(4) Per the Rate and Method of Apportionment, the maximum special tax for residential parcels is calculated on a per parcel basis.
(5) Per the Rate and Method of Apportionment, the maximum special tax for non-residential parcels is calculated per acre or fraction thereof.

Section 4 of this report contains details of the Special Tax Formula.

3. DELINQUENCY MANAGEMENT

3.1. Delinquency Summary

The following table shows the Fiscal Year 2020/21 delinquency rate for the District:

Levy	Delinquencies	Delinquency Rate	Delinquency Management Steps Taken
$1,169,764.30	$8,659.95	0.74%	Reminder and Demand Letters Sent

NBS monitors the delinquency rate and reviews the delinquency situation after each payment date. With the City's authorization, NBS sent reminder and demand letters to delinquent property owners to encourage the immediate payment of delinquent property tax bills.

Please refer to section 6 of this report for a delinquency detail report for the District.

3.2. Delinquency Summary Report

The following pages summarize delinquencies for the 2020/21 and prior fiscal years.

City of Clayton

Delinquency Summary Report

As of: 06/09/2021

District	Due Date	Billed Amount	Paid Amount	Delinquent Amount	Delinquent Amount %	Billed Installments	Paid Installments	Delinquent Installments	Delinquent Installments %
CFD 2007-1 - CFD 2007-1 Citywide Landscaping Tax									
	08/01/2007 Billing:								
	12/10/2007	$430,512.48	$430,512.48	$0.00	0.00%	4,071	4,071	0	0.00%
	04/10/2008	$430,512.48	$430,512.48	$0.00	0.00%	4,071	4,071	0	0.00%
	Subtotal:	**$861,024.96**	**$861,024.96**	**$0.00**	**0.00%**	**8,142**	**8,142**	**0**	**0.00%**
	08/01/2008 Billing:								
	12/10/2008	$443,649.10	$443,649.10	$0.00	0.00%	4,078	4,078	0	0.00%
	04/10/2009	$443,649.10	$443,649.10	$0.00	0.00%	4,078	4,078	0	0.00%
	Subtotal:	**$887,298.20**	**$887,298.20**	**$0.00**	**0.00%**	**8,156**	**8,156**	**0**	**0.00%**
	08/01/2009 Billing:								
	12/10/2009	$447,607.48	$447,607.48	$0.00	0.00%	4,102	4,102	0	0.00%
	04/10/2010	$447,607.48	$447,607.48	$0.00	0.00%	4,102	4,102	0	0.00%
	Subtotal:	**$895,214.96**	**$895,214.96**	**$0.00**	**0.00%**	**8,204**	**8,204**	**0**	**0.00%**
	08/01/2010 Billing:								
	12/10/2010	$455,285.26	$455,285.26	$0.00	0.00%	4,102	4,102	0	0.00%
	04/10/2011	$455,285.26	$455,285.26	$0.00	0.00%	4,102	4,102	0	0.00%
	Subtotal:	**$910,570.52**	**$910,570.52**	**$0.00**	**0.00%**	**8,204**	**8,204**	**0**	**0.00%**
	08/01/2011 Billing:								
	12/10/2011	$467,925.19	$467,925.19	$0.00	0.00%	4,100	4,100	0	0.00%
	04/10/2012	$467,925.19	$467,925.19	$0.00	0.00%	4,100	4,100	0	0.00%
	Subtotal:	**$935,850.38**	**$935,850.38**	**$0.00**	**0.00%**	**8,200**	**8,200**	**0**	**0.00%**
	08/01/2012 Billing:								
	12/10/2012	$477,658.91	$477,549.98	$108.93	0.02%	4,100	4,099	1	0.02%
	04/10/2013	$477,658.91	$477,549.98	$108.93	0.02%	4,100	4,099	1	0.02%
	Subtotal:	**$955,317.82**	**$955,099.96**	**$217.86**	**0.02%**	**8,200**	**8,198**	**2**	**0.02%**
	08/01/2013 Billing:								
	12/10/2013	$489,017.21	$488,905.69	$111.52	0.02%	4,100	4,099	1	0.02%
	04/10/2014	$489,017.21	$488,905.69	$111.52	0.02%	4,100	4,099	1	0.02%
	Subtotal:	**$978,034.42**	**$977,811.38**	**$223.04**	**0.02%**	**8,200**	**8,198**	**2**	**0.02%**

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City of Clayton

Delinquency Summary Report

As of: 06/09/2021

District	Due Date	Billed Amount	Paid Amount	Delinquent Amount	Delinquent Amount %	Billed Installments	Paid Installments	Delinquent Installments	Delinquent Installments %
CFD 2007-1 - CFD 2007-1 Citywide Landscaping Tax									
	08/01/2014 Billing:								
	12/10/2014	$502,654.17	$502,424.91	$229.26	0.05%	4,100	4,098	2	0.05%
	04/10/2015	$502,654.17	$502,424.91	$229.26	0.05%	4,100	4,098	2	0.05%
	Subtotal:	**$1,005,308.34**	**$1,004,849.82**	**$458.52**	**0.05%**	**8,200**	**8,196**	**4**	**0.05%**
	08/01/2015 Billing:								
	12/10/2015	$514,771.75	$514,654.33	$117.42	0.02%	4,100	4,099	1	0.02%
	04/10/2016	$514,771.75	$514,536.91	$234.84	0.05%	4,100	4,098	2	0.05%
	Subtotal:	**$1,029,543.50**	**$1,029,191.24**	**$352.26**	**0.03%**	**8,200**	**8,197**	**3**	**0.04%**
	08/01/2016 Billing:								
	12/10/2016	$528,666.56	$528,545.97	$120.59	0.02%	4,100	4,099	1	0.02%
	04/10/2017	$528,666.56	$528,304.79	$361.77	0.07%	4,100	4,097	3	0.07%
	Subtotal:	**$1,057,333.12**	**$1,056,850.76**	**$482.36**	**0.05%**	**8,200**	**8,196**	**4**	**0.05%**
	08/01/2017 Billing:								
	12/10/2017	$544,536.80	$544,536.80	$0.00	0.00%	4,100	4,100	0	0.00%
	04/10/2018	$544,536.80	$544,288.38	$248.42	0.05%	4,100	4,098	2	0.05%
	Subtotal:	**$1,089,073.60**	**$1,088,825.18**	**$248.42**	**0.02%**	**8,200**	**8,198**	**2**	**0.02%**
	08/01/2018 Billing:								
	12/10/2018	$560,868.86	$560,740.93	$127.93	0.02%	4,106	4,105	1	0.02%
	04/10/2019	$560,868.86	$560,613.00	$255.86	0.05%	4,106	4,104	2	0.05%
	Subtotal:	**$1,121,737.72**	**$1,121,353.93**	**$383.79**	**0.03%**	**8,212**	**8,209**	**3**	**0.04%**
	08/01/2019 Billing:								
	12/10/2019	$578,471.84	$577,812.99	$658.85	0.11%	4,106	4,101	5	0.12%
	04/10/2020	$578,471.84	$577,417.68	$1,054.16	0.18%	4,106	4,098	8	0.19%
	Subtotal:	**$1,156,943.68**	**$1,155,230.67**	**$1,713.01**	**0.15%**	**8,212**	**8,199**	**13**	**0.16%**
	08/01/2020 Billing:								
	12/10/2020	$584,882.17	$583,150.18	$1,731.99	0.30%	4,106	4,093	13	0.32%
	04/10/2021	$584,882.17	$577,954.21	$6,927.96	1.18%	4,106	4,054	52	1.27%
	Subtotal:	**$1,169,764.34**	**$1,161,104.39**	**$8,659.95**	**0.74%**	**8,212**	**8,147**	**65**	**0.79%**

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City of Clayton

Delinquency Summary Report

As of: 06/09/2021

District	Due Date	Billed Amount	Paid Amount	Delinquent Amount	Delinquent Amount %	Billed Installments	Paid Installments	Delinquent Installments	Delinquent Installments %
CFD 2007-1 - CFD 2007-1 Citywide Landscaping Tax									
CFD 2007-1	Total:	$14,053,015.56	$14,040,276.35	$12,739.21	0.09%	114,742	114,644	98	0.09%
Agency Grand Total:		$14,053,015.56	$14,040,276.35	$12,739.21	0.09%	114,742	114,644	98	0.09%

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4. RATE AND METHOD OF APPORTIONMENT

4.1. Method of Apportionment

A Special Tax will be levied annually on each taxable parcel of land within the District and collected in the same manner as ordinary ad-valorem property taxes or in such manner as the City Council or its designee shall determine, including City-originated billing of the affected property owners.

4.2. Definitions

Taxable Parcels - Parcels of land within the boundaries of the District that are not included in the "Exempt Parcel" category listed below.

Exempt Parcels - Parcels of land owned by a public agency, right-of-way parcels, schools, hospitals, cemeteries, mortuaries, libraries, parks, mineral rights, private roads, pipelines, public parking facilities and common areas.

Residential Parcels - Taxable Parcels of land that are classified as single-family, condominium, townhouse, multi-family or rural residential parcels.

Non-residential Parcels - Taxable Parcels that are not classified as "Residential Parcels."

Special Tax - The Special Tax allowed to be levied on a property within the District, calculated pursuant to the Rate and Method of Apportionment of Special Tax.

4.3. Special Tax Formula

Residential Parcels - An annual Special Tax will be levied on all Residential Parcels, as defined above, at the per parcel tax rate for each Fiscal Year 2007/08 through 2026/27. The annual Special Tax Rate approved for Fiscal Year 2007/08 was $196.77 per parcel.

Non-residential Parcels - An annual Special Tax will be levied on all Non-residential Parcels, as defined above, at the per acre rate for each Fiscal Year 2007/08 through 2026/27. The annual Special Tax Rate approved for Fiscal Year 2007/08 was $196.77 per acre or fraction thereof.

4.4. Special Tax Escalator Factor

In Fiscal Years 2008/09 through 2026/27, the Special Annual Tax rate may be increased annually by the City of Clayton City Council in an amount not to exceed the full annual adjustment (April to April) in the Consumer Price Index – All Urban Consumers, San Francisco-Oakland-Hayward, CA Area (Base Period 1982-84 = 100) (the "CPI increase"). This escalation factor is applicable if determined by the City to be necessary due to expected or actual increases in the operational and maintenance expenses attributable to the District. Such determination shall be made by action of the City of Clayton City Council, which must occur at a regular public meeting thereof accompanied by a prior recommendation of the citizens' Trails and Landscaping Committee established by the City Council in February 2006 (City Resolution No. 08-2006). In no event shall each annual Special Tax rate in any fiscal year increase by more than three percent (3%) over the previous year.

The Special Tax Escalation Factor for Fiscal Year 2021/22 is 3.00%.

4.5. Duration of Special Tax Levy

Per Measure B, the Special Tax will be levied annually for a period of ten (10) years commencing with Fiscal Year 2007/08 through and including Fiscal Year 2016/17. Per Measure H, the Special Tax with the same rate methodology was extended for ten (10) years commencing with Fiscal Year 2017/18 through and including Fiscal Year 2026/27. After Fiscal Year 2026/27 the Special Tax may no longer be collected unless extended pursuant to applicable laws, except that a Special Tax that was lawfully levied in or before the final tax year and that remains delinquent may be collected in subsequent years.

4.6. Relationship to Special Tax of Community Facilities District 1997-1

The District was created to replace Community Facilities District 1997-1 as the new district to levy an annual Special Tax for Citywide Landscape Maintenance purposes for a duration of 10 years, until Measure H extended the total duration to 20 years. The Community Facilities District 1997-1 had a maturity date of June 30, 2007. In order to continue landscaping maintenance for the City of Clayton, the City has adopted and approved Resolution 06-2007 on February 20, 2007.

5. BACKGROUND INFORMATION

5.1. Definitions

Maintenance - the furnishing of services and materials for the ordinary and usual operation, maintenance and care of the public landscaping and appurtenant facilities, including repair, removal or replacement of all or part of any landscaping and appurtenant facilities providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid wastes; and the eradication of landscape pests, including but not limited to vermin and rodents, ground squirrels, gophers, moles and wild pig. Maintenance also includes the furnishing of water for irrigation of the public landscaping, and the supply of electricity to operate the attendant irrigation systems.

The foregoing services shall be provided through and by the City of Clayton, either with its own labor forces or by contract with third parties, or any combination thereof, as determined solely by the City of Clayton.

Costs - the costs and expenses directly or indirectly incurred by the City of Clayton in connection with the Maintenance described above. Allowable Costs payable from special taxes of the District also include the County's imposed costs to levy and collect the District's special taxes through the annual property tax bill, the City's shared equipment and facilities charges, City prorated overhead charges to administer and manage the District and collect the special taxes and District reserve funds for replacement and major repairs.

5.2. Project Description

The services to be financed by the District shall include the maintenance of the following.

Public Roadway Landscaping which includes but is not limited to the following improved rights-of-way:

- **Atchinson Stage Road** - from Pine Hollow Road to Caulfield Drive
- **Black Point Place** - center median island
- **Caulfield Court** - center median island
- **Center Street** - from Oak Street to Clayton Road
- **Clayton Road** - from the western city limits to the southern Marsh Creek Road intersection
- **Cul-de-sacs** - landscaped areas at the end of Ahwanee Lane, Wawona Court, Tuyshtak Court, Antelope Court, Obsidian Court, Blue Oak Lane, Falcon Place, Windmill Canyon Place, Hummingbird Place, Raven Place, and Golden Eagle Place
- **Diablo Parkway -** from Marsh Creek Road to El Portal Drive
- **Eagle Peak Avenue -** from the east intersection with Oakhurst Drive to just west of the Ohlone Heights intersection, and including the west intersection with Oakhurst Drive
- **Indianhead Way -** entrance area at Oakhurst Drive

- **Indian Wells Way** - both entrance areas with Oakhurst Drive, and center medians up to Anizume Court and Jalalon Place
- **Jeffry Ranch Court** - center median island
- **Keller Ridge Drive** - to Golden Eagle Place intersection
- **Lydia Lane** - from intersection of Clayton Road to Lydia Lane Park
- **Main Street** - from Clayton Road to (old) Marsh Creek Road
- **Marsh Creek Road** - from the northern intersection of (old) Marsh Creek Road to the eastern city limits
- **Oakhurst Drive** - from the western city limits to Clayton Road intersection
- **Peacock Creek Drive** - from Clayton Road to approximately the Pebble Beach Drive intersection
- **Pine Hollow Road** - from Atchinson Stage Road to Panadero Way
- **Regency Drive** - median entrance from Marsh Creek Road
- **So. Mitchell Canyon Road** - from approx. Del Trigo Lane to Herriman Court intersection

Open Space and Trails which include but are not limited to: publicly-owned creek-side, intra-community and open space trails located within the boundaries of the District.

Clayton Fountain which includes but is not limited to: maintenance to the fountain itself, rock structure and all attendant appurtenances, including the geyser and water pump system as well as the surrounding public landscaped area located at east side of the intersection of Oakhurst Drive, Center Street and Clayton Road.

5.3. Resolution

The resolution authorizing the levy of the special tax is currently being considered by the City Council.

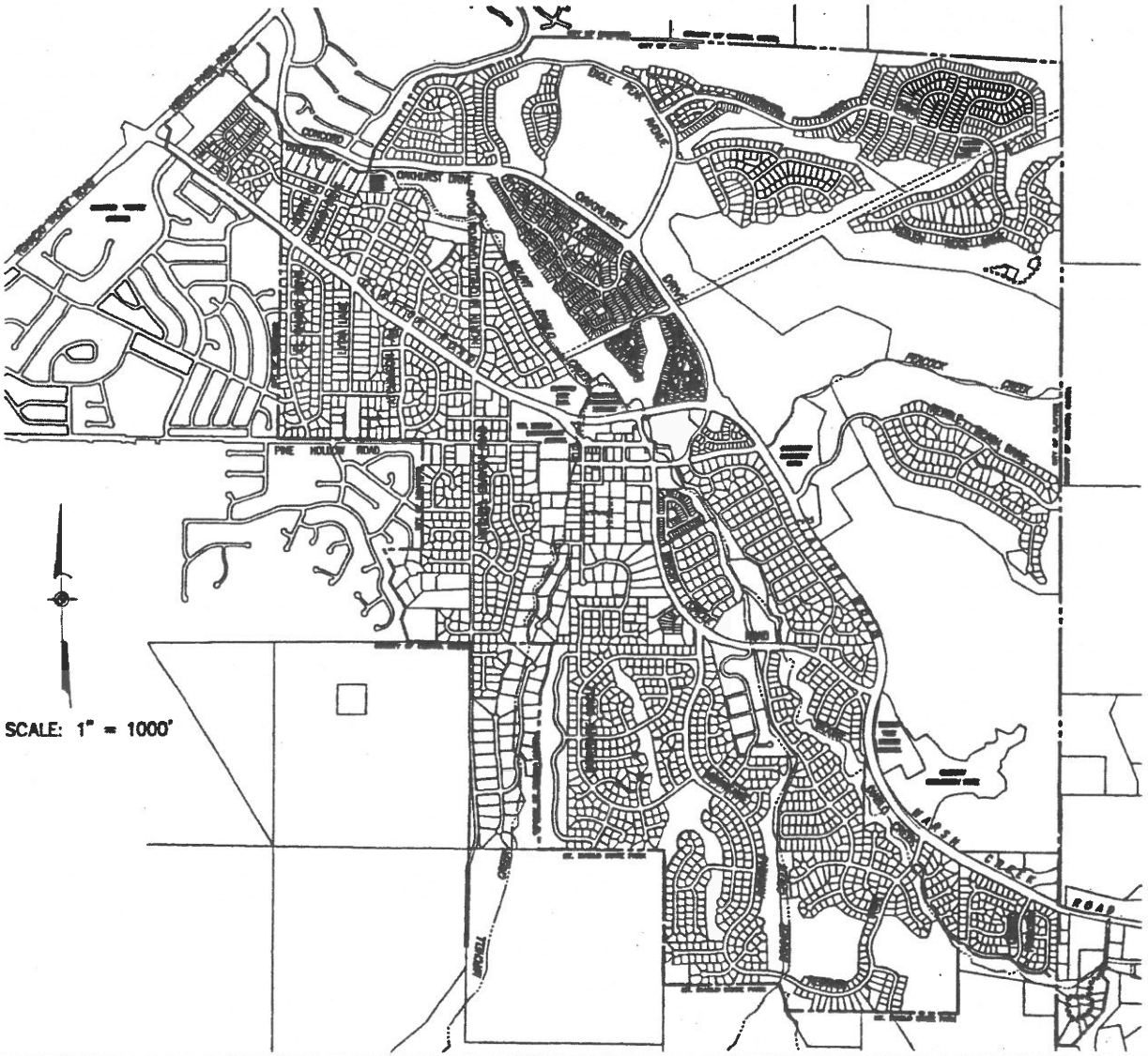
5.4. Boundary Map

The following page shows the boundaries of the District.

PROPOSED BOUNDARIES OF

COMMUNITY FACILITIES DISTRICT NO. 2007-1
(CITYWIDE LANDSCAPE MAINTENANCE DISTRICT)

CITY OF CLAYTON, COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



CITY RECORDER'S STATEMENT:

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CLAYTON, THIS 4th DAY OF January, 2007.

BY: Lori J. Jackson
CITY CLERK
CITY OF CLAYTON

CITY CLERK'S STATEMENT:

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NUMBER 2007-1 IN THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON AT A REGULAR MEETING THEREOF, HELD ON THE 16th DAY OF January, 2007, BY ITS RESOLUTION NO. 04-2007

BY: Lori J. Jackson
CITY CLERK
CITY OF CLAYTON

RECORDER'S CERTIFICATE:

FILED THIS 23rd DAY OF January 2007, AT THE HOUR OF 2:04 O'CLOCK P.M. IN BOOK 81 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 15, AND AS INSTRUMENT NUMBER 07-22014 IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

BY: STEPHEN L. WEIR
COUNTY RECORDER
COUNTY OF CONTRA COSTA

BY: [signature]
DEPUTY COUNTY RECORDER

LEGEND

CITY LIMIT LINE AND COMMUNITY FACILITY DISTRICT BOUNDARY

1-23-07 2:04 PM 81-15

6. DELINQUENCY DETAIL

The following pages detail delinquencies for the 2020/21 and prior fiscal years.

City of Clayton

Delinquency Detail Report

Late Charges Calculated Through: 06/09/2021

Account ID	Owner	Due Date	Amount	Penalties	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
CFD 2007-1 - CFD 2007-1 Citywide Landscaping Tax								
118-082-005	JUBEAULT CHRISTIAN & DIANE TRE 5909 CARDINET DR CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
118-164-006	LAURICELLA MICHAEL & JENNIFER 1501 TARA CT CLAYTON, CA 94517	12/10/2020	133.23	13.32	0.00	146.55		
		04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$266.46**	**$26.64**	**$0.00**	**$293.10**		
118-222-011	HENDRICK IVAN L & CHRISALEE C PO BOX 860 CLAYTON, CA 94517	12/10/2018	127.93	58.85	0.00	186.78	RL,DL	
		04/10/2019	127.93	58.85	0.00	186.78	RL,DL	
		12/10/2019	131.77	36.90	0.00	168.67	RL,DL	
		04/10/2020	131.77	36.90	0.00	168.67	RL,DL	
		12/10/2020	133.23	13.32	0.00	146.55	DL	
		04/10/2021	133.23	13.32	0.00	146.55	DL	
		Account Subtotal:	**$785.86**	**$218.14**	**$0.00**	**$1,004.00**		
118-322-008	NEMON ALEC H 5615 OHMAN PL CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
118-382-008	GOZA DENNIS MICHAEL & HEATHER 1856 EAGLE PEAK AVE CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
118-402-003	TEETERS JULIE D 1739 INDIAN WELLS WAY CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		

(1) Fees: This amount excludes Delinquency Management fees that were or will be collected in a subsequent billing.

(2) Delinquency Management (DM): RL=Reminder Letter Sent; DL=Demand Letter Sent; SR=Tax Roll Removal Requested; SC=Tax Roll Removal Confirmed; FL=Foreclosure Letter Sent; OL=Other Letter Sent; FI=Judicial Foreclosure Initiated; CP=County Payment Plan; FH=Judicial Forecloseure on Hold/Special Case; FC=Foreclosure Complete; LIT=Litigation Guarantee; LGL=Legal Fees and Costs; O=Other Fees; SO=Tax Roll Removal County Fee; PP=Payment Plan.

(3) Miscellaneous Codes: DB=Direct Bill Sent; BK=Declared Bankruptcy; PM=Partial Payment made, remainder delinquent.

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City of Clayton

Delinquency Detail Report

Late Charges Calculated Through: 06/09/2021

Account ID	Owner	Due Date	Amount	Penalties	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
CFD 2007-1 - CFD 2007-1 Citywide Landscaping Tax								
118-402-008	MEJIA JOSE M & MARIA VICTORIA 1749 INDIAN WELLS WAY CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
118-410-090	MOYLAN JAMES F JR	12/10/2019	131.77	36.90	0.00	168.67		
	1336 SHELL LN	04/10/2020	131.77	36.90	0.00	168.67		
	CLAYTON, CA 94517	12/10/2020	133.23	13.32	0.00	146.55		
		04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$530.00**	**$100.44**	**$0.00**	**$630.44**		
118-410-104	BILLO WILLIAM F & YVONNE R TRE	12/10/2020	133.23	13.32	0.00	146.55		
	1368 SHELL LN CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$266.46**	**$26.64**	**$0.00**	**$293.10**		
118-424-010	PHILLIPS LLOYD P & LATIKA K 401 WAWONA LN CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
118-424-014	FASSIL ABEY TRE & TAKKELE HIYWOT 3042 MIWOK WAY CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
118-441-006	ZAFARI NAJIBULLAH 5111 KELLER RIDGE DR CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		

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City of Clayton

Delinquency Detail Report

Late Charges Calculated Through: 06/09/2021

Account ID	Owner	Due Date	Amount	Penalties	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
CFD 2007-1 - CFD 2007-1 Citywide Landscaping Tax								
118-460-005	KHAN FAROOQ H 608 JULPUN LOOP CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
118-460-042	KAVANAUGH LAWRENCE JAMES 809 CHERT PL CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
118-460-069	MALTBIE JOAN C TRE 1725 INDIAN WELLS WAY CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
118-470-012	EISEMAN JENNIFER 1221 BUCKEYE TER CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
118-470-030	ZABEL IRENE L 1220 BUCKEYE TER CLAYTON, CA 94517	12/10/2020 04/10/2021	133.23 133.23	13.32 13.32	0.00 0.00	146.55 146.55		
		Account Subtotal:	**$266.46**	**$26.64**	**$0.00**	**$293.10**		
118-470-064	KIM BENITA M 1003 FEATHER CIR CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
118-470-118	AMARJARGAL RAGCHAA 1023 FEATHER CIR CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		

(1) Fees: This amount excludes Delinquency Management fees that were or will be collected in a subsequent billing.

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City of Clayton

Delinquency Detail Report

Late Charges Calculated Through: 06/09/2021

Account ID	Owner	Due Date	Amount	Penalties	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
CFD 2007-1 - CFD 2007-1 Citywide Landscaping Tax								
118-490-007	AYALA RAYMUNDO 1032 PEBBLE BEACH DR CLAYTON, CA 94517	12/10/2020	133.23	13.32	0.00	146.55		
		04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$266.46**	**$26.64**	**$0.00**	**$293.10**		
118-510-001	KENNEDY WILLIAM P TRE 1134 PEACOCK CREEK DR CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
118-510-031	LALLY KENNETH & KIM 163 SILVERADO CT CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
118-550-008	DAREZZO GREGORY T TRE 503 RAVEN PL CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
118-560-011	LEGALLET JOE TRE KNOWLEDGE LEARNING CROP/TAX PO BOX 6760 PORTLAND, OR 97228	04/10/2021	133.23	13.32	0.00	146.55	DL	
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
118-570-031	GALLAGHER DAVID B & CORINNE L 64 ANTELOPE CT CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
118-580-023	KENDALL SUSAN LOWE TRE 5035 KELLER RIDGE DR CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		

(1) Fees: This amount excludes Delinquency Management fees that were or will be collected in a subsequent billing.

(2) Delinquency Management (DM): RL=Reminder Letter Sent; DL=Demand Letter Sent; SR=Tax Roll Removal Requested; SC=Tax Roll Removal Confirmed; FL=Foreclosure Letter Sent; OL=Other Letter Sent; FI=Judicial Foreclosure Initiated; CP=County Payment Plan; FH=Judicial Foreclosure on Hold/Special Case; FC=Foreclosure Complete; LIT=Litigation Guarantee; LGL=Legal Fees and Costs; O=Other Fees; SO=Tax Roll Removal County Fee; PP=Payment Plan.

(3) Miscellaneous Codes: DB=Direct Bill Sent; BK=Declared Bankruptcy; PM=Partial Payment made, remainder delinquent.

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City of Clayton

Delinquency Detail Report

Late Charges Calculated Through: 06/09/2021

Account ID	Owner	Due Date	Amount	Penalties	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
CFD 2007-1 - CFD 2007-1 Citywide Landscaping Tax								
118-640-019	ELGAZZAR ANDREW JASON TRE 721 ACORN DR CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
118-660-032	JOFRE ANTONIO R TRE	12/10/2020	133.23	13.32	0.00	146.55		
	3201 COYOTE CIR CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$266.46**	**$26.64**	**$0.00**	**$293.10**		
118-670-011	APRIL STEVEN K TRE 8032 KELOK WAY CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
118-700-010	ROGAN JOHN J & JILL M 1220 BRIDLEWOOD CT CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
119-021-065	PACIFIC TELEPHONE & TELEGRAPH 1 MONTGOMERY ST #412 SAN FRANCISCO, CA 94104	04/10/2021	133.23	13.32	0.00	146.55	DL	
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
119-022-001	MATHEWS JOHN W EST OF	04/10/2020	131.77	36.90	0.00	168.67	DL	
	C/O: VIOLET CHURCHILL	12/10/2020	133.23	13.32	0.00	146.55		
	11507 SILVERGATE DR DUBLIN, CA 94568	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$398.23**	**$63.54**	**$0.00**	**$461.77**		

(1) Fees: This amount excludes Delinquency Management fees that were or will be collected in a subsequent billing.

(2) Delinquency Management (DM): RL=Reminder Letter Sent; DL=Demand Letter Sent; SR=Tax Roll Removal Requested; SC=Tax Roll Removal Confirmed; FL=Foreclosure Letter Sent; OL=Other Letter Sent; FI=Judicial Foreclosure Initiated; CP=County Payment Plan; FH=Judicial Foreclosure on Hold/Special Case; FC=Foreclosure Complete; LIT=Litigation Guarantee; LGL=Legal Fees and Costs; O=Other Fees; SO=Tax Roll Removal County Fee; PP=Payment Plan.

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City of Clayton

Delinquency Detail Report

Late Charges Calculated Through: 06/09/2021

Account ID	Owner	Due Date	Amount	Penalties	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
CFD 2007-1 - CFD 2007-1 Citywide Landscaping Tax								
119-022-008	HUGHES ANTONIA M TRE 641 WINTERGREEN LN WALNUT CREEK, CA 94598	12/10/2020 04/10/2021	133.23 133.23	13.32 13.32	0.00 0.00	146.55 146.55		
		Account Subtotal:	**$266.46**	**$26.64**	**$0.00**	**$293.10**		
119-111-004	CULLEN JOHN J III & LYNN O 6 KENSTON CT CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
119-111-006	TALMADGE DANNIE P 997 KENSTON DR CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
119-153-005	GALLETTI ANTHONY & ALONA 336 MT WASHINGTON WAY CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
119-232-039	MORGAN NAOMI L TRE PO BOX 951 CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
119-241-004	ANDERSON SHARON LORINE & SMITH DOUGLAS W 4 DONNER CREEK CT CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		

(1) Fees: This amount excludes Delinquency Management fees that were or will be collected in a subsequent billing.

(2) Delinquency Management (DM): RL=Reminder Letter Sent; DL=Demand Letter Sent; SR=Tax Roll Removal Requested; SC=Tax Roll Removal Confirmed; FL=Foreclosure Letter Sent; OL=Other Letter Sent; FI=Judicial Foreclosure Initiated; CP=County Payment Plan; FH=Judicial Forecloseure on Hold/Special Case; FC=Foreclosure Complete; LIT=Litigation Guarantee; LGL=Legal Fees and Costs; O=Other Fees; SO=Tax Roll Removal County Fee; PP=Payment Plan.

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City of Clayton

Delinquency Detail Report

Late Charges Calculated Through: 06/09/2021

Account ID	Owner	Due Date	Amount	Penalties	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
CFD 2007-1 - CFD 2007-1 Citywide Landscaping Tax								
119-242-028	GIN MONIQUE	04/10/2020	131.77	36.90	0.00	168.67		
	127 10TH AVE SAN FRANCISCO, CA 94118	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$265.00**	**$50.22**	**$0.00**	**$315.22**		
119-242-033	NIELSEN JAN C EST OF BERT NIELSEN PO BOX 467 ROCKFORD, MN 55373	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
119-301-017	BIGOTT MIGUEL & BENAVIDES DUBRASKA 582 MT DELL DR CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
119-312-013	ROGAN JOHN P & IACINI AMBER L 121 MT ETNA DR CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
119-331-013	DUFFY THOMAS & KRISTIE 26 LONDON CT CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
119-352-010	BLAKELY PATRICIA G TRE 116 REGENCY DR CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
119-392-026	LEVY AARON M TRE & DELCARLO-LEVY RACHEL 159 MT VERNON DR CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		

(1) Fees: This amount excludes Delinquency Management fees that were or will be collected in a subsequent billing.

(2) Delinquency Management (DM): RL=Reminder Letter Sent; DL=Demand Letter Sent; SR=Tax Roll Removal Requested; SC=Tax Roll Removal Confirmed; FL=Foreclosure Letter Sent; OL=Other Letter Sent; FI=Judicial Foreclosure Initiated; CP=County Payment Plan; FH=Judicial Forecloseure on Hold/Special Case; FC=Foreclosure Complete; LIT=Litigation Guarantee; LGL=Legal Fees and Costs; O=Other Fees; SO=Tax Roll Removal County Fee; PP=Payment Plan.

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City of Clayton

Delinquency Detail Report

Late Charges Calculated Through: 06/09/2021

Account ID	Owner	Due Date	Amount	Penalties	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
CFD 2007-1 - CFD 2007-1 Citywide Landscaping Tax								
119-462-007	YOUNG JOHN THOMAS & MARGARET A 781 BLOCHING CIR CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
119-472-001	MALHI MANJOT SINGH 208 EL MOLINO DR CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
119-530-004	ROBINSON ANNETTE D 814 SAVIGNON CT CLAYTON, CA 94517	04/10/2021	133.23	13.32	0.00	146.55		
		Account Subtotal:	**$133.23**	**$13.32**	**$0.00**	**$146.55**		
119-530-006	CASTANEDA JUAN F TRE	12/10/2014	114.63	135.26	0.00	249.89	RL,DL	
	826 SAVIGNON CT	04/10/2015	114.63	135.26	0.00	249.89	RL,DL	
	CLAYTON, CA 94517	04/10/2016	117.42	117.42	0.00	234.84	RL,DL	
		04/10/2017	120.59	98.88	0.00	219.47	DL	
		Account Subtotal:	**$467.27**	**$486.82**	**$0.00**	**$954.09**		
119-573-014	SANCHEZ JOSEPH S & JUDY RENE	12/10/2020	133.23	13.32	0.00	146.55		
	PO BOX 1100	04/10/2021	133.23	13.32	0.00	146.55		
	CLAYTON, CA 94517							
		Account Subtotal:	**$266.46**	**$26.64**	**$0.00**	**$293.10**		

(1) Fees: This amount excludes Delinquency Management fees that were or will be collected in a subsequent billing.

(2) Delinquency Management (DM): RL=Reminder Letter Sent; DL=Demand Letter Sent; SR=Tax Roll Removal Requested; SC=Tax Roll Removal Confirmed; FL=Foreclosure Letter Sent; OL=Other Letter Sent; FI=Judicial Foreclosure Initiated; CP=County Payment Plan; FH=Judicial Foreclosure on Hold/Special Case; FC=Foreclosure Complete; LIT=Litigation Guarantee; LGL=Legal Fees and Costs; O=Other Fees; SO=Tax Roll Removal County Fee; PP=Payment Plan.

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City of Clayton

Delinquency Detail Report

Late Charges Calculated Through: 06/09/2021

Account ID	Owner	Due Date	Amount	Penalties	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
CFD 2007-1 - CFD 2007-1 Citywide Landscaping Tax								
120-013-002	HARE DAVID M TRE	12/10/2012	108.93	167.75	0.00	276.68	RL,DL	
	5832 FOUR OAKS LN	04/10/2013	108.93	167.75	0.00	276.68	RL,DL	
	CLAYTON, CA 94517	12/10/2013	111.52	151.67	0.00	263.19	RL,DL	
		04/10/2014	111.52	151.67	0.00	263.19	RL,DL	
		12/10/2014	114.63	135.26	0.00	249.89	RL,DL	
		04/10/2015	114.63	135.26	0.00	249.89	DL	
		12/10/2015	117.42	117.42	0.00	234.84	DL	
		04/10/2016	117.42	117.42	0.00	234.84	DL	
		12/10/2016	120.59	98.88	0.00	219.47	DL	
		04/10/2017	120.59	98.88	0.00	219.47	DL	
		04/10/2018	124.21	79.49	0.00	203.70	DL	
		Account Subtotal:	**$1,270.39**	**$1,421.45**	**$0.00**	**$2,691.84**		
120-025-004	FRANK JENNIFER TRE	12/10/2019	131.77	36.90	0.00	168.67	RL	
	2329 SILVER CREEK CIR ANTIOCH, CA 94509	04/10/2020	131.77	36.90	0.00	168.67	RL	
		Account Subtotal:	**$263.54**	**$73.80**	**$0.00**	**$337.34**		
120-032-004	TREMAINE RICHARD E & MARY J	04/10/2017	120.59	98.88	0.00	219.47	RL,DL	
	20 NOTTINGHAM CIR	04/10/2018	124.21	79.49	0.00	203.70	DL	
	CLAYTON, CA 94517	04/10/2019	127.93	58.85	0.00	186.78	DL	
		04/10/2020	131.77	36.90	0.00	168.67	DL	
		Account Subtotal:	**$504.50**	**$274.12**	**$0.00**	**$778.62**		
120-104-001	VARGAS JOSEPH C	12/10/2019	131.77	36.90	0.00	168.67	RL,DL	
	5500 ROUNDTREE DR	04/10/2020	131.77	36.90	0.00	168.67	RL,DL	
	CONCORD, CA 94521	12/10/2020	133.23	13.32	0.00	146.55	RL,DL	
		04/10/2021	133.23	13.32	0.00	146.55	DL	
		Account Subtotal:	**$530.00**	**$100.44**	**$0.00**	**$630.44**		

(1) Fees: This amount excludes Delinquency Management fees that were or will be collected in a subsequent billing.

(2) Delinquency Management (DM): RL=Reminder Letter Sent; DL=Demand Letter Sent; SR=Tax Roll Removal Requested; SC=Tax Roll Removal Confirmed; FL=Foreclosure Letter Sent; OL=Other Letter Sent; FI=Judicial Foreclosure Initiated; CP=County Payment Plan; FH=Judicial Forecloseure on Hold/Special Case; FC=Foreclosure Complete; LIT=Litigation Guarantee; LGL=Legal Fees and Costs; O=Other Fees; SO=Tax Roll Removal County Fee; PP=Payment Plan.

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City of Clayton

Delinquency Detail Report

Late Charges Calculated Through: 06/09/2021

Account ID	Owner	Due Date	Amount	Penalties	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
CFD 2007-1 - CFD 2007-1 Citywide Landscaping Tax								
121-090-021	HOELMER LAVON M	12/10/2020	133.23	13.32	0.00	146.55		
	4 HERRIMAN CT	04/10/2021	133.23	13.32	0.00	146.55		
	CLAYTON, CA 94517							
		Account Subtotal:	**$266.46**	**$26.64**	**$0.00**	**$293.10**		
121-170-003	SYLVIA USA LLC	12/10/2019	131.77	36.90	0.00	168.67	RL,DL	
	2836 HALLMARK DR	04/10/2020	131.77	36.90	0.00	168.67	RL,DL	
	BELMONT, CA 94002	12/10/2020	133.23	13.32	0.00	146.55	RL,DL	
		04/10/2021	133.23	13.32	0.00	146.55	DL	
		Account Subtotal:	**$530.00**	**$100.44**	**$0.00**	**$630.44**		
District Totals:	**56 Accounts**		**$12,739.21**	**$3,608.69**	**$0.00**	**$16,347.90**		
Report Totals:	**56 Accounts**		**$12,739.21**	**$3,608.69**	**$0.00**	**$16,347.90**		

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7. 2021/22 SPECIAL TAX ROLL

The following pages show the 2021/22 Special Tax Roll for the District.

2021/2022 SPECIAL TAX ROLE
Summary

CFD 2007-1 Citywide Landscape Maintenance District
Special Tax

For fiscal year 2021/22 the assessor's parcel numbers and the special tax amounts are as set forth in the Community Facilities District No.2007-1 (Citywide Landscape Maintenance) Preliminary Billing Levy Detail Report for FY 2021/22 is on file and can be reviewed at the City Clerk's office, City Hall, 6000 Heritage Trail, Clayton, CA. Monday through Friday from 9am-5pm.

Due to the length of the report, it is summarized as follows:

In general, all residential parcels, (single family, condo, and townhouse) shall have a rate for FY 21/22 of $274.46 per parcel. All non-residential parcels shall have a rate for FY 21/22 of $274.46 per acre or fraction thereof, based on parcel size as shown on the most recent County tax and parcel records.

There are a total of 4106 parcels to be levied:
There are 4046 residential levies.
There are 60 non-residential levies comprising 362 acres.

$1,110,465.16 est. total revenue from residential
$94,417.68 est. total revenue from non-residential
$1,204,882.84 est. revenue for FY 21/22

laura/summary spec tax roll reso LMD cfd 2007-1 fy 21-22

ORDINANCE NO. 409

AN ORDINANCE LEVYING SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 2007-1 (Citywide Landscape Maintenance)

THE CITY COUNCIL
City of Clayton, California

WHEREAS, on January 16, 2007, the City Council (the "Council") of the City of Clayton (the "City") adopted Resolution No. 04-2007 entitled *"A Resolution of Intention to Establish a Community Facilities District to Fund the Annual Operation and Maintenance of a Citywide Landscape Maintenance District for a Time Period of Ten Years, and to Authorize the Levy of Special Taxes Therein"* (the "Resolution of Intention") stating its intention to establish City of Clayton Community Facilities District No. 2007-1 (Citywide Landscape Maintenance) (the "CFD") pursuant to the Mello-Roos Community Facilities Act of 1962, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"), to finance certain services (the "Services"); and

WHEREAS, notice was published as required by the Act relative to the intention of this City Council to form the CFD and to provide for the Services; and

WHEREAS, on February 20, 2007 this City Council held a noticed public hearing as required by the Act relative to the determination to proceed with the formation of the CFD and the rate and method of apportionment of the special tax to be levied within the CFD to finance the costs of the Services; and

WHEREAS, at said hearing all persons desiring to be heard on all matters pertaining to the formation of the CFD and the levy of said special taxes were heard, substantial evidence was presented and considered by this Council and a full and fair hearing was held; and

WHEREAS, subsequent to the public hearing, on February 20, 2007 this City Council adopted Resolution No. 06-2007 entitled *"A Resolution of Formation of a Community Facilities District(Citywide Landscape Maintenance District) For a Period of Ten Years, and Authorizing the Levy of a Special Tax Therein and Preliminarily Establishing an Appropriations Limit Therefor"* (the "Resolution of Formation"), and also adopted Resolution No. 07-2007 entitled *"A Resolution Calling Special Election in a Community Facilities District,"* which resolutions established the CFD, authorized the levy of a special tax with the CFD, and called an election within the CFD on the proposition of levying a special tax and establishing an appropriations limit within the CFD, respectively; and

ATTACHMENT 4

WHEREAS, the election was held on June 5, 2007 within the CFD in which the eligible registered voters approved the propositions presented by more than the two-thirds vote required by the Act, which approvals were confirmed by Resolution No. - 2007 adopted by this City Council on June 19, 2007.

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

Section 1. Special Tax Authorized. By the passage of this Ordinance this City Council hereby authorizes and levies special taxes within the CFD pursuant to 53328 and 53340 of the Act, at the rates and in accordance with the method of apportionment set forth in Exhibit B to the Resolution of Formation (the "Rate and Method"). The special taxes are hereby levied commencing in fiscal year 2007-08 and in each fiscal year thereafter through fiscal year 2016-17 for the payment of all costs of the Services and payment of all costs of administering the CFD.

Section 2. Collection Official. Following the approval by the City Council of a budget for the CFD for each fiscal year after 2007-08, the City Manager (or his or her designee) (the "Collection Official") is hereby authorized and directed in each fiscal year to determine the specific special tax rate and amount to be levied for the next ensuing fiscal year for each parcel of real property within the CFD, in accordance with such approved budget and in the manner and as provided in the Rate and Method of Apportionment. In the event that this City Council has not adopted a budget for the CFD by July 31 of any year, the budget for that fiscal year shall be the same as the budget for the previous fiscal year.

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

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

Section 5. Collection Method. The special taxes of the CFD shall be collected from time to time as necessary to meet the financial obligations of the CFD on the secured real property tax roll in the same manner as ordinary *ad valorem* taxes are collected. In each fiscal year commencing in the fiscal year 2007-08, the Collection Official is authorized and directed to provide all necessary information to the auditor/tax collector of the County of Contra Costa and to otherwise take all actions necessary in order to effect proper billing and collection of the special tax, so that the special tax shall be levied and collected in sufficient amounts and at the times necessary to satisfy the

financial obligations of the CFD in each fiscal year until the City shall cease to collect ıe special taxes and provision has been made for payment of all of the administrative costs of the CFD.

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

Whether the special taxes are levied in the manner provided in the first or the second preceding paragraph, the special taxes shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes. In addition, the provisions of Section 53356.1 of the Act shall apply to delinquent special tax payments.

Section 6. Partial Invalidity. If for any reason any portion of this ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the CFD, by a Court of competent jurisdiction, the balance of this ordinance and the application of the special tax to the remaining parcels within the CFD shall not be affected.

Section 7. Execution and Posting. The Mayor shall sign this Ordinance and the City Clerk, within fifteen (15) days after its passage, shall cause the same to be posted in three (3) public places as designated by Resolution of the Clayton City Council for the posting of ordinances and public notices.

* * * * * *

The foregoing Ordinance was introduced at a regular public meeting of the City Council of Clayton, California held on the 19th day of June 2007.

PASSED, ADOPTED and ORDERED posted at an adjourned regular public meeting of the City Council of Clayton, California held on 26 day of June 2007, by the following vote:

AYES: Mayor Walcutt, Vice Mayor Manning, Councilmembers Pierce and Stratford

NOES: None

ABSENT: Councilmember Shuey

ABSTAIN: None

THE CITY COUNCIL OF CLAYTON, CA

WILLIAM R. WALCUTT, Mayor

ATTEST:

Laci J. Jackson, City Clerk

APPROVED AS TO FORM:

J. Daniel Adams, City Attorney

APPROVED BY ADMINISTRATION:

Gary A. Napper, City Manager

* * * * *

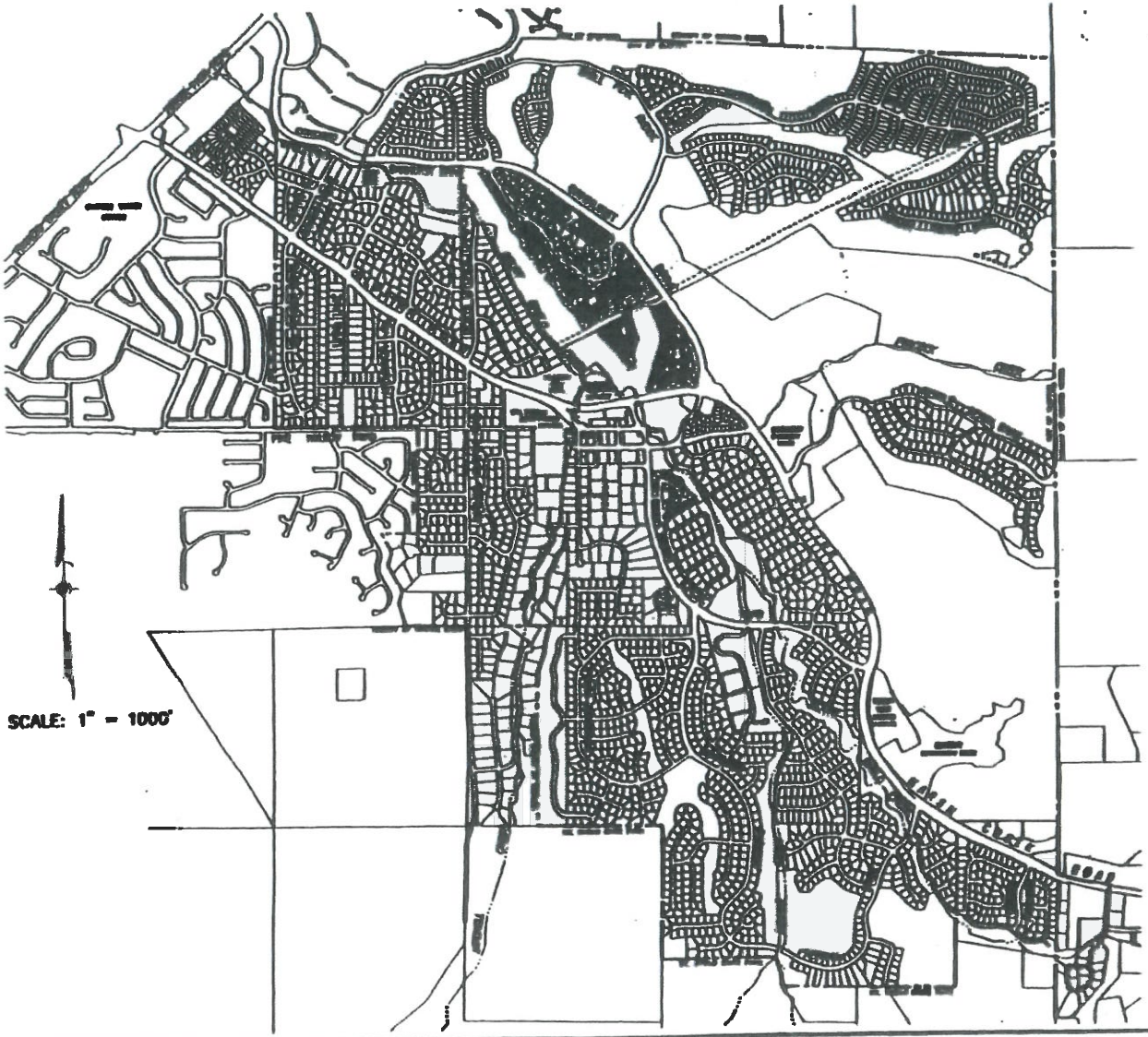
I hereby certify that the foregoing Ordinance was duly introduced at a regular public meeting of the City Council of Clayton, California held on June 19, 2007, and was duly adopted, passed, and ordered posted at an adjourned regular meeting of the City Council held on June 26, 2007.

Laci J. Jackson, City Clerk

BOUNDARIES OF

COMMUNITY FACILITIES DISTRICT NO. 2007-1
(CITYWIDE LANDSCAPE MAINTENANCE DISTRICT)

CITY OF CLAYTON, COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



CITY RECORDER'S STATEMENT:

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CLAYTON, THIS 4th DAY OF January, 2007.

BY: [signature]
CITY CLERK
CITY OF CLAYTON

CITY CLERK'S STATEMENT:

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NUMBER 2007-1 IN THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON AT A REGULAR MEETING THEREOF, HELD ON THE 16th DAY OF January, 2007, BY ITS RESOLUTION NO. 01-2007

BY: [signature]
CITY CLERK
CITY OF CLAYTON

RECORDER'S CERTIFICATE:

FILED THIS 23rd DAY OF January 2007, AT THE HOUR OF 2:04 O'CLOCK P.M. IN BOOK 87 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 15, AND AS INSTRUMENT NUMBER 07-[illegible] IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

BY: STEPHEN L. WEIR
COUNTY RECORDER
COUNTY OF CONTRA COSTA

BY: [signature]
DEPUTY COUNTY RECORDER

LEGEND

CITY LIMIT LINE AND COMMUNITY FACILITY DISTRICT BOUNDARY

1-23-07 2:04 PM 81-15

RESOLUTION NO. 07 -2016

A RESOLUTION OF CONSIDERATION TO EXTEND FOR TEN YEARS THE EXISTING SPECIAL TAX SUBJECT TO THE SAME ADJUSTMENT METHODOLOGY FOR COMMUNITY FACILITIES DISTRICT 2007-1

CITY OF CLAYTON
Community Facilities District 2007-1
(Citywide Landscape Maintenance District)

WHEREAS, the City of Clayton established Community Facilities District 2007-1 ("CFD") within the City of Clayton, authorized the levy of a special tax on real property within the CFD and established an initial appropriations limit for the CFD; and

WHEREAS, the special tax levied within the CFD is set to expire in Fiscal Year 2016/2017; and

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982 ("Act"), Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code, the City Council of the City of Clayton has determined the public convenience and necessity require that an extension of the existing special tax should be proposed within the CFD to extend the existing special tax for ten years, from Fiscal Year 2017/2018 (i.e., beginning July 1, 2017) through Fiscal Year 2026/2027 (i.e., ending June 30, 2027), subject to the same adjustment methodology and that it should, therefore, adopt a Resolution of Consideration pursuant to Sections 53331 and 53334 of the Act to initiate proceedings for the consideration of such special tax levy; and

WHEREAS, the City Council wishes to schedule a public hearing on such proposed tax extension for March 1, 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON THAT:

SECTION 1. Findings and Background. The City Council finds the preceding recitals are correct and are incorporated into this Resolution.

SECTION 2. Affected Area. The affected area is the Community Facilities District 2007-1 (Citywide Landscape Maintenance District) ("CFD"). The territory within the District is generally shown and described on the map of the boundaries of the CFD which was recorded in the Contra Costa Recorder's Office on January 23, 2007 in Book 81 at page 15 of Maps of Assessment and Community Facilities Districts.

SECTION 3. Extended Special Tax. The City Council proposes that an extension of the existing special tax should be levied within the CFD to extend the existing special tax, at its current and existing rate and method of apportionment, for ten years from Fiscal Year 2017/2018 through Fiscal Year 2026/2027 ("Special Tax"). As such, all references to the expiration or term of the Special Tax in the rate and method of apportionment shall reflect the new expiration date

ATTACHMENT 5

of Fiscal Year 2026/2027. The rate and method of apportionment for the Special Tax, subject to the extended term set forth in this section, is more particularly described and set forth in Resolutions No. 06-2007 and 07-2007. True and correct copies of these Resolutions are attached as Exhibit A and incorporated by this reference and are on file with the Clayton City Clerk.

SECTION 4. No Changes to Services. This Resolution does not propose any changes to the services or facilities provided by the CFD. The CFD would continue to provide operation and maintenance services for the Citywide Landscape Maintenance District through the extended term of Fiscal Year 2026/2027 as it currently does without any amendments or modifications.

SECTION 5. Appropriations Limit. The previously approved appropriations limit for the CFD shall not be effected by this Resolution and shall be adjusted by the City as permitted by applicable law.

SECTION 6. Public Hearing. Notice is given that on March 1, 2016, at 7:00 p.m. or as soon thereafter as the matter may be heard, at Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA 94517, a public hearing will be held where the City Council will consider the extension of the Special Tax as proposed herein. At the above-mentioned time and place for public hearing any persons interested, including taxpayers and property owners may appear and be heard. The testimony of all interested persons for or against the Special Tax will be heard and considered. Any protests may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the public hearing. If a written majority protest is filed against the Special Tax, the proceedings shall be abandoned.

SECTION 7. Election. If, following the public hearing described in the Section 6 above, the City Council determines to approve the extension of the existing Special Tax, the City Council shall then submit the amendment to the qualified electors of the CFD. As at least twelve (12) persons have been registered to vote within the CFD for each of the ninety (90) days preceding the close of the public hearing, the vote shall be by registered voters of the CFD, with each voter having one (1) vote. Approval of the Special Tax shall require two-thirds approval of those voting on the measure.

SECTION 8. Notice. The City Clerk shall provide notice of the public hearing identified in Section 6 as required by Government Code sections 53322 and 53335. The City Council elects not to provide the optional notice permitted by Government Code section 53322.4.

SECTION 9. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Clayton, California, at a regular meeting thereof held on January 19, 2016 by the following vote:

AYES: Mayor Geller, Councilmembers Haydon, Pierce and Shuey.

NOES: None.

ABSENT: Vice Mayor Diaz.

ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON, CA

Howard Geller, Mayor

ATTEST:

Janet Brown, City Clerk

I certify that the foregoing resolution was duly and regularly passed by the City Council of the City Clayton at a regular meeting held on January 19, 2016.

Janet Brown, City Clerk

EXHIBIT A - to Resolution 07-2017
Comprising of
Resolution 06-2007
Resolution 07-2007

RESOLUTION NO. 06-2007

A RESOLUTION OF FORMATION OF A COMMUNITY FACILITIES DISTRICT (CITYWIDE LANDSCAPE MAINTENANCE DISTRICT) FOR A PERIOD OF TEN YEARS, AND AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN AND PRELIMINARILY ESTABLISHING AN APPROPRIATIONS LIMIT THEREFOR

The City Council
City of Clayton, California
Community Facilities District 2007-1
(Citywide Landscape Maintenance)

WHEREAS, on 16 January 2007 this City Council adopted Resolution No. 04 - 2007 entitled *"A Resolution of Intention to Establish a Community Facilities District to Fund the Annual Operation and Maintenance of a Citywide Landscape Maintenance District for a Time Period of Ten Years, and to Authorize the Levy of Special Taxes Therein"* (the "Resolution of Intention"), stating its intention to form the City of Clayton, Community Facilities District No. 2007-1 (Citywide Landscape Maintenance) (the "CFD"), pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"); and

WHEREAS, the Resolution of Intention, incorporating a map of the proposed boundaries of the CFD and stating the Services (as described herein) to be provided, the estimated maximum cost of providing such Services, and the rate and method of apportionment of the special tax to be levied within the CFD to pay for the Services (as hereafter defined) with respect to the CFD, is on file with the City Clerk and the provisions thereof are incorporated herein by this reference as if fully set forth herein; and

WHEREAS, on 20 February 2007 this City Council held a duly noticed public hearing as required by the Act on the Resolution of Intention relative to the proposed formation of the CFD; and

WHEREAS, at said public hearing all interested persons desiring to be heard on all matters pertaining to the formation of the CFD, the Services to be provided therein and the levy of said special tax were heard and a full and fair hearing was held; and

WHEREAS, at said hearing evidence was presented to this Council on said matters before it, including a report by the City Manager (the "Report") as to the Services to be provided through the CFD and the costs thereof, a copy of which is on file with the City Clerk, and this City Council at the conclusion of said hearing is fully advised in the premises; and

WHEREAS, written protests with respect to the formation of the CFD, the furnishing of specified types of Services and the rate and method of apportionment of the special taxes have not been filed with the City Clerk by fifty percent (50%) or more of the registered voters residing within the territory of the CFD or property owners of one-half (1/2) or more of the area of land within the CFD and not exempt from the special tax; and

WHEREAS, the special tax proposed to be levied in the CFD to pay for the proposed Services to be provided therein, as set forth in Exhibit A hereto, has not been eliminated by protest by fifty percent (50%) or more of the registered voters residing within the territory of the CFD or the owners of one-half (1/2) or more of the area of land within the CFD and not exempt from the special tax.

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

1. Recitals. The foregoing recitals are true and correct.

2. No Majority Protest. The proposed special tax to be levied within the CFD has not been precluded by majority protest pursuant to Section 53324 of the Act.

3. Prior Proceedings. All prior proceedings taken by this City Council in connection with the establishment of the CFD and the levy of the special tax have been duly considered and are hereby found and determined to be valid and in conformity with the requirements of the Act. This City Council hereby finds and determines that the CFD is in conformity with the goals and policies heretofore adopted by this City Council with respect to the formation of the CFD.

4. CFD Established. The community facilities district designated "City of Clayton, Community Facilities CFD No. 2007-1 (Citywide Landscape Maintenance)" is hereby established pursuant to the Act.

5. Boundaries Described. The boundaries of the CFD, as set forth in the map of the CFD heretofore recorded in the Contra Costa County Recorder's Office on 23 January 2007 in Book 81 at page 15 of Maps of Assessment and Community Facilities Districts, are hereby approved and incorporated herein by reference and shall be the boundaries of the CFD.

6. Services. The type of public Services proposed to be financed by the CFD and pursuant to the Act shall consist of those items listed as Services on Exhibit A attached hereto and by this reference incorporated herein (the "Services").

7. Special Taxes. Except to the extent that funds are otherwise available to the CFD to pay for the Services, a special tax sufficient to pay the costs thereof, secured by a continuing lien against all non-exempt real property in the CFD, will be levied annually within the CFD, and collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as this City Council or its designee shall determine, including direct billing of the affected property owners. The proposed rate and method

of apportionment of the special tax among the parcels of real property within the CFD, in sufficient detail to allow each landowner within the proposed CFD to estimate the probable maximum amount such owner will have to pay, are described in Exhibit B attached hereto and by this reference incorporated herein.

8. Tax Collector For City. The City Manager, 6000 Heritage Trail, Clayton, California, 94517 telephone number (925) 673-7300 is the officer of the City who will be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and who will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Act.

9. Tax Lien. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the CFD and this lien shall continue in force and effect until the special tax obligation ceases and the lien canceled in accordance with law or until collection of the tax by the City ceases.

10. Appropriations Limit. In accordance with Section 53325.7 of the Act, the annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the CFD is hereby preliminarily established at $850,550.00 and said appropriations limit shall be submitted to the voters of the CFD as hereafter provided. The proposition establishing said annual appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of Section 53325.7 of the Act.

11. Election. Pursuant to the provisions of the Act, the proposition of the levy of the special tax and the proposition of the establishment of the appropriations limit specified above shall be submitted to the qualified electors of the CFD at an election the time, place and conditions of which election shall be as specified by a separate resolution of this Council.

12. Effective Date. This Resolution shall take effect upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held this 20th day of February 2007 on the following vote:

AYES: Mayor Walcutt, Vice Mayor Manning, Council Members Pierce, Shuey, and Stratford

NOES: None

ABSENT: None

ABSTAIN: None

THE CITY COUNCIL OF CLAYTON, CA

William R. Walcutt, Mayor

ATTEST:

Laci J. Jackson
City Clerk

# # # #

EXHIBIT A

CITY OF CLAYTON
Community Facilities District 2007-1
(Citywide Landscape Maintenance)

DESCRIPTION OF SERVICES TO BE FINANCED BY THE CFD

The Services to be financed by the special taxes of the City of Clayton Community Facilities District 2007-1 (Citywide Landscape Maintenance) (the "CFD") shall include the Maintenance of:

A. Public Roadway Landscaping – which includes but is not limited to the following improved rights-of-way:

Atchinson Stage Road – from Pine Hollow Road to Caulfield Drive
Black Point Place – center median island.
Caulfield Court – center median island.
Center Street – from Oak Street to Clayton Road.
Clayton Road – from the western city limits to the southern Marsh Creek Road intersection.
Cul-de-sacs: landscaped areas at end of Ahwanee Lane, Wawona Court, Tuyshtak Court, Antelope Court, Obsidian Court, Blue Oak Lane, Falcon Place, Windmill Canyon Place, Hummingbird Place, Raven Place, and Golden Eagle Place.
Diablo Parkway – from Marsh Creek Road to El Portal Drive.
Eagle Peak Avenue – from the east intersection with Oakhurst Drive to just west of the Ohlone Heights intersection, and including the west intersection with Oakhurst Drive.
Indianhead Way – entrance area at Oakhurst Drive
Indian Wells Way – both entrance areas with Oakhurst Drive, and center medians up to Anizume Court and Jalalon Place.
Jeffry Ranch Court – center median island.
Keller Ridge Drive – to Golden Eagle Place intersection.
Lydia Lane – from intersection of Clayton Road to Lydia Lane Park.
Main Street – from Clayton Road to (old) Marsh Creek Road.
Marsh Creek Road – from the northern intersection of (old) Marsh Creek Road to the eastern city limits.
Oakhurst Drive – form the western city limits to Clayton Road intersection.
Peacock Creek Drive – from Clayton Road to approximately the Pebble Beach Drive intersection.
Pine Hollow Road – from Atchinson Stage Road to Panadero Way.
Regency Drive – median entrance from Marsh Creek Road.
So. Mitchell Canyon Road – from approx. Del Trigo Lane to Herriman Court intersection.

B. Open Space and Trails – which include but are not limited to:

Publicly-owned creek-side, intra-community and open space trails located within the boundaries of the CFD.

C. Clayton Fountain – which includes but is not limited to:

Maintenance to the fountain itself, rock structure and all attendant appurtenances, including the geyser and water pump system as well as the surrounding public landscaped area located at east side of the intersection of Oakhurst Drive, Center Street and Clayton Road.

Definitions

"Maintenance" means the furnishing of services and materials for the ordinary and usual operation, maintenance and care of the public landscaping and appurtenant facilities, including repair, removal or replacement of all or part of any landscaping and appurtenant facilities providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid wastes; and the eradication of landscape pests, including but not limited to vermin and rodents, ground squirrels, gophers, moles and wild pigs. "Maintenance" also includes the furnishing of water for irrigation of the public landscaping, and the supply of electricity to operate the attendant irrigation systems.

The foregoing services shall be provided through and by the City of Clayton, either with its own labor forces or by contract with third parties, or any combination thereof, as determined solely by the City of Clayton.

"Costs" means the costs and expenses directly or indirectly incurred by the City in connection with the Maintenance described above. Allowable Costs payable from special taxes of the District also include the County's imposed cost to levy and collect the District's assessment through the annual property tax bill, the City's shared equipment and facilities charges, City prorated overhead charges to administer and manage the District and collect the special taxes, and District reserve funds for replacement and major repairs.

EXHIBIT B

CITY OF CLAYTON
Community Facilities District 2007-1
(Citywide Landscape Maintenance)

RATE AND METHOD OF LEVY OF SPECIAL TAX

A special tax will be levied annually on each taxable parcel of land not defined below as an "Exempt Parcel" within the Community Facilities District 2007-1 (Citywide Landscape Maintenance) (the "CFD") and collected in the same manner as ordinary ad-valorem property taxes or in such manner as the City of Clayton City Council or its designee shall determine, including City-originated billing of the affected property owners.

Definitions

Taxable Parcels:	Parcels of land within the boundaries of the CFD that are not included in the "Exempt Parcel" category listed below.
Exempt Parcels:	Parcels of land owned by a public agency, right-of-way parcels, schools, hospitals, cemeteries, mortuaries, libraries, parks, mineral rights, private roads, pipelines, public parking facilities and common areas.
Residential Parcels:	Taxable parcels of land that are classified as either single-family, condominium, townhouse, multi-family or rural residential parcels.
Non-residential Parcels:	Taxable parcels that are not classified as "Residential Parcels".
Special Tax:	The special tax allowed to be levied on property within the CFD, calculated pursuant to this Rate and Method of Apportionment of Special Tax.

Special Tax Formula

A. Residential Parcels: An annual special tax will be levied on all Residential Parcels, as defined above, at the per parcel tax rate shown below for each fiscal year 2007-2008 through 2016-2017:

Residential Parcel Annual Special Tax Rate: $196.77

B. Non-residential Parcels: An annual special tax will be levied on all Non-residential Parcels at the per acre rate shown below for each fiscal year 2007-2008 through 2016-2017:

Non-residential Parcel Annual Special Tax Rate: $196.77 per acre or fraction thereof, based on parcel size as shown on the then-current County tax roll.

Duration of Special Tax Levy

The special tax will be levied annually for a period of ten (10) years commencing in fiscal year 2007-2008 through and including fiscal year 2016-2017. After the ten (10) year duration has expired the special tax may no longer be collected unless extended pursuant to applicable laws, except that a special tax that was lawfully levied in or before the final tax year and that remains delinquent may be collected in subsequent years.

Special Tax Escalator Factor

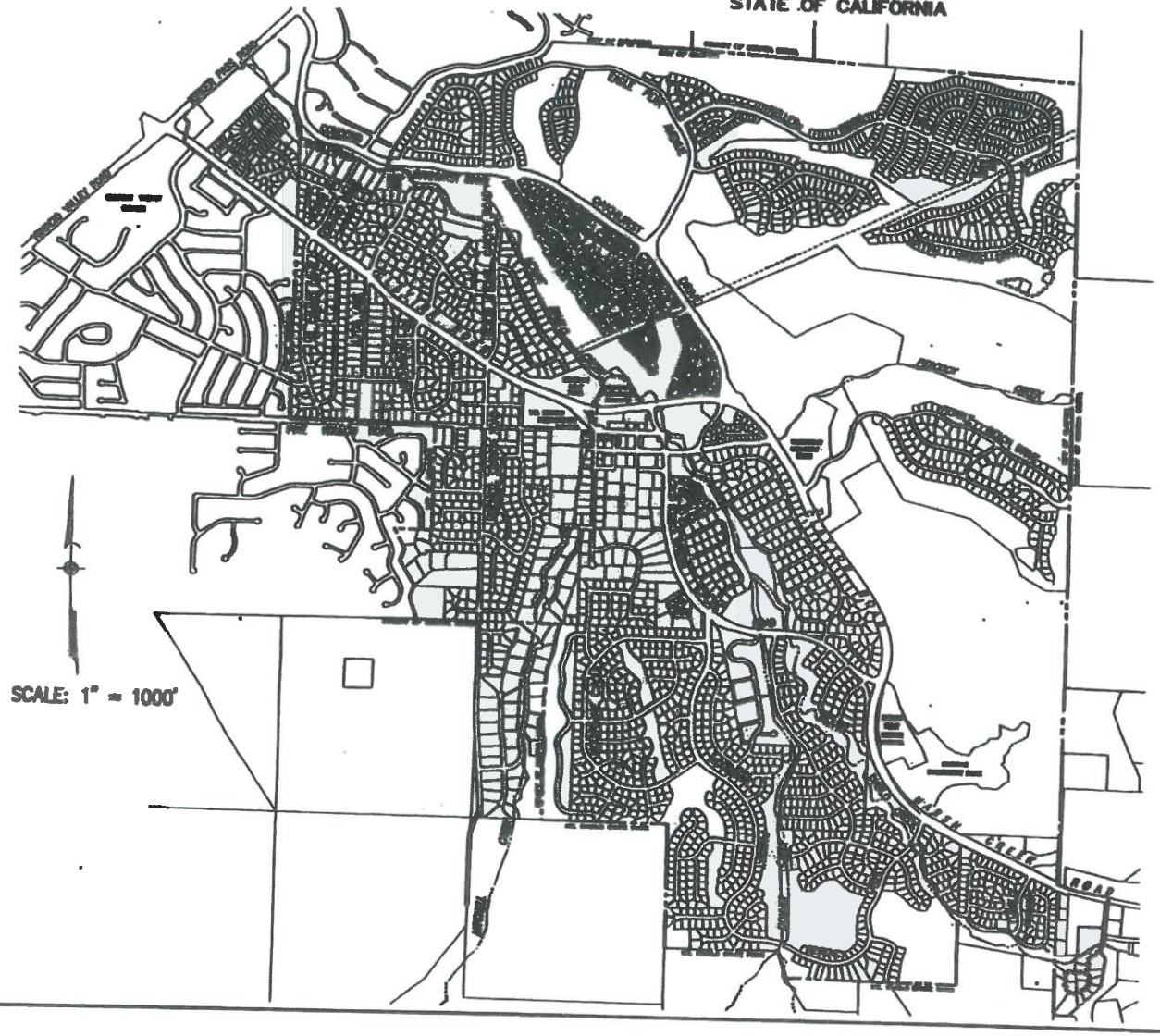
In fiscal years 2008-2009 through 2016-2017, the special tax may be increased annually by the Clayton City Council in an amount not to exceed the full annual adjustment (April to April) in the Consumer Price Index – All Urban Consumers, San Francisco-Oakland-San Jose, CA Area (Base Period 1982-84 = 100). This escalator factor is applicable if determined to be necessary due to expected increases in the operational and maintenance expenses attributable to the CFD. Such determination shall be made by action of the Clayton City Council, which must occur at a regular public meeting thereof accompanied by a prior recommendation of the citizens' Trails and Landscaping Committee established by the City Council in February 2006 (City Resolution No. 08-2006). In no event shall each annual special tax rate in any fiscal year increase by more than three percent (3%) over the previous year.

Relationship to Special Tax of Community Facilities District 1997-1

An intent of the new Community Facilities District 2007-1 is to replace the City's Community Facilities District 1997-1 that levied an annual special tax for Citywide Landscape Maintenance purposes during the last ten years and which special tax automatically expires on June 30, 2007. No further special tax can be levied by CFD 1997-1.

PROPOSED BOUNDARIES OF
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(DOWNTOWN PARK OPERATION AND MAINTENANCE DISTRICT)

CITY OF CLAYTON, COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



CITY RECORDER'S STATEMENT:

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CLAYTON, THIS 9th DAY OF January, 2007.

BY: Dail J. Jacinto
CITY CLERK
CITY OF CLAYTON

CITY CLERK'S STATEMENT:

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NUMBER 2006-1 IN THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON AT A REGULAR MEETING THEREOF, HELD ON THE 16th DAY OF January, 2007, BY ITS RESOLUTION NO. 03-2007.

BY: Dail J. Jacinto
CITY CLERK
CITY OF CLAYTON

RECORDER'S CERTIFICATE:

FILED THIS 23rd DAY OF January 2007 AT THE HOUR OF 2:04 O'CLOCK P.M. IN BOOK 81 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 15, AND AS INSTRUMENT NUMBER 07-22041 IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

BY: STEPHEN L. WEIR
COUNTY RECORDER
COUNTY OF CONTRA COSTA

BY: D. Mandel
DEPUTY COUNTY RECORDER

LEGEND

——— CITY LIMIT LINE AND COMMUNITY FACILITY DISTRICT BOUNDARY

1-23-07 2:04 PM 81-15

RESOLUTION NO. 07- 2007

A RESOLUTION CALLING SPECIAL ELECTION IN A COMMUNITY FACILITIES DISTRICT

THE CITY COUNCIL
CITY OF CLAYTON, CALIFORNIA
Community Facilities District 2007-1
(Citywide Landscape Maintenance)

WHEREAS, on this date, this City Council adopted its Resolution No. 06 -2007 entitled "A Resolution of Formation of a Community Facilities District (Citywide Landscape Maintenance District) for a Period of Ten Years, and Authorizing the Levy of a Special Tax Therein and Preliminarily Establishing an Appropriations Limit Therefor" (the "Resolution of Formation"), ordering the formation of City of Clayton Community Facilities District No. 2007-1 (Citywide Landscape Maintenance) (the "CFD"), authorizing the levy of a special tax on property within the CFD and preliminarily establishing an appropriations limit for the CFD, all pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"); and

WHEREAS, pursuant to the provisions of the Resolution of Formation, the propositions of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors of the CFD at a special election as required by the Act; and

WHEREAS, this City Council desires that the special election be consolidated with any other election to occur in the City on June 5, 2007 and that the proposition be included on the ballot for such election which ballot is prepared by the officer charged with the duty of conducting the general and special elections for the County of Contra Costa, such official being the Registrar of Voters of the County of Contra Costa (the "Election Official"); and

WHEREAS, Section 9280 of the Elections Code of the State of California authorizes the filing of an impartial analysis and Sections 9281 to 9287 of said code authorize the filing of written arguments for or against any ballot proposition, and, if adopted by the City Council, rebuttal arguments.

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

1. Issues Submitted. Pursuant to Sections 53326 and 53325.7 of the Act, the issues of the levy of said special tax and the establishment of the appropriations limit shall be submitted to the qualified electors (as defined below) of the CFD at an election called therefor as provided below. The question to be voted upon as it shall appear on ballot shall be as follows:

Shall a new Community Facilities District 2007-1 (Citywide Landscape Maintenance District) be funded to replace the expiring District for a period of ten years to operate and maintain public roadway landscaping, trails system, open space weed abatement and related costs, with an annual levy of a special tax in the initial amount of $196.77 per residential parcel and per non-residential acre or fraction thereof, and with an initial yearly appropriations limit of $850,550?

The full text of the measure to be printed in the Voter Pamphlet shall include the "Description of Services to be Financed by the CFD" and the "Rate and Method of Levy of Special Tax", attached as Exhibits "A" and "B", respectively, to the Resolution of Formation of a Community Facilities District (Resolution No. 06 -2007).

2. Qualified Electors. Pursuant to Section 53326 of the Act, the vote shall be by the registered voters of the proposed CFD, with each voter having one vote.

3. Conduct of Election. This City Council hereby calls a special election (the "Election") to consider the measure described in paragraph 1 above, which election shall be held on June 5, 2007, and conducted by the Election Official. Within three business days of the adoption of this Resolution, the City Clerk shall provide to the Election Official a copy of this Resolution, a certified map of the proposed boundaries of the CFD, and a sufficient description to allow the Election Official to determine the boundaries of the CFD.

The Election is hereby ordered consolidated with any other election to be held within the City on said date, and within the territory affected by the consolidation; the election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating general and special elections in the City and State and specified herein. The precincts used at the election shall be those used for citywide municipal elections, and, where necessary, the County Clerk may adjust precinct lines to coincide with the boundaries of the City. The Board of Supervisors of the County of Contra Costa is hereby requested to order the consolidation of the Election hereby called with any other election held in the City on said date, and to permit the County Clerk and the County Election Department to render services relating to the conduct of said election, which services will be determined by the City and the County Election Department, and the Board of Supervisors of the County of Contra Costa is hereby authorized to canvass the returns of said special municipal election, and said election shall be held in all respects as if there were only one election, only one form of ballot shall be used and the returns of the election need not be canvassed by the City Council. The City Clerk is hereby authorized and directed to work with the Elections Official and other appropriate officials of the County to ensure that the applicable requirements of the Elections Code are met.

4. Ballot Materials. The City Attorney is hereby requested to prepare and to provide to Election Official the ballot material described in Section 53327 of the Act.

Impartial Analysis. The City Clerk is hereby directed to submit to the City Attorney a certified copy of the measure set forth above. The City Attorney is hereby authorized and directed to prepare an impartial analysis of the measures showing the effect of the measures on the existing law and the operation of the measures, said analysis to be submitted by the City Attorney to the Election Official for printing before the arguments for and against the measure. The analysis shall not exceed 500 words in length and shall otherwise comply in all respects with the applicable provisions of the Elections Code of the State of California. The deadline date for the submittal of the analysis and primary arguments shall be March 13, 2007.

5. Filing of Primary and Rebuttal Arguments. The deadline for filing primary arguments concerning the ballot measure is March 13, 2007. Provisions for Rebuttal Arguments have been previously adopted by the Council. Rebuttal arguments must be filed by March 23, 2007.

6. Effective Date. This Resolution shall take effect upon its adoption.

******

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held this 20th day of February 2007 on the following vote:

AYES: Mayor Walcutt, Vice Mayor Manning, Council Members Pierce, Shuey, and Stratford

NOES: None

ABSENT: None

ABSTAIN: None

THE CITY COUNCIL OF CLAYTON, CA

W R Walcutt

William R. Walcutt, Mayor

ATTEST:

Laci J. Jackson

Laci J. Jackson
City Clerk

RESOLUTION NO. 04- 2007

A RESOLUTION OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT TO FUND THE ANNUAL OPERATION AND MAINTENANCE OF A CITYWIDE LANDSCAPE MAINTENANCE DISTRICT FOR A TIME PERIOD OF TEN YEARS, AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN

City of Clayton, California
Community Facilities District 2007-1
(Citywide Landscape Maintenance)

WHEREAS, under the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code (the "Act"), this Council may be the legislative body for the proposed community facilities district and is empowered with the authority to establish the community facilities district; and

WHEREAS, this Council now desires to proceed with the establishment of a community facilities district in order to finance the costs of certain landscape maintenance services in the City (the "Services");

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

1. Recitals. The City Council does hereby find and affirm the above noted Recitals are true and correct facts and information relative to the proceedings at hand.

2. Authority. This Council proposes to conduct proceedings to establish a community facilities district pursuant to the Act.

3. Name of CFD. The name proposed for the community facilities district is City of Clayton Community Facilities District No. 2007-1 (Citywide Landscape Maintenance) (the "CFD").

4. Boundaries Described. The proposed boundaries of the CFD are as shown on the map of it on file with the City Clerk, dated January 4, 2007, which boundaries are hereby preliminarily approved and to which map reference is hereby made for further particulars. The City Clerk is hereby directed to record, or cause to be recorded, said map of the boundaries of the CFD in the office of the County Recorder of the County of Contra Costa (the "County") within fifteen days of the date of adoption of this Resolution, but in any event at least fifteen days prior to the public hearing specified in paragraph 10 below. The boundaries of the CFD shall also include any parcels subsequently annexed to the City and the CFD.

5. Services. The type of public services proposed to be financed by the CFD and pursuant to the Act shall consist of all or a portion of those items listed on Exhibit A hereto and hereby incorporated herein.

ATTACHMENT 6

6. Special Tax. Except to the extent that funds are otherwise available to the CFD to pay for the Services a special tax (the "Special Tax") sufficient to pay the costs thereof, secured by recordation of a continuing lien against all non-exempt real property in the CFD, will be levied annually within the CFD, and collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as this Council or its designee shall determine, including direct billing of the affected property owners. The proposed rate and method of apportionment of the Special Tax among the parcels of real property within the CFD in sufficient detail to allow each landowner within the proposed CFD to estimate the maximum amount such owner will have to pay, are described in Exhibit B attached hereto and hereby incorporated herein.

This Council hereby finds that the provisions of Section 53313.6, 53313.7 and 53313.9 of the Act (relating to adjustments to *ad valorem* property taxes and schools financed by a community services district) are inapplicable to the proposed CFD.

7. Exempt Property. Except as may otherwise be provided by law or by the rate and method of apportionment of the Special Tax for the CFD, all lands owned by any public entity, including the United States, the State of California, the County and/or the City or any departments or political subdivisions thereof, shall be omitted from the levy of the Special Tax to be made to cover the costs and expenses of the Services and the CFD. In the event that a portion of the property within the CFD shall become for any reason exempt, wholly or in part, from the levy of the Special Tax, this Council will, on behalf of the CFD, increase the levy to the extent necessary upon the remaining property within the CFD which is not exempt in order to yield the required amounts to pay for the Services of the CFD, if any, subject to the provisions of the rate and method of apportionment of the Special Tax.

8. Voting Procedure. The levy of the Special Tax shall be subject to the approval of the qualified electors of the CFD in the June 5, 2007 election. The proposed voting procedure shall be by registered voters within the proposed CFD, with each voter having one vote.

9. CFD Report. The City Manager of the City as the officer having charge and control of the Services in and for the CFD, or his designee, is hereby directed to study said proposed Services and to make, or cause to be made, and file with the City Clerk a report in writing, (the "CFD Report") presenting the following:

(a) A description of the Services by type which will be required to adequately meet the needs of the CFD.

(b) An estimate of the fair and reasonable cost of the Services including incidental expenses in connection therewith.

The CFD Report shall be made a part of the record of the public hearing specified below.

10. Public Hearing. Tuesday, February 20, 2007, at 7:00 p.m., or as soon as possible thereafter, in the Community Library Meeting Room, 6125 Clayton Road, Clayton, California, be, and the same are hereby appointed and fixed as the time and place when and where this Council, as legislative body for the CFD, will conduct a public hearing on the establishment of the CFD and consider and finally determine whether the public interest, convenience and necessity require the formation of the CFD and the levy of the Special Tax.

11. Notice of Hearing. The City Clerk is hereby directed to cause notice of the public hearing to be given by publication one time in the *Contra Costa Times*, a newspaper circulated in the area of the CFD. The publication shall be completed at least seven days before the date herein set for the hearing. The notice shall be substantially in the form specified in Section 53322 of the Act, with the form summarizing the provisions hereof hereby specifically approved.

* * * * * * * * * * * *

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held this 16th day of January 2007 on the following vote:

AYES: Mayor Walcutt, Vice Mayor Manning, Councilmembers Pierce, Shuey, and Stratford.

NOES: None

ABSENT: None

ABSTAIN: None

THE CITY COUNCIL OF CLAYTON, CA

W. R. Walcutt

William R. Walcutt, Mayor

ATTEST:

Laci Jackson

Laci J. Jackson
City Clerk

Exhibit A – List of Services
Exhibit B – Rate and Method of Apportionment of Special Tax

EXHIBIT A

CITY OF CLAYTON
Community Facilities District 2007-1
(Citywide Landscape Maintenance)

DESCRIPTION OF SERVICES TO BE FINANCED BY THE CFD

The Services to be financed by the special taxes of the City of Clayton Community Facilities District 2007-1 (Citywide Landscape Maintenance) (the "CFD") shall include the Maintenance of:

A. Public Roadway Landscaping – which includes but is not limited to the following improved rights-of-way:

Atchinson Stage Road – from Pine Hollow Road to Caulfield Drive
Black Point Place – center median island.
Caulfield Court – center median island.
Center Street – from Oak Street to Clayton Road.
Clayton Road – from the western city limits to the southern Marsh Creek Road intersection.
Cul-de-sacs: landscaped areas at end of Ahwanee Lane, Wawona Court, Tuyshtak Court, Antelope Court, Obsidian Court, Blue Oak Lane, Falcon Place, Windmill Canyon Place, Hummingbird Place, Raven Place, and Golden Eagle Place.
Diablo Parkway – from Marsh Creek Road to El Portal Drive.
Eagle Peak Avenue – from the east intersection with Oakhurst Drive to just west of the Ohlone Heights intersection, and including the west intersection with Oakhurst Drive.
Indianhead Way – entrance area at Oakhurst Drive
Indian Wells Way – both entrance areas with Oakhurst Drive, and center medians up to Anizume Court and Jalalon Place.
Jeffry Ranch Court – center median island.
Keller Ridge Drive – to Golden Eagle Place intersection.
Lydia Lane – from intersection of Clayton Road to Lydia Lane Park.
Main Street – from Clayton Road to (old) Marsh Creek Road.
Marsh Creek Road – from the northern intersection of (old) Marsh Creek Road to the eastern city limits.
Oakhurst Drive – form the western city limits to Clayton Road intersection.
Peacock Creek Drive – from Clayton Road to approximately the Pebble Beach Drive intersection.
Pine Hollow Road – from Atchinson Stage Road to Panadero Way.
Regency Drive – median entrance from Marsh Creek Road.
So. Mitchell Canyon Road – from approx. Del Trigo Lane to Herriman Court intersection.

B. Open Space and Trails – which include but are not limited to:

Publicly-owned creek-side, intra-community and open space trails located within the boundaries of the CFD.

C. Clayton Fountain – which includes but is not limited to:

Maintenance to the fountain itself, rock structure and all attendant appurtenances, including the geyser and water pump system as well as the surrounding public landscaped area located at east side of the intersection of Oakhurst Drive, Center Street and Clayton Road.

Definitions

"Maintenance" means the furnishing of services and materials for the ordinary and usual operation, maintenance and care of the public landscaping and appurtenant facilities, including repair, removal or replacement of all or part of any landscaping and appurtenant facilities providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid wastes; and the eradication of landscape pests, including but not limited to vermin and rodents, ground squirrels, gophers, moles and wild pigs. "Maintenance" also includes the furnishing of water for irrigation of the public landscaping, and the supply of electricity to operate the attendant irrigation systems.

The foregoing services shall be provided through and by the City of Clayton, either with its own labor forces or by contract with third parties, or any combination thereof, as determined solely by the City of Clayton.

"Costs" means the costs and expenses directly or indirectly incurred by the City in connection with the Maintenance described above. Allowable Costs payable from special taxes of the District also include the County's imposed cost to levy and collect the District's assessment through the annual property tax bill, the City's shared equipment and facilities charges, City prorated overhead charges to administer and manage the District and collect the special taxes, and District reserve funds for replacement and major repairs.

EXHIBIT B

CITY OF CLAYTON
Community Facilities District 2007-1
(Citywide Landscape Maintenance District)

RATE AND METHOD OF LEVY OF SPECIAL TAX

A special tax will be levied annually on each taxable parcel of land not defined below as an "Exempt Parcel" within the Community Facilities District 2007-1 (Citywide Landscape Maintenance) (the "CFD") and collected in the same manner as ordinary ad-valorem property taxes or in such manner as the City of Clayton City Council or its designee shall determine, including City-originated billing of the affected property owners.

Definitions

Taxable Parcels:	Parcels of land within the boundaries of the CFD that are not included in the "Exempt Parcel" category listed below.
Exempt Parcels:	Parcels of land owned by a public agency, right-of-way parcels, schools, hospitals, cemeteries, mortuaries, libraries, parks, mineral rights, private roads, pipelines, public parking facilities and common areas.
Residential Parcels:	Taxable parcels of land that are classified as either single-family, condominium, townhouse, multi-family or rural residential parcels.
Non-residential Parcels:	Taxable parcels that are not classified as "Residential Parcels".
Special Tax:	The special tax allowed to be levied on property within the CFD, calculated pursuant to this Rate and Method of Apportionment of Special Tax.

Special Tax Formula

A. Residential Parcels:	An annual special tax will be levied on all Residential Parcels, as defined above, at the per parcel tax rate shown below for each fiscal year 2007-2008 through 2016-2017:
	Residential Parcel Annual Special Tax Rate: $196.77

B. Non-residential Parcels: An annual special tax will be levied on all Non-residential Parcels at the per acre rate shown below for each fiscal year 2007-2008 through 2016-2017:

Non-residential Parcel Annual Special Tax Rate: $196.77 per acre.

Duration of Special Tax Levy

The special tax will be levied annually for a period of ten (10) years commencing in fiscal year 2007-2008 through and including fiscal year 2016-2017. After the ten (10) year duration has expired the special tax may no longer be collected unless extended pursuant to applicable laws, except that a special tax that was lawfully levied in or before the final tax year and that remains delinquent may be collected in subsequent years.

Special Tax Escalator Factor

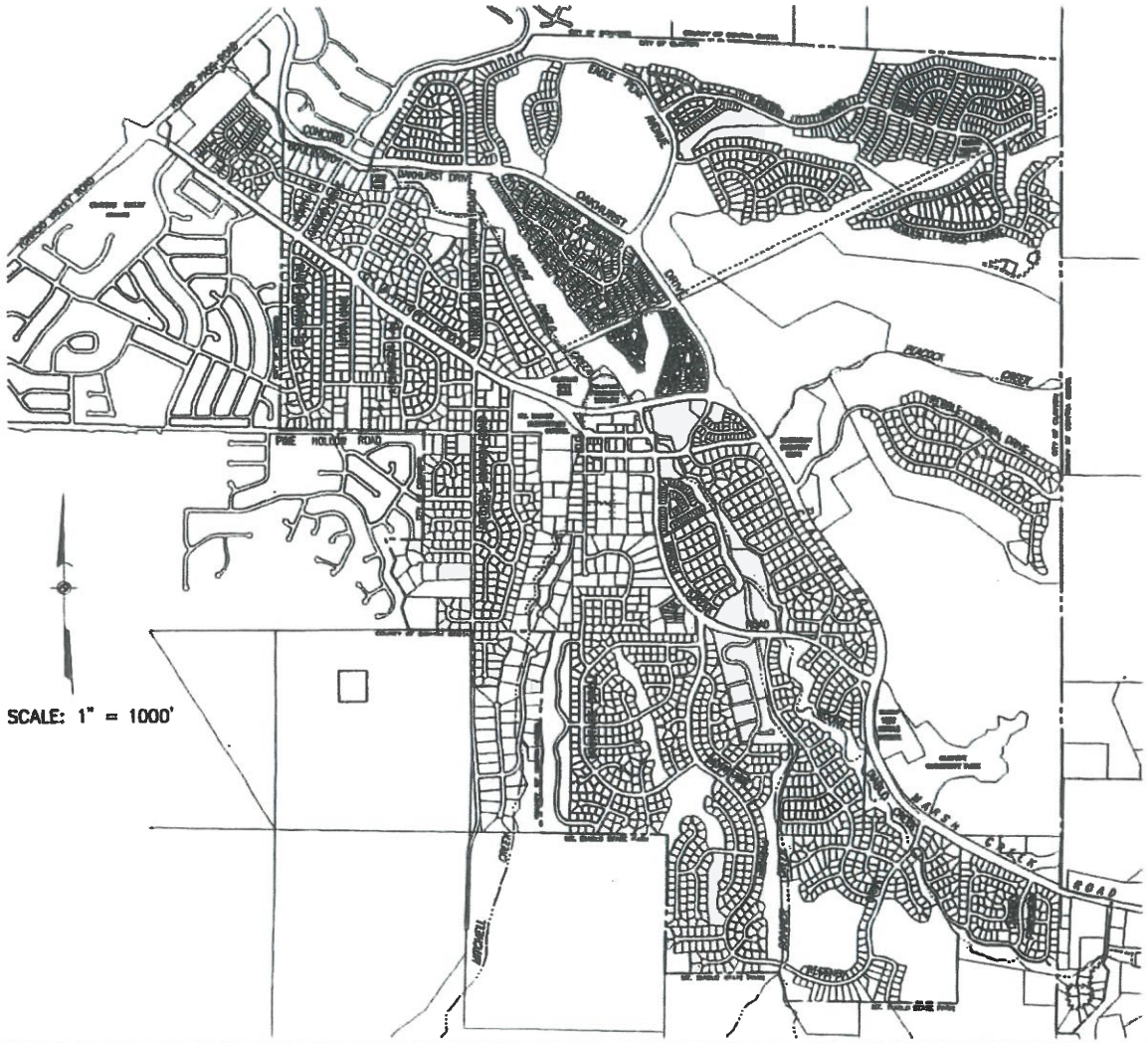
In fiscal years 2008-2009 through 2016-2017, the special tax may be increased annually by the Clayton City Council in an amount not to exceed the full annual adjustment (April to April) in the Consumer Price Index – All Urban Consumers, San Francisco-Oakland-San Jose, CA Area (Base Period 1982-84 = 100). This escalator factor is applicable if determined to be necessary due to expected increases in the operational and maintenance expenses attributable to the CFD. Such determination shall be made by action of the Clayton City Council, which must occur at a regular public meeting thereof accompanied by a prior recommendation of the citizens' Trails and Landscaping Committee established by the City Council in February 2006 (City Resolution No. 08-2006). In no event shall each annual special tax rate in any fiscal year increase by more than three percent (3%) over the previous year.

Relationship to Special Tax of Community Facilities District 1997-1

An intent of the new Community Facilities District 2007-1 is to replace the City's Community Facilities District 1997-1 that levied an annual special tax for Citywide Landscape Maintenance purposes during the last ten years and which special tax automatically expires on June 30, 2007. No further special tax can be levied by CFD 1997-1.

PROPOSED BOUNDARIES OF
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(CITYWIDE LANDSCAPE MAINTENANCE DISTRICT)

CITY OF CLAYTON, COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



CITY RECORDER'S STATEMENT:

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CLAYTON, THIS 4th DAY OF January, 2007.

BY: Jaci J. Jackson
CITY CLERK
CITY OF CLAYTON

CITY CLERK'S STATEMENT:

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NUMBER 2007-1 IN THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2007, BY ITS RESOLUTION NO._____.

BY:_____
CITY CLERK
CITY OF CLAYTON

RECORDER'S CERTIFICATE:

FILED THIS _____ DAY OF _____ 2007, AT THE HOUR OF ___ O'CLOCK __M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE _____, AND AS INSTRUMENT NUMBER _____ IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

BY:_____
COUNTY RECORDER
COUNTY OF CONTRA COSTA

BY:_____
DEPUTY COUNTY RECORDER

LEGEND

———— CITY LIMIT LINE AND
COMMUNITY FACILITY DISTRICT BOUNDARY

RESOLUTION NO. 12 - 2016

A RESOLUTION CALLING AN ELECTION TO CONTINUE THE EXISTING SPECIAL PARCEL TAX SUBJECT TO THE SAME ADJUSTMENT METHODOLOGY FOR COMMUNITYFACILITIES DISTRICT (CFD) 2007-1 "CITYWIDE TRAILS AND LANDSCAPE MAINTENANCE DISTRICT" FOR TEN YEARS

THE CITY COUNCIL
City of Clayton, CA
Community Facilities District 2007-1
[Citywide Trails and Landscape Operation and Maintenance District]

WHEREAS, the City of Clayton has established Community Facilities District 2007-1 [Citywide Trails and Landscape Operations and Maintenance District] ("CFD") within the City of Clayton, authorized the levy of a special parcel tax on real property within the CFD and established an initial appropriations limit for the CFD; and

WHEREAS, the special tax levied within the CFD is set to expire in Fiscal Year 2016/2017; and

WHEREAS, on January 19, 2016, the City Council adopted Resolution No. 07-2016, a Resolution of Consideration, to continue the existing special parcel tax within the CFD for ten years from Fiscal Year 2017/2018 (i.e., beginning July 1, 2017) through Fiscal Year 2026/2027 (i.e., ending June 30, 2027); and

WHEREAS, the City Council scheduled a public hearing on such proposed special parcel tax continuance for March 1, 2016; and

WHEREAS, at the DULY-NOTICED public hearing, less than a majority of affected property owners protested the extension of the special parcel tax; and

WHEREAS, the City Council wishes to submit the proposed special parcel tax continuance to the voters as required by Government Code section 53338.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON THAT:

SECTION 1. Findings and Background. The City Council finds that the preceding recitals are correct and are incorporated into this Resolution.

SECTION 2. Determinations. It is hereby determined by this City Council that:

A. All prior proceedings pertaining to the formation of the CFD and continuation of the special parcel tax proposed herein were valid and taken in conformity with the requirements of the law, and specifically the provisions of the Community Facilities District Law.

ATTACHMENT 7

B. The written protests received, if any, do not represent a majority protest as defined by the applicable provisions of the Community Facilities District Law and, therefore, the special parcel tax proposed to be extended has not been precluded by majority protest pursuant to Section 53337 of the Government Code.

C. The City Council now submits the question of whether to continue the special parcel tax within the CFD as set forth herein to the registered voters of the CFD as required by Government Code section 53326. Each registered voter within the CFD shall be entitled to one vote. The Special Parcel Tax will be approved if two-thirds of the votes cast upon the question of levying the special parcel tax are in favor of levying the special parcel tax.

D. The City of Clayton boundaries are the same as those in the previous City election.

SECTION 3. Election. The City Council hereby calls an election on June 7, 2016 and submits the extension of the levy of the existing special parcel tax within the CFD to the qualified electors of the CFD. As set forth in the Resolution of Consideration, Resolution No. 07-2016, the City Council proposes continuing the existing special parcel tax, at its current and existing rate and method of apportionment, for ten years from Fiscal Year 2017/2018 through Fiscal Year 2026/2027 ("Special Tax"). As such, all references to the expiration or term of the Special parcel Tax in the rate and method of apportionment shall reflect the new expiration date of Fiscal Year 2026/2027. The rate and method of apportionment for the Special Parcel Tax, subject to the continued term set forth in this section, is more particularly described and set forth in Resolutions No. 06-2007 and 07-2007.

SECTION 4. Election Consolidation. The City requests the Contra Costa County Board of Supervisors consolidate the election on the Special Parcel Tax with the Statewide election on June 7, 2016. The City requests and authorizes the Contra Costa County elections official to provide the services necessary to implement the election and to consolidate the election on the June 7, 2016 Election Ballot for the County of Contra Costa. The elections official is hereby authorized to take any and all steps necessary for holding the above election. The elections official shall perform and render all services and proceedings incidental to and connected with the conduct of the election, including but not limited to, the following:

A. Prepare and furnish the necessary election supplies for the conduct of the election.

B. Cause to be printed the requisite number of official ballots, tally sheets and other necessary forms.

C. Furnish official ballots for the qualified electors of the CFD.

D. Cause the official ballots to be presented to the qualified electors, as required by law.

E. Receive the returns of the election and supplies.

F. Sort and assemble the election material and supplies in preparation for the canvassing of the returns.

G. Canvass the returns of the election.

H. Furnish a tabulation of the number of votes given in the election.

I. Conduct and handle all other matters relating to the proceedings and conduct of the election in the manner and form as required by law

SECTION 5. Ballot Measure. Pursuant to Elections Code section 10403, the ballot forms shall have printed on them the following words with regard to the measure:

CITY OF CLAYTON - MEASURE: ____.		
CITYWIDE TRAILS AND LANDSCAPE MAINTENANCE DISTRICT CONTINUATION OF EXISTING SERVICES AND SPECIAL PARCEL TAX Shall the existing Community Facility District 2007-1 (Trails and Landscape Maintenance District) be continued, with a Citizens Oversight Committee, for ten years to fund on-going operations and maintenance of the trails system, roadway landscape, open space weed abatement, and related expenses at the current annual special tax's rate and methodology (presently $234.84/year per residential and non-residential parcel or fraction thereof), for FYs 2017-2027?	YES	
	NO	

SECTION 6. Impartial Analysis. Pursuant to Government Code section 53327 and Elections Code section 9280, the City Clerk shall transmit a copy of the measure to the City Attorney, who shall prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure. The impartial analysis shall be filed with the City Clerk by March 18, 2016.

SECTION 7. Ballot Arguments. Arguments in favor of and in opposition to the ballot measure and rebuttal arguments shall be permitted, and the City hereby adopts the provisions of Elections Code sections 9282 and 9285(a), regarding the acceptance of arguments relating to ballot measures. Primary arguments shall be filed with the City Clerk by March 23, 2016. Rebuttal arguments shall be filed with the City Clerk by March 28, 2016.

SECTION 8. Special Parcel Tax Accountability Measures. Pursuant to and in compliance with the provisions of Government Code Section 50075.1, this Board hereby establishes the following accountability measures pertaining to the levy by the CFD of the proposed Special Tax:

A. The Special Parcel Tax shall be levied for the specific purposes set forth in the Resolution of Consideration and Section 9 below.

B. The proceeds of the levy of each such special parcel tax shall be applied only to the specific applicable purposes set forth in the Resolution of Consideration (Resolution No. 07-2017) and Section 9 below.

C. The City shall establish a separate account into which the proceeds of the Special Parcel Tax shall be deposited.

D. The City Manager or his or her designee, acting for and on behalf of the CFD, shall annually file a report with the City Council as required pursuant to Government Code Section 50075.3.

SECTION 9. Additional Actions. The City Manager and City Clerk are hereby authorized and directed to take all necessary and appropriate steps to place the measure on the ballot. The City may recover the costs of the election and related procedures to place the Special Parcel Tax on the ballot from the proceeds of such Special Parcel Tax or the existing special parcel tax as an incidental expense of the CFD. The City Council hereby amends Exhibit "A" of Resolution No. 06-2007 to clarify that the election expenses set forth in this Section as permissible costs of the operation and maintenance of the Citywide Trails and Landscape District.

SECTION 10. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Clayton, California, at a regular public meeting thereof held on March 1, 2016 by the following vote:

AYES: Mayor Geller, Vice Mayor Diaz, Councilmembers Haydon, Pierce and Shuey.

NOES: None.

ABSENT: None.

ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON, CA

Howard Geller, Mayor

ATTEST:

Janet Brown, City Clerk

I certify that the foregoing resolution was duly and regularly passed by the City Council of the City Clayton at a regular meeting held on March 1, 2016.

Janet Brown, City Clerk

RESOLUTION NO. 45-2016

A RESOLUTION DECLARING RESULTS OF CANVASS OF RETURNS IN THE 2016 PRIMARY MUNICIPAL ELECTION, DECLARING THE RESULTS OF THE VOTE ON LOCAL BALLOT MEASURE "H", CITYWIDE TRAILS AND LANDSCAPE MAINTENANCE DISTRICT CONTINUATION OF EXISTING SERVICES AND SPECIAL PARCEL TAX.

(Community Facilities District 2007-1)

THE CITY COUNCIL
City of Clayton, California

WHEREAS, a duly noticed primary election was held in the City of Clayton on June 7, 2016 for the purpose of voting for one (1) local ballot measure, Measure "H", a special tax extension to continue funding the annual operations of the Citywide Trails and Landscape Maintenance District for an additional period of ten (10) years through Fiscal Year 2017-2027; and

WHEREAS, following the canvass of returns by the Contra Costa County Clerk and receipt of his report by the Clayton City Clerk, the City Council met in a regular public meeting on July 19, 2016 and canvassed the returns of the election pursuant to and accordance with applicable provisions of the California Elections Code; and

WHEREAS, the City Council finds the number of votes cast in the City of Clayton at the primary election was and is 4,084, a 54.15% voter turnout; and

WHEREAS, the City Council finds there were seven precincts in the City of Clayton established for holding the June 2016 primary election; and

WHEREAS, the City Council finds that all of the votes in consideration of local ballot Measure "H" submitted to the Clayton voters in the presidential primary election are also set forth in the computer printout from the Contra Costa County Election Department, attached hereto as "Exhibit A" and incorporated herein by such reference.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Clayton, California that that local Ballot Measure "H" and the levy extension of a special tax therein (Community Facilities District No. 2007-1, Trails and Landscape Maintenance District) did garner the requisite two-thirds voter approval and therefore Measure "H" did pass (79.23%).

ATTACHMENT 8

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 19th day of July 2016 by the following vote:

AYES: Mayor Geller, Vice Mayor Diaz, Councilmembers Haydon and Pierce.

NOES: None.

ABSTAIN: None.

ABSENT: Councilmember Shuey.

THE CITY COUNCIL OF CLAYTON, CA

Howard Geller, Mayor

ATTEST:

Janet Brown, City Clerk

CERTIFICATE OF COUNTY CLERK
AS TO THE RESULT OF THE CANVASS OF THE
CITY OF CLAYTON
MEASURE H
JUNE 7, 2016 PRIMARY ELECTION

State of California)
) ss.
County of Contra Costa)

I, JOSEPH E. CANCIAMILLA, County Clerk of Contra Costa County, State of California, do hereby certify that I did canvass the returns of the votes cast at the June 7, 2016, **CITY OF CLAYTON, MEASURE H ELECTION.** I further certify that the statement of the votes cast, to which this certificate is attached, shows the whole number of votes cast in said County, and the whole number of votes cast for and against the measure in said County and in each respective precinct therein, and that the totals of the respective columns and the totals as shown for and against the measure are full, true and correct.

WITNESS my hand and Official Seal this 5th day of July, 2016.

JOSEPH E. CANCIAMILLA, County Clerk

By Rosa Mena
Rosa Mena, Deputy Clerk

	TOTAL VOTES	%	ELECTION DAY	VOTE BY MAIL
Measure H - City of Clayton				
Parcel Tax - 2/3				
Vote for 1				
(WITH 7 OF 7 PRECINCTS COUNTED)				
Yes	3,067	79.23	1,080	1,987
No	804	20.77	271	533
Total	3,871		1,351	2,520

City of Clayton
Landscape Maintenance District Fund 210 (CFD 2007-1)
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular	218,753	228,746	228,746	245,000	237,756
7112	Temporary Help	3,757	22,793	22,793	12,000	20,665
7113	Overtime	1,075	2,000	2,000	2,700	2,000
7218	LTD/STD Insurance	2,379	2,292	2,292	2,455	2,061
7220	PERS Retirement - Normal Cost	19,565	21,486	21,486	23,012	21,966
7221	PERS Retirement - Unfunded Liability	32,190	22,418	22,418	24,010	29,540
7231	Workers Comp Insurance	15,715	12,199	12,199	13,066	9,587
7232	Unemployment Insurance	1,291	2,090	2,090	2,240	4,464
7233	FICA Taxes	3,694	5,089	5,089	5,450	5,057
7246	Benefit Insurance	33,613	41,588	41,588	44,543	43,013
7301	Recruitment/Pre-employment	-	-	-	250	250
7306	Trail Fixture Repairs/Replacement	54	175,000	175,000	-	320,000
7307	Irrigation Supplies and Materials	10,869	-	-	-	10,000
7308	Weed Abatement Supplies and Materials	10,003	-	-	-	20,000
7309	Plant Nutrition Supplies and Materials	1,177	-	-	-	10,000
7311	General Supplies	5,808	45,000	45,000	12,900	14,300
7316	Replacement Plants (Shrubs, Trees, etc.)	-	20,000	20,000	3,000	20,000
7335	Gas & Electric Service	28,672	34,400	34,400	30,000	50,000
7338	Water Service	233,372	242,800	242,800	220,000	240,000
7340	Traffic Safety Supplies	2,817	-	-	1,000	1,000
7341	Buildings/Grounds Maintenance	13,243	17,000	17,000	37,728	36,910
7342	Machinery/Equipment Maint.	7,867	17,000	17,000	14,912	21,050
7343	Vehicle Maintenance	16,480	24,000	24,000	12,000	15,000
7344	Vehicle Gas, Oil, and Supplies	7,957	18,000	18,000	12,500	14,000
7381	Property Tax Admin Cost	3,740	4,000	4,000	4,000	4,100
7382	Election Services	-	-	-	-	-
7389	Miscellaneous	-	-	-	-	-
7411	Professional Services Retainer (Legal)	-	-	-	-	-
7419	Other Prof. Services	5,934	7,000	7,000	6,906	7,100
7429	Animal/Pest Control Services	608	5,000	5,000	5,203	15,000
7435	Contract Seasonal Labor	85,413	160,000	160,000	106,100	160,000
7440	Tree Trimming Services	62,738	100,000	100,000	100,000	300,000
7445	Weed Abatement Services	172,429	166,586	166,586	153,586	201,230
7486	CERF Charges/Depreciation	30,000	30,000	30,000	30,000	30,000
7520	Project/Program costs	291,958	222,000	222,000	68,006	204,500
7615	Property Taxes	2,961	3,000	3,000	3,000	3,030
8101	Fund Admin - Transfer to GF	38,760	39,190	39,190	39,190	40,679
8111	Transfer to CIP Fund	-	-	-	-	-
8113	Transfer to Stormwater Fund	1,090	1,130	1,130	1,130	1,130
	Total Expenditures	**1,365,982**	**1,691,807**	**1,691,807**	**1,235,887**	**2,115,388**
4604	Clayton LMD Special Parcel Tax	1,156,944	1,168,107	1,168,107	1,169,764	1,204,857
5601	Interest	22,510	24,000	24,000	16,000	15,000
5606	Unrealized Inv Gain/Loss	21,675	-	-	-	-
5702	Donations/Contributions	1,804	-	-		
	Total Revenue	**1,202,933**	**1,192,107**	**1,192,107**	**1,185,764**	**1,219,857**
	Increase (Decrease) in Fund Balance	**(163,049)**	**(499,700)**	**(499,700)**	**(50,123)**	**(895,531)**
	Beginning Fund Balance	**1,226,636**	**1,056,841**	**1,056,841**	**1,063,587**	**1,013,464**
	Ending Fund Balance	**1,063,587**	**557,141**	**557,141**	**1,013,464**	**117,933**

ATTACHMENT 9

Landscape Mainteance District Levy History CFD 2007-1 (approved Mesure B Nov 2007 for 10 yrs 2007/08-2016/17; renewed Measure H by voters for 2017/18-2026/27)																
		Measure B										Measure H				
	close out of old CFD	start new CFD										tax renewed				
Year		2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
levy amount (per res parcel and non res per acre or fraction thereof)		$ 196.76	$ 202.44	$ 204.06	$ 207.56	$ 213.42	$ 217.86	$ 223.04	$ 229.29	$ 234.84	$ 241.18	$ 248.42	$ 255.86	$ 263.54	$ 266.46	$ 274.46
actual cpi		n/a	2.88%	0.8%	1.72%	2.82%	2.08%	2.38%	2.78%	2.44%	2.70%	3.78%	3.22%	4.01%	1.1%	3.80%
cpi amount increase		n/a	2.88%	0.8%	1.72%	2.82%	2.08%	2.38%	2.78%	2.44%	2.70%	3.00%	3.00%	3.00%	1.1%	3.00%
$ amount increase		n/a	$ 5.68	$ 1.62	$ 3.50	$ 5.86	$ 4.44	$ 5.18	$ 6.22	$ 5.58	$ 6.34	$ 7.24	$ 7.44	$ 7.68	$ 2.92	$ 8.00
note: levy limited to annual increase of CPI not to exceed 3%																

Replacement Projects/Major Maintenance Landscape Maintenance District (Mesure B 2007-08 through 2016-17; Measure H 2017-18 through 2026-27)	amount -apx.	year -apx
Completed:		
Landscaping		
mediain tree replacement clayton road mitchell cyn to Atchinson stage (14 sycamore trees) donations paid for these	$ 2,500	2008
Oakhurst Drive decorative pavers in narrow median noses, redo irrigation and replanting	$ 70,000	2010
Clayton Water Feature replanting/redo irrigation	$ 114,000	2010
Marsh Creek Circle landscape berm mitigation irrigation upgrades replanting	$ 19,400	2011
Clayton Road median (Oakhurst to Mitchell Cyn) and retaining wall from CVS to Daffodil Hill irrigation installation and new landscaping	$ 328,011	2012
Daffodil Hill new irrigation and new planting ($27,500 donated by CBCA)	$ 29,000	2012
Tree Trimming City Wide - Account 7440 ($20,000 annually, 2010-2015; $29,300 in FY 16/17; $50,205 in 2017/18; $27,995 in 2018/19; $62,738 in 2019/20; $100,000 in 2020/21)	$ 390,238	2010-2020/21
Peacock Creek Dr. Median Tree replacment (partial cost of LMD remainder from traffic accident/insurance recovery fund)	$ 2,000	2016
Keller Ridge Drive street tree replacements	$ 58,670	2016
Peacock Creek entry sign replanting project	$ 11,100	2016
Jeffry Ranch/Caulfield Ct island replant/hardscape	$ 3,273	2018
Replant and irrigation on Clayton Road median near Lydia Lane (Clayton Rd Median Improvment LMD 2019-5)	$ 19,000	2018/19
General plant replating (Account 7316)	$ 2,517	2017/18
general various replacement planting (Account 7316)	$ 15,932	2018/19
general varoius replacement planting	$ 3,000	2020/21
downtown Main St planter boxes	$ 300,000	2019/20
subtotal $1,368,641		
Trails:		
Peacock Creek install new headboards, apply new 1/4 x dust gravel and compact, install waterboard weir drainage	$ 20,000	2008
Upper Easley - Bruce Lee - Trail from old Marsh Ck to Center Street ; and Lower Easley - El Molino- from old Marsh Ck rd to Weatherly_	$ 60,000	2013
trail crack sealing/repair	$ 10,000	2013
Lower Easley old Marsh Ck to Village Oaks	$ 30,000	2015
Mt Diablo Elem School Hill Trail	$ 19,800	2015
pedestrial Trail Bridge surface replacement	$ 79,000	2015
Cardinet Trail erosion repair	$ 75,000	2016
Cardient asphalt Trail Repair Asphalt behind Westwood (LMD 2018-1)	$ 28,334	2017/18
extra Clearing dead brush (LMD 2019-3)	$ 10,000	2019/20
subtotal $ 332,134		
Other:		
Purchase New Irrigation Control Vehicle (Capital Equipment and Replacment Fund)	$ 35,000	2007/08
open space tree canopy trim and lifting	$ 30,000	2012/13-15
Purchase new Tractor $75,000 (with 50% from LMD)	$ 37,500	2016
Master Remote Computer Controller for all Irrigation Systems	$ 30,000	2012/13
replace irrigation system central control field panel	$ 20,000	2016
replace irrigation system central control field panel	$ 20,000	2017
replace irrigation system central control field panel (Account 7520)	$ 27,514	2017/18
replace irrigation system central control field panel (Account 7520)	$ 18,672	2018/19
Eucyluptus tree removal in various open space	$ 187,672	2018/19
replace irrigation system central control field panel (LMD 2019-4)	$ 30,000	2018/19
replace irrigation system central control field panel (LMD 2020-1)	$ 30,000	2020/21
replace Irrigation computer and upgrade to software	$ 1,381	2020/21
Replace subdivision entry sign (Peacock Creek)	$ 1,516	2020/21
Repair to maint equip. spray wash rack (33% from LMD)	$ 2,513	2020/21
attachment forklift for tractor	$ 1,106	2020/21
subtotal $ 472,874		
Adopt a Trail (from donations only) project suspended by TLC in July 2017/other misc donations		
trail sponsorship signs and plaques (incl posts/signs and installation)	$ 3,827	2009
installation of new uplights and electrical at oak trees - cardinet trail east side of library	$ 4,400	2011/12
installation of two new doggie mit/trash stations at trails El Molino/Marsh Creek and Cardinet Trail/Lydia (CBCA donation)	$1,800	2019/20
subtotal $ 10,027		
To Be done FY 21/22		
Trail repave from bridge by end of Mitchell Cyn up along 11th fairway to Oakhurst Blvd across from Yolanda	$ 185,000	2021/22
Repair/ Redo Trail at end of Peacock Creek	$ 100,000	2021/22
crack sealing various paved trails	$ 30,000	2021/22
Tree Trimming (Account 7440)	$ 300,000	2021/22
Lift Tree canopies in open space between Keller Ridge and Blue Oak	$ 100,000	2021/22
Replace six irrigation controllers	$ 90,000	2021/22
Pilot native planting project in open space	$ 12,500	2021/22
subtotal $817,500	$ 817,500	
replace subdivision/city entry sign if needed (contingency)		$ 2,000
replant and redo irrigation 2 medians (4 island sections) on Clayton Road (estimate (2021) city/seasonal staff $120,000)		project postponed
various subdivision entry redesign relandscape including hardscape (est. $300,000 in 2015 rev est. in 2017 over $500,000 not incl field survey or const plans)	$ -	project postponed
total reinvestment to Landscape Maintenance District through 6/30/21	**$ 2,183,676**	
total additional reinvestment planned through 2021/22	$ 817,500	
total est reinvestment through 6/30/2022	**$ 3,001,176**	
Laura/Replacement Projects Landscape Maint District TLC status FY summary 6 30 21		

CITY OF CLAYTON
Founded 1857 . . Incorporated 1964

STAFF REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

FROM: **Bill Stracker, City Engineer**

DATE: **June 29, 2021**

SUBJECT: **Approve the Engineer's Report and Declare Intent to Levy and Collect Real Property Assessments for the Diablo Estates at Clayton Benefit Assessment District for Fiscal Year 2021/22 and Give Notice of a Public Hearing to be held on July 20, 2021 at 7:00PM at the City of Clayton City Hall on the Levy of the Proposed Assessments**

RECOMMENDATION

Staff recommends the City Council take the following set of actions regarding the Diablo Estates at Clayton Benefit Assessment District for FY 2021/22: Receive and Approve the attached Engineer's Report and declare the Council's intent to levy and collect real property assessments for the Diablo Estates at Clayton Benefit Assessment District for Fiscal Year 2021/22 and approve the attached Resolution giving notice of the time and place for a public hearing.

BACKGROUND

The City Council, at its April 6, 2021 meeting, initiated the annual levy process for the Diablo Estates at Clayton Benefit Assessment District by officially calling for the preparation of the annual Engineer's Report. The Engineer of Work (City Engineer) has completed the preparation of the report and is submitting the report to the City Council to review and then accept the report.

Tonight, the City Council will set the date and time for the required public hearing to receive and hear any comments from the assessed property owners of Diablo Estates and Clayton.

As required by law, a notice regarding the time and place of the public hearing will be mailed to the property owners. The Engineer's Report will be attached to the public hearing notice. For the benefit of the residents, the Engineer's Report has been expanded to include all of the expenditures of the District for the current fiscal year as well as an accounting of the reserve fund to date and a copy of the Scope of Services for the District's management and maintenance.

FISCAL IMPACT

If the annual assessment as show in the attached Engineer's Report is approved by future City Council action, the City will continue to manage the maintenance duties specified in the Engineer's Report on behalf of the benefited real property owners.

Should the 3.8% CPI increase not be levied as recommended in the Engineer's Report, the automatic CPI increase in the property management must then be funded by drawing on District reserves. Further, bypassing the allowable CPI increase can never be recouped by the District in the future as each annual increase allowed is strictly limited to that year's adjustment in annual CPI increase.

CONCLUSION

Staff recommends that City Council approve the attached Engineer's Report and declare the Council's intent to levy and collect real property assessments for the Diablo Estates at Clayton Benefit Assessment District for Fiscal Year 2021/22, approve the attached Resolution and give notice of the time and place for a public hearing.

Attachments: Resolution confirming Assessments [3 pg.]
Notice to Property Owners [1 pg.]
BAD FY 2021/22 Engineer's Report [41 pg.]

RESOLUTION NO. ##-2021

A RESOLUTION APPROVING THE ENGINEER'S REPORT AND DECLARING INTENT TO LEVY AND COLLECT REAL PROPERTY ASSESSMENTS FOR THE DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT FOR FISCAL YEAR 2021/22, AND SETTING TUESDAY JULY 20, 2021 AT 7:00PM AT A REGULAR CITY COUNCIL PUBLIC MEETING AS THE TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS.

THE CITY COUNCIL
City of Clayton, California

WHEREAS, by Resolution No. 04-2012, adopted February 7, 2012, the Clayton City Council formed the Diablo Estates At Clayton Benefit Assessment District ("District") pursuant to the provisions of the Landscaping and Lighting Act of 1972 (Government Code Section 22500 et seq.) and the Benefit Assessment Act of 1982 (Government Code Section 54703 et seq.); and

WHEREAS, while the Benefit Assessment Act of 1982 does not require additional actions prior to levying an annual assessment, the Landscaping and Lighting Act of 1972 ("Act") does require the preparation of an annual Engineer's Report and the holding of a public hearing prior to levying of an annual assessment; and

WHEREAS, the City Engineer has prepared the required Engineer's Report and submitted it to the City Council for review and approval; and

WHEREAS, the City Council reviewed the Engineer's Report at its regular public meeting on June 29, 2021 and found it to be satisfactory and in compliance with the Act; and

WHEREAS, it is now necessary for the City Council to formally approve the Engineer's Report, establish the date for a public hearing on the levying of the proposed assessments for fiscal year 2021/22 and to direct the City Clerk to give the required notice of the public hearing.

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

1. The Engineer's Report dated June 11, 2021, prepared by the City Engineer as the Engineer for the District, and each part thereof, is sufficient in each particular, has fairly and properly apportioned the cost of the improvement to each parcel of land in the District in proportion to the estimated

benefits to be received by each parcel respectively from such improvements, and is hereby approved as filed.

2. The City Council hereby declares its intent to levy and collect a real property assessment of $3,904.65 on each parcel within the District for a total assessment of $93,711.64 for fiscal year 2021/22.

3. The Assessment District includes Lots 1 through 24, inclusive, as shown on the map of Subdivision 8719 as was recorded in Book 506 of Maps at Page 45, in the Office of the County Recorder of Contra Costa County and as modified by Lot Line Adjustment Nos. 10-01 (2010-0239196) and 10-02 (2010-0239195).

4. As shown on the Engineer's Report on file with the City Clerk, the District will pay for the cost of maintaining storm drainage collection and treatment facilities, street lighting, landscaping and irrigation, and weed abatement using the proposed assessments during fiscal year 2021/22.

5. **A public hearing will be held on Tuesday, July 20, 2021 at or about the hour of 7:00 p.m., of said day, at a special City Council public meeting held on-line via Zoom,** the regular public meeting place of the Clayton City Council; any and all persons having any interest in the lands within the Diablo Estates At Clayton Benefit Assessment District, liable to be assessed for the expenses of the District for fiscal year 2021/22, may be heard, and any such persons may also present their protests against the proposed assessments with City Clerk at or before the time set for hearing.

6. The City Clerk shall mail notice of the passage of this Resolution and of the time and place of hearing to each owner of real property within the District, as required by Section 54954.6 of the Government Code.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a special public meeting thereof held on 29th day of June 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

_____
Carl Wolfe, Mayor

ATTEST:

_____
Janet Calderon, City Clerk

ENGINEER'S REPORT

DATE: **JUNE 11, 2021**

TO: **CITY COUNCIL**

FROM: **CITY ENGINEER**

RE: **DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT FISCAL YEAR 2021/22**

STATEMENT OF ASSESSMENT ENGINEER

ENGINEER'S REPORT FOR FISCAL YEAR 2021/22

The preparation of this Annual Engineers Report (Report) is in conformance with the obligation of the City of Clayton City Council to provide the required services upon each lot or parcel of land in the established district in proportion to the estimated benefit received by each such lot or parcel of land for Fiscal Year 2021/22. Services will be provided through June 30, 2022.

This Engineer's Report has been prepared in accordance with the requirements of the Landscaping & Lighting Act of 1972 (Section 22500 et seq. of the Government Code).and includes provisions of the Assessment Act of 1982.

CITY OF CLAYTON BENEFIT ASSESSMENT DISTRICT

Hereinafter referred to as the "District".

I, William Stracker, P.E., the duly appointed Assessment Engineer submit the following Report that consists of the four parts and appendices required.

1, **Description of Improvements**: The District improvements consist of landscape maintenance, storm drains, public improvements, and streetlights located on residential streets within the District. The plans and specifications include the detailed work referenced in this Report are filed in the City Clerks office.

2. **Estimate of Costs**: The cost estimate of the proposed maintenance, energy, and incidental expenses for FY 2021/22 are presented.

3. **District Diagram:** This section incorporates the external boundaries of the District. The lines and dimensions of each parcel within the District are those lines and dimensions shown on the maps of the Contra Costa County Assessor for the year in which the Report was prepared and are incorporated by reference herein and made a part of this Report. The District Diagram is filed under separate cover with the City Clerk.

4. **Method of Assessment:** This section describes the method of apportionment of the assessments, based upon parcel classification of the District land in proportion to the benefit received and pursuant to the initial methodology established by the resolution approved on the day of the original District hearing that approved the original Engineers Report.

Appendices

Appendix A Assessment Roll
Appendix B District Boundary residing in The Office of the City Clerk
Appendix C Resolution

It is my opinion that the costs and expenses of the District have been accurately assessed to the lots and parcels within the boundaries of the District in proportion to the estimated benefits to be received by each assessable lot or parcel from the services provided.

DATED: this 11th day of June 2021

Harris & Associates

William Stracker, PE, Assessment Engineer
RCE No, 25082
Engineer of Work
County of Contra Costa
State of California



This Engineer's Report has been prepared in accordance with the requirements of the Landscaping & Lighting Act of 1972 (Section 22500 et seq. of the Government Code) and provisions of the Assessment Act of 1982..

HISTORICAL REVIEW

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

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

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

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

ESTIMATED COSTS

The original budget included maintenance and District administrative costs, as well as reserve funds for future replacement of the maintained items. See Attachment 2 for the District's budgeted expenditures for FY 2020-21.
The relevant CPI adjustment for the twelve-month period beginning April 2020 and ending April 2021 is 3.8% rounded down. Following is a breakdown of the District's FY 2020/20 and FY 2021/22 budgeted costs incorporating the allowable CPI adjustment:

Item	FY 2020/21 Budget	CPI Increase (3.8%)	FY 2021/22 Budget
District Maintenance:			
Common Area Landscape	$23,648.71	$898.65	$24,547.36
Weed Abatement	$14,799.19	$562.37	$15,361.56
Storm Drain System	$6,834.21	$259.70	$7,900.91
Private Street Lighting	$1,814.16	$68.94	$1,883.10
District Administration*	$20,999.69	$797.99	$21,797.68
District Reserves	$22,185.00	$843.00	$23,028.00
Total Annual Budget	**$90,280.96**	**$3,430.68**	**$93,711.64**

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

RESERVE FUNDS

The reserve fund balance at the end of FY 2020/21 will be approximately $178,985. This balance will increase to approximately $201,947 at the end of FY 2021/22. The purpose of the Reserve is for both scheduled and unexpected replacement of the capital investments, per the original Engineer's Report.

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

PER UNIT ALLOCATION

Based upon the proposed budget, the per-unit assessment will be $3,904.65 ($93,711.64 / 24 units). Assessments must be evenly divisible by 2.

ASSESSMENT HISTORY

FY 21-22	$3,904,65
FY 20-21	$3,761.70
FY 19-20	$3,720.78
FY 18-19	$3,565.94
FY 17-18	$3,454.70
FY 16-17	$3,328.82
FY 15-16	$3,241.00
FY 14-15	$3,162.00
FY 13-14	$3,100.26

ATTACHMENT 1

RESERVE FUND ACCOUNTS

DIABLO ESTATES AT CLAYTON
BENEFIT ASSESSMENT DISTRICT ("District")
RESERVE FUNDS

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

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

The funds as initially established are as follows:

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

* Removal and replacement of plants and filter material only
** First year assessment (increased each following year by the CPI increase)

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

DIABLO ESTATES AT CLAYTON
BENEFIT ASSESSMENT DISTRICT
RESERVE FUNDS ANALYSIS

FY 2012/2013 (INITIAL YEAR)

RESERVE FUNDS - FACILITIES

ITEM	QUANTITY	UNIT	UNIT COST	TOTAL COST	SERVICE LIFE (yrs)	ANNUAL DEPOSIT
Tree Replacement	33	EA	$285.00	$9,405.00	40	$235.13
Entry Monument Replacement	1	EA	$4,000.00	$4,000.00	25	$160.00
V-Ditch Repairs	2038	LF	$50.00	$101,900.00	25	$4,076.00
Vortsentry Replacement	1	EA	$100,000.00	$100,000.00	100	$1,000.00
Stormwater Basin Replacement/Repair	48	EA	$2,000.00	$96,000.00	10	$9,600.00
CB/MH/SD Pipe replacement	1	LS	$79,000.00	$79,000.00	100	$790.00
				$390,305.00		$15,861.13

RESERVE FUNDS - GENERAL

Annual General Reserve	$2,000.00

BAD RESERVE FUNDS - TOTAL AS OF 06/30/2013: $17,861.13

FY 2013/14 (CPI = 2.4% INCREASE)

RESERVE FUNDS - FACILITIES

ITEM	FY 2012/13 ASSESS.	INCR.	FY 2013/14 ASSESS.	AMT.PRIOR TO FY 2013/14	AMT. @ END FY 2013/14
Tree Replacement	$235.13	2.40%	$240.77	$235.13	$475.89
Entry Monument Replacement	$160.00	2.40%	$163.84	$160.00	$323.84
V-Ditch Repairs	$4,076.00	2.40%	$4,173.82	$4,076.00	$8,249.82
Vortsentry Replacement	$1,000.00	2.40%	$1,024.00	$1,000.00	$2,024.00
Stromwater Basin Replacement/Repair	$9,600.00	2.40%	$9,830.40	$9,600.00	$19,430.40
CB/MH/SD Pipe replacement	$790.00	2.40%	$808.96	$790.00	$1,598.96
			$16,241.79		$32,102.92

RESERVE FUNDS - GENERAL

Annual General Reserve	$2,000.00	2.40%	$2,048.00	$2,000.00	$4,048.00
	FY 2013-14 Assess.:		**$18,289.79**		

BAD RESERVE FUNDS - TOTAL AS OF 06/30/2014: $36,150.92

Check #:	$18,289.79	Check #:	**$36,150.92**

FY 2014/15 (CPI = 2.0% INCREASE)

RESERVE FUNDS - FACILITIES

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

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

Check #:	$18,655.59	Check #:	**$54,806.50**

FY 2015/16 (CPI = 2.5% INCREASE)

RESERVE FUNDS - FACILITIES

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

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

Check #:	$19,121.98	Check #:	**$73,928.48**

FY 2016/17 (CPI = 2.7% INCREASE)

RESERVE FUNDS - FACILITIES

ITEM	FY 2015/16 ASSESS.	INCR.	FY 2016/17 ASSESS.	AMT.PRIOR TO FY 2016/17	AMT. @ END FY 2016/17
Tree Replacement	$251.72	2.70%	$258.52	$973.20	$1,231.72
Entry Monument Replacement	$171.29	2.70%	$175.92	$662.25	$838.17
V-Ditch Repairs	$4,363.73	2.70%	$4,481.55	$16,870.86	$21,352.41
Vortsentry Replacement	$1,070.59	2.70%	$1,099.50	$4,139.07	$5,238.57
Stromwater Basin Replacement/Repair	$10,277.68	2.70%	$10,555.18	$39,735.09	$50,290.27
CB/MH/SD Pipe replacement	$845.77	2.70%	$868.60	$3,269.87	$4,138.47
			$17,439.27		$83,089.61

RESERVE FUNDS - GENERAL

Annual General Reserve	$2,141.18	2.70%	$2,199.00	$8,278.14	$10,477.14
	FY 2016-17 Assess.:		**$19,638.27**		

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

Check #:	$19,638.27	Check #:	$93,566.75

FY 2017/18 (CPI = 3.78% INCREASE)

RESERVE FUNDS - FACILITIES

ITEM	FY 2016/17 ASSESS.	INCR.	FY 2017/18 ASSESS.	AMT.PRIOR TO FY 2017/18	AMT. @ END FY 2017/18
Tree Replacement	$258.52	3.78%	$268.29	$1,231.72	$1,500.01
Entry Monument Replacement	$175.92	3.78%	$182.57	$838.17	$1,020.74
V-Ditch Repairs	$4,481.55	3.78%	$4,650.96	$21,352.41	$26,003.37
Vortsentry Replacement	$1,099.50	3.78%	$1,141.06	$5,238.57	$6,379.63
Stromwater Basin Replacement/Repair	$10,555.18	3.78%	$10,954.17	$50,290.27	$61,244.44
CB/MH/SD Pipe replacement	$868.60	3.78%	$901.44	$4,138.47	$5,039.91
			$18,098.48		$101,188.09

RESERVE FUNDS - GENERAL

Annual	$2,199.00	3.78%	$2,282.12	$10,477.14	$12,759.26
	FY 2017-18 Assess.:		**$20,380.60**		

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

Check #:	$20,380.60	Check #:	$113,947.35

FY 2018/19 (CPI = 3.22% INCREASE)

RESERVE FUNDS - FACILITIES

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

RESERVE FUNDS - GENERAL

Annual	$2,282.12	3.22%	$2,355.60	$12,759.26	$15,114.86
	FY 2018-19 Assess.:		**$21,036.85**		

BAD RESERVE FUNDS - TOTAL AS OF 06/30/2019: $134,984.20

Check #: $21,036.85

Check #: $134,984.20

FY 2019/20 (CPI = 4.01% INCREASE)

RESERVE FUNDS - FACILITIES

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

RESERVE FUNDS - GENERAL

Annual	$2,355.60	4.01%	$2,450.06	$15,114.86	$17,564.92
	FY 2018-19 Assess.:		**$21,880.43**		

BAD RESERVE FUNDS - TOTAL AS OF 06/30/2019: $156,864.63

Check #: $21,880.43

Check #: $156,864.63

FY 2020/21 (CPI = 1.1% INCREASE)

RESERVE FUNDS - FACILITIES

ITEM	FY 2019/20 ASSESS.	INCR.	FY 2020/21 ASSESS.	AMT.PRIOR TO FY 2020/21	AMT. @ END FY 2020/21
Tree Replacement	$288.04	1.10%	$291.20	$2,064.98	$2,356.18
Entry Monument Replacement	$196.00	1.10%	$198.16	$1,405.19	$1,603.35
V-Ditch Repairs	$4,993.23	1.10%	$5,048.15	$35,797.31	$40,845.46
Vortsentry Replacement	$1,225.03	1.10%	$1,238.51	$8,782.46	$10,020.97
Stromwater Basin Replacement/Repair	$11,760.30	1.10%	$11,889.66	$84,311.63	$96,201.29
CB/MH/SD Pipe replacement	$967.77	1.10%	$978.42	$6,938.14	$7,916.56
			$19,644.10		$158,943.82
RESERVE FUNDS - GENERAL					
Annual	$2,450.06	1.10%	$2,477.01	$17,564.92	$20,041.93
	FY 2019-20 Assess.:		**$22,121.12**		

BAD RESERVE FUNDS - TOTAL AS OF 06/30/2019: $178,985.75

Check #:	$22,121.12	Check #:	$178,985.75

FY 2021/22 (CPI = 3.8% INCREASE)

RESERVE FUNDS - FACILITIES

ITEM	FY 2020/21 ASSESS.	INCR.	FY 2021/22 ASSESS.	AMT.PRIOR TO FY 2021/22	AMT. @ END FY 2021/22
Tree Replacement	$291.20	3.80%	$302.27	$2,356.18	$2,658.45
Entry Monument Replacement	$198.16	3.80%	$205.69	$1,603.35	$1,809.05
V-Ditch Repairs	$5,048.15	3.80%	$5,239.98	$40,845.46	$46,085.44
Vortsentry Replacement	$1,238.51	3.80%	$1,285.57	$10,020.97	$11,306.54
Stormwater Basin Replacement/Repair	$11,889.66	3.80%	$12,341.47	$96,201.29	$108,542.75
CB/MH/SD Pipe replacement	$978.42	3.80%	$1,015.60	$7,916.56	$8,932.16
			$20,390.58		$179,334.39
RESERVE FUNDS - GENERAL					
Annual	$2,477.01	3.80%	$2,571.14	$20,041.93	$22,613.07
	FY 2020-21 Assess.:		**$22,961.72**		

BAD RESERVE FUNDS - TOTAL AS OF 06/30/2020: $201,947.47

Check #	**$22,961.72**	**Check#:**	**$201,947.47**

ATTACHMENT 2

BAD PROJECTED BUDGET FOR FY 2021-22

INCLUDING PROJECTED

BAD EXPENDITURES IN FY 2020-21

City of Clayton
Diablo Estates Benefit Assessment District - Fund 231
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7335	Gas & Electric Serv.	145	300	300	300	300
7338	Water Service	3,759	5,700	5,700	8,050	8,600
7381	Property Tax Admin Cost	270	270	270	270	270
7384	Legal Notices	-	100	100	100	100
7411	Legal Services Retainer	-	-	-	-	-
7413	Special Legal Services	-	-	-	-	-
7419	Other Prof. Services	54,235	59,390	59,390	59,390	59,390
7420	Administrative Costs	2,277	2,302	2,302	2,302	2,389
	Total Expenditures	**60,686**	**68,062**	**68,062**	**70,412**	**71,049**
4611	Fiduciary Fund Assessment	85,583	86,524	86,524	93,997	93,712
5601	Interest Income	3,102	1,200	1,200	2,400	2,400
5606	Unrealized Investment Gain/Loss	3,357	-	-	-	-
	Total Revenue	**92,042**	**87,724**	**87,724**	**96,397**	**96,112**
	Increase (Decrease) in Fund Balance	**31,356**	**19,662**	**19,662**	**25,985**	**25,063**
	Beginning Fund Balance	**144,651**	**163,802**	**163,802**	**176,007**	**201,992**
	Ending Fund Balance	**176,007**	**183,464**	**183,464**	**201,992**	**227,055**

ATTACHMENT 3

INITIAL ENGINEER'S REPORT (19 pp)

CITY OF CLAYTON

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

ENGINEER'S REPORT
FISCAL YEAR 2012-13

MARCH 2012

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

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CITY OF CLAYTON

MAYOR

Howard Geller

CITY COUNCIL

Joseph A. Medrano
Julie K. Pierce
David T. Shuey
Hank Stratford

CITY MANAGER

Gary Napper

CITY ENGINEER

Rick Angrisani

CITY ATTORNEY

Malathy Subramanian

CITY CLERK

Laci Jackson

ENGINEER OF WORK

SCI Consulting Group

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INTRODUCTION

BACKGROUND

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

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

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

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

LEGISLATIVE ANALYSIS

PROPOSITION 218

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

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

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

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

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

1. The Assessment District is narrowly drawn to include only the properties that receive special benefit from the specific Improvements and Services. Thus, zones of benefit are not required and the assessment revenue derived from real property in each Assessment District is extended only on the Services in the Assessment District.

2. The Improvements which are constructed and/or maintained with assessment proceeds in the Assessment District are located in close proximity to the real property subject to the assessment. The Improvements and Services provide illumination to streets and sidewalks

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

3. Due to their proximity to the assessed parcels, the Improvements and Services financed with assessment revenues in the Assessment District benefit the properties in the Assessment District in a manner different in kind from the benefit that other parcels of real property in the City derive from such Improvements and Services, and the benefits conferred on such property in the Assessment District are more extensive than a general increase in property values.

4. The assessments paid in the Assessment District are proportional to the special benefit that each parcel within that Assessment District receives from the Services because:

   a. The specific lighting Improvements and maintenance Services and utility costs thereof in the Assessment District and the costs thereof are specified in this Report; and

   b. The cost of the Services in the Assessment District is allocated among different types of property located within the Assessment District, and equally among those properties which have similar characteristics, such as single-family residential parcels, multi-family residential parcels, commercial parcels, or industrial parcels.

DAHMS V. DOWNTOWN POMONA PROPERTY

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

BONANDER V. TOWN OF TIBURON

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

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

BEUTZ V. COUNTY OF RIVERSIDE

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

COMPLIANCE WITH CURRENT LAW

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

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

PLANS & SPECIFICATIONS

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

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

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

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

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

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

CITY OF CLAYTON
Diablo Estates at Clayton Benefit Assessment District
Summary of Estimated Annual Cost
Fiscal Year 2012-13

Installation, Maintenance & Servicing Costs		
Common Landscaping	$19,426.99	
Weed Abatement (On-lot)	$11,910.00	
Storm Drain System	$27,966.00	
Street Lighting	$1,460.00	
Subtotal - Installation, Maintenance and Servicing		$60,762.99
Incidental Expenses and Administration Costs		$11,900.00
Totals for Installation, Maintenance, Servicing and Incidentals		$72,662.99
Net Cost of Maintenance, Servicing and Incidentals (Net Amount to be Assessed)		$72,662.99
Budget Allocation to Property		
Total Assessment Budget		**$72,662.99**
Single Family Equivalent Benefit Units		24
Assessment per Single Family Equivalent Unit		$3,027.62

ESTIMATE OF COST AND BUDGET – FISCAL YEAR 2012-13

FIGURE 2 – COST ESTIMATE BREAKDOWN FOR DIABLO ESTATES AT CLAYTON

CITY OF CLAYTON
Diablo Estates at Clayton Benefit Assessment District
Estimate of Maintenance, Replacement, and Administrative Costs

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

* homeowner responsibility
**assumes covenant with Tol Brothers, Inc. for 5 year maintenance period
Unit costs per direction of City of Clayton City Engineer

METHOD OF APPORTIONMENT

METHOD OF APPORTIONMENT

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

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

DISCUSSION OF BENEFIT

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

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

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

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

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

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

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

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

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

GENERAL VERSUS SPECIAL BENEFIT

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

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

METHOD OF ASSESSMENT

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

ASSESSMENT APPORTIONMENT

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

APPEALS AND INTERPRETATION

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

CERTIFICATES

DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT

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

Engineer of Work, License No. C052091

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

City Clerk

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

City Clerk

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

City Clerk

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

County Auditor, County of Contra Costa

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

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

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

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

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

Dated: March 6, 2012

Engineer of Work

By _____

John W. Bliss, License No. C052091



ASSESSMENT

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

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

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

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

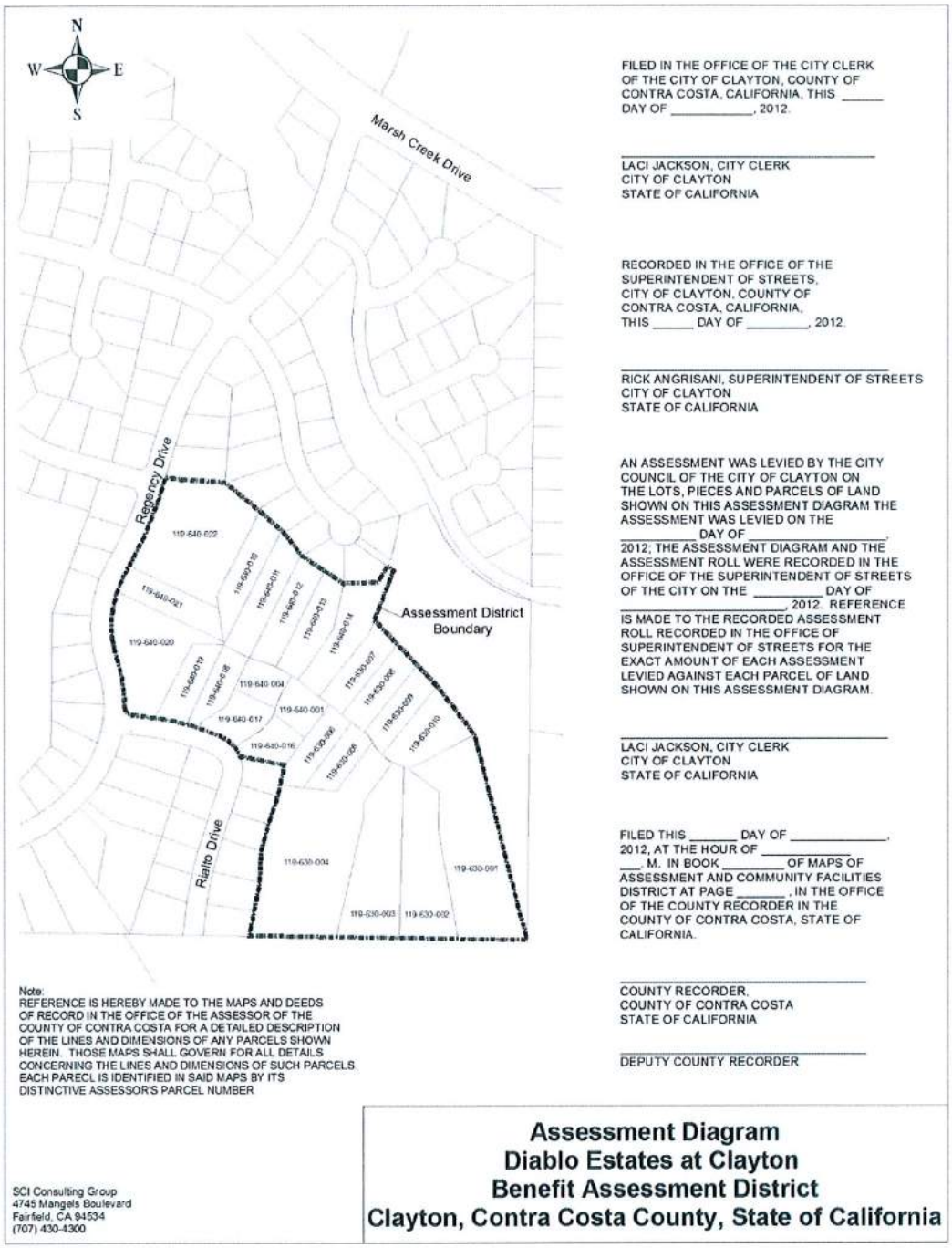
CITY OF CLAYTON
Diablo Estates at Clayton Benefit Assessment District
Summary Cost Estimate FY 2012-13

Installation, Maintenance & Servicing Costs	$60,763
Incidental Costs	$11,900
Total Budget	$72,663
Budget to Assessment	
Total Budget	$72,663
Total SFE Units	24
Rate per SFE Unit	$3,027.62

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

ASSESSMENT DIAGRAM

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



APPENDICES

APPENDIX A – ASSESSMENT ROLL, FISCAL YEAR 2012-13

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

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

FIGURE 4 – ASSESSMENT ROLL

CITY OF CLAYTON
Diablo Estates at Clayton Assessment District
Assessment Roll

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

ATTACHMENT 4

MAINTENANCE MANAGEMENT SCOPE OF SERVICES

EXHIBIT "A"
SCOPE OF SERVICES

PROPERTY MANAGEMENT SERVICES

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

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

COMMON LANDSCAPING (ALONG REGENCY AND RIALTO DRIVES)

DESCRIPTION AND DETAILED SCOPE OF WORK

Description

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

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

Detailed Scope of Work – City's Responsibility

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

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

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

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

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

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

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

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

WEED ABATEMENT

DESCRIPTION AND DETAILED SCOPE OF WORK

Description

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

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

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

Detailed Scope of Work – City's Responsibility

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

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

STORM DRAINAGE FACILITIES

DESCRIPTION AND DETAILED SCOPE OF WORK

Description

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

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

Detailed Scope of Work – City's Responsibility

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

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

STORMWATER TREATMENT FACILITIES

DESCRIPTION AND DETAILED SCOPE OF WORK

Description

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

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

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

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

Detailed Scope of Work – Homeowners' Responsibility

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

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

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

Detailed Scope of Work – City's Responsibility

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

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

STREET LIGHTING FACILITIES

DESCRIPTION AND DETAILED SCOPE OF WORK

Description

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

Detailed Scope of Work – City's Responsibility

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

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

CITY OF CLAYTON
Founded 1857 . . Incorporated 1964

AGENDA REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

FROM: **CITY MANAGER**

DATE: **JUNE 29, 2021**

SUBJECT: **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON APPOINTING CALPERS RETIRED ANNUITANT SANDRA SATO TO THE POSITION OF INTERIM FINANCE DIRECTOR AND APPROVING AN EMPLOYMENT CONTRACT PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 21221(H)**

RECOMMENDATION

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

BACKGROUND

The City's Finance Director position will be vacant as of June 30, 2021 as our current Finance Director has resigned to take a position in another jurisdiction. While the City has already posted the vacancy to begin the recruitment, it will be several months before the City will be able to bring a new Finance Director on board.

In the meantime, the City must bring on an Interim Finance Director to ensure that the City can meet all of its financial and reporting obligations. Ms. Sato retired as an experienced Finance Director, having worked in several northern California cities and thus possesses specialized skills critically required during this recruitment. The Resolution and Agreement before the City Council this evening would appoint retired Finance Director Sandra Sato to the position of Interim Finance Director for the City of Clayton during the period of recruitment.

DISCUSSION

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

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

FISCAL IMPACT

The annuitant will be compensated at the maximum salary permissible for this position of $65.15 per hour ($11,292 monthly salary/173.333 hours per month) in accordance with the City's adopted salary schedule for the Finance Director classification for FY 2020/21 and $66.61 per hour ($11,546.07 monthly salary/173.33 hours per month) beginning July 1, 2021 and will receive no other benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate. The cost for this agreement can be accommodated within the adopted budget.

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

RESOLUTION ##-2021

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON APPOINTING CALPERS RETIRED ANNUITANT SANDRA SATO TO THE POSITION OF INTERIM FINANCE DIRECTOR AND APPROVING AN EMPLOYMENT CONTRACT PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 21221(H)

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

WHEREAS, the Finance Director position will be vacant as of June 29, 2021 and the City has already posted the position in order to recruit a permanent replacement;

WHEREAS, during the recruitment, the City Manager seeks to execute a contract with Sandra Sato (retired Finance Director) to serve as Interim Finance Director for the City of Clayton, consistent with the Public Employees' Pension Reform Act (California Government Code Section 21221(h));

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

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

WHEREAS, Ms. Sato retired as an experienced Finance Director, having worked in several northern California cities and thus possesses specialized skills critically required during this recruitment;

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

- the vacant position is deemed to require specialized skills;
- Ms. Sato's interim appointment will be "critically needed" during the period of the recruitment for a permanent Finance Director position;
- Ms. Sato's interim appointment is for a "limited duration" and requires "specialized skills" in the areas of finance, budgeting and accounting;
- the annuitant's employment will not exceed 960 hours in a fiscal year (July 1 through June 30) for employment with all CalPERS employers combined;
- the annuitant's pay rate will not exceed the maximum monthly paid to other employees performing comparable duties as listed on a publicly available pay schedule for the vacant position, divided by 173.333 to equal an hourly rate;

- the annuitant will not receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate; and

- the retired annuitant will certify that they have not received unemployment insurance payments for prior retired annuitant work for any CalPERS employer within 12 months prior to the appointment date;

WHEREAS, the annuitant will be compensated at the maximum salary permissible for this position of $65.15 per hour ($11,292 monthly salary/173.333 hours per month) in accordance with the City's adopted salary schedule for the Finance Director classification for FY 2020/21 and $66.61 per hour ($11,546.07 monthly salary/173.33 hours per month) beginning July 1, 2021 and will receive no other benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate; and

WHEREAS no additional budget resources are requested.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Clayton hereby authorizes the City Manager to execute the attached contract (Exhibit 1) to appoint Sandra Sato to serve as Interim Finance Director.

* * * * *

ADOPTED ON June 29, 2021 by the City Council of the City of Clayton by the following vote count:

AYES:

NOES:

ABSENT:

ABSTAIN

THE CITY COUNCIL OF CLAYTON, CA

_____
Carl Wolfe, Mayor

ATTEST

_____
Janet Calderon, City Clerk

June 29, 2021

Sandra Sato

RE: RETIRED ANNUITANT CONTRACT – INTERIM FINANCE DIRECTOR

Dear Ms. Sato:

I am pleased to offer you, as a CalPERS retired annuitant, a limited duration opportunity with the City of Clayton's Finance Department as an Interim Finance Director beginning on June 29, 2021. Your appointment is made pursuant to Government Code Section 21221(h) because of the resignation of the current Finance Director creating a vacancy for which your specialized finance knowledge and skills are needed during the time it takes to recruit and fill this position. The City has already begun the process to recruit a permanent Finance Director.

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

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

Compensation

The City of Clayton is offering to compensate you at the maximum monthly salary permissible for this position, which is $65.15 per hour through June 30, 2021 and $66.61 per hour effective July 1, 2021 based on a City Council approved salary range adjustment for FY2021/22. This is consistent with the City's adopted FY2020/21 salary schedule for the Finance Director classification (the salary schedule can be found here: https://claytonca.gov/human-resources/city-of-clayton-compensation-and-benefits/). You will not receive any benefit, incentive, compensation in lieu of benefits or other form of compensation in addition to the hourly rate.

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

Duties

Your Interim Finance Director duties will include, but are not limited to, the following tasks:

- Plan, manage and perform duties relating to the process, control, maintenance and review (audit) of all City financial records and transactions;
- Coordinate department activities with other City officials, departments or outside agencies;
- Provide responsible and complex financial staff support to the City Manager; and
- Perform related duties as required.

Retired Annuitant Status and Indemnification

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

Certification of No Unemployment Benefits and No Other Public Agency Work

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

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

Execution of Agreement

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

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

Approved:

_____ _____

Reina J. Schwartz, City Manager **Date**

****

Acknowledgement and Certification

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

_____ _____

Sandra Sato **Date**

CITY OF CLAYTON
Founded 1857 . . Incorporated 1964

AGENDA REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

FROM: **CITY MANAGER**

DATE: **JUNE 29, 2021**

SUBJECT: **RESOLUTION APPROVING A THREE (3) YEAR COLLECTIVE BARGAINING AGREEMENT WITH THE CLAYTON POLICE OFFICERS' ASSOCIATION (CPOA) – JULY 1, 2021 – JUNE 30, 2024**

RECOMMENDATION

It is recommended the City Council adopt the attached Resolution authorizing and approving a negotiated three (3) year Memorandum of Understanding (MOU) with the Clayton Police Officers' Association (CPOA), effective July 1, 2021 through June 30, 2024, establishing terms and conditions of employment and employee compensation for sworn law enforcement officers with the City of Clayton.

BACKGROUND

On June 19, 2018 a three (3) year MOU by and between the City and the Clayton Police Officers' Association (CPOA) was approved to cover employer-employee terms and conditions of employment of this recognized collective bargaining unit. The CPOA represents the ten (10) sworn public safety members of the law enforcement unit employed by the City as its Clayton Police Department (excludes the Chief of Police). This action was in accord with California state laws that require a public employer and each of its organized and recognized or undesignated collective bargaining units to meet and confer over terms and conditions of employment and compensation prior to the expiration of an associated collective bargaining contract (ref. *Government Code Section 3500*, et. seq.), often known or referred to as a "Memorandum of Understanding" ("MOU").

That three (3) year MOU is set to expire on June 30, 2021.

MEET AND CONFER DISCUSSIONS

By City Council direction, the City Manager (as the Council's designated labor negotiator) and CPOA representatives met and conferred at several meetings to negotiate a new Agreement during the months of May and June 2021.

After exchanges of proposals and counter-proposals, the CPOA notified the City Manager on June 8, 2021 that its members had ratified the new and revised MOU deal points contained in the last exchange. The latest proposal is in alignment with the City Council instructions to its labor negotiator in its last noticed closed session on May 4, 2021; therefore, the MOU has been prepared for public review and City Council adoption at this meeting.

SUMMATION OF NEW AGREEMENT

The parties have agreed to the following new or amended employment terms and conditions to the base MOU:

1. The term of the MOU will be three (3) years effective July 1, 2021 through June 30, 2024;

2. Cost-of-living (COLA) adjustments will be made to the base salary for the job classifications of Police Officer and of Police Sergeant according to the schedule below (ref. Article 7 of MOU):
   a. Three percent (3%) COLA for FY2021/22;
   b. Four percent (4%) COLA for FY2022/23; and
   c. Four percent (4%) COLA for FY2023/24.

3. Medical Contribution: move to new flat rate equivalent to 90% of the 2021 Kaiser rate (no increase in the last two contracts)

4. Shift Differential: small increase to swing and graveyard shift differential; add Admin Sergeant incentive

5. Holiday Pay: even out holiday pay so all employees effectively get paid holidays; if they are scheduled to work on a holiday, it is at regular rate of pay

6. Longevity Pay: 2% @ 5 years; 3% @ 10 years; 5% @ 20 years

7. Other minor changes: uniform allowance and incentive for achieving POST Intermediate or Advanced Certificates

8. Language changes or additions were agreed upon involving various other sections relating to operations (see Attachment 3).

9. All other terms and conditions contained in the expiring three (3) year MOU remain in full force and effect without alteration or amendment.

FISCAL IMPACT

During the three years of the expiring MOU, employees of this unit received a cumulative base salary increase of 12.5% while the Consumer Price Index (CPI) in the Bay Area rose 9.14% (April 2018 – April 2021). Although the most recent one-year CPI is presently 3.8% (April 2020 – April 2021), the proposed COLA is less than CPI in the first year in recognition of increases in other economic components in the proposed MOU.

Overall, this multi-year MOU presents a calculated (3) year net cost to the City of $235,290 as follows:

FY 2021/22	FY 2022/23	FY 2023/24
$75,866	$78,397	$81,008

Assumptions incorporated into this financial projection are all existing unit employees remain with the Clayton Police Department. In all likelihood, the more seasoned/veteran personnel may retire or attrition to larger/better paying police agencies to be replaced by younger and first-time officers at initially lower pay scales. That trend will reduce the financial impact calculated above.

The recommended City Budget for FY 2021/22 is estimated to be balanced taking into account this impact. While future years present a challenge to the City's General Fund, these increases to police compensation are not the lone cause of the anticipated deficits; all City costs are rising faster than revenues. This must be addressed in a comprehensive fashion and will be brought back to the City Council over the next several months to discuss financial projections and options in advance of the FY2022/23 Budget process.

Attachments:
1. Resolution approving a three (3) year MOU with the CPOA [2 pp.]
2. "Exhibit A", new MOU [24 pp.]
3. Red-lined copy of expiring MOU [26 pp.]

RESOLUTION NO. ## - 2021

A RESOLUTION APPROVING A NEGOTIATED THREE (3) YEAR MEMORANDUM OF UNDERSTANDING WITH THE CLAYTON POLICE OFFICERS' ASSOCIATION EFFECTIVE JULY 1, 2021 THROUGH JUNE 30, 2024

THE CITY COUNCIL
City of Clayton, California

WHEREAS, authorized labor representatives of the City of Clayton and the Clayton Police Officers' Association (CPOA) did meet and confer in good faith regarding certain matters including, but not limited to, wages, hours, and terms and conditions of employment with the City, pursuant to *California Government Code* Section 3500, et. seq.; and

WHEREAS, the parties to the aforementioned negotiations have set forth a three (3) year Memorandum of Understanding (MOU) that encompasses the full and complete agreements reached between the parties as a result of said good faith negotiations; and

WHEREAS, the proposed modifications and agreements to the MOU contained and described in its entirety as Exhibit "A", incorporated herein by reference to this Resolution, were presented to the members of the Clayton Police Officers' Association and it has subsequently represented to the City's designated labor negotiator of its ratification and approval; and

WHEREAS, the City Manager, as the City's designated labor negotiator, does herein recommend approval of the proposed and continuing terms and conditions contained in said MOU, as outlined in its entirety in Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby accept and approve the attached Memorandum of Understanding (Exhibit "A") by and between the City and the Clayton Police Officers' Association during the term thereof, effective July 1, 2021 through June 30, 2024, and does duly authorize and instruct its City Manager to implement the agreed-upon terms and conditions accordingly.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 29th day of June 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

_____
Carl Wolfe, Mayor

ATTEST:

_____
Janet Calderon, City Clerk

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CLAYTON AND THE CLAYTON POLICE OFFICERS' ASSOCIATION

ARTICLE 1: PREAMBLE

This Memorandum of Understanding, pursuant to the State of California Government Code Section 3500 et seq., entered into by the City of Clayton, hereinafter referred to as "City", and the Clayton Police Officers' Association, hereinafter referred to as "CPOA", the recognized employee organization for sworn police personnel, excepting the Chief of Police, is hereby effective 01 July 2021 through 30 June 2024.

It is the intent and purpose of the Memorandum of Understanding, hereinafter referred to as "MOU", to set forth the understanding of the parties reached as a result of meeting and conferring in good faith regarding, but not limited to, matters relating to wages, hours, and terms and conditions of employees represented by the CPOA.

ARTICLE 2: SAVINGS CLAUSE

If any section, subsection, subdivision, sentence, clause or phrase of this MOU is, for any reason, held to be illegal or unconstitutional, such holding shall not affect the validity of the remaining portions of this MOU.

ARTICLE 3: MANAGEMENT RIGHTS

Section 3.1

Except as otherwise specifically provided and subject to applicable laws, the City has and retains sole and exclusive rights and functions of management, including, but not limited to, the following:

A. To determine the nature, standards, and extent of services to be performed, as well as the right to determine and implement its public function and responsibility.

B. To manage all facilities and operations of the City, including the methods, means, and numbers and kinds of personnel by which the City operations are to be conducted.

C. To direct the working forces, including the right to hire, assign, promote, demote, or transfer any employee.

D. To assign work to and schedule employees in accordance with requirements as determined by the City, and to establish and change work schedules and assignments upon reasonable notice.

E. To discharge, suspend, demote, reprimand, withhold merit increases or otherwise discipline employees in accordance with applicable law.

F. To determine policies, procedures, and standards affecting the selection, training, and promotion of employees.

G. To establish, assess, and implement employee performance standards, including, but not limited to, quality and quantity standards, the assessment of employee performances, and the procedures for said assessment.

H. To determine the assignment of specific personnel and the duration of each assignment for the day watch "Administrative Sergeant" at the sole discretion of the Chief of Police, which assignment and its term are not subject to grievance, disciplinary appeal or any applicable loss in compensation, organizational status or rank; its operation herein is not subject to the *White* decision.

Section 3.2
CPOA recognizes the City has and will continue to retain the unilateral and exclusive right to operate, administer, and manage its municipal services and work force, performing those services in all respects subject to this MOU.

ARTICLE 4: ASSOCIATION AND EMPLOYEE RIGHTS

Section 4.1
The City recognizes the employees' rights to self-organization and to be represented by employee organizations of their own choosing as set forth in Chapter 10, Division 4 of the Government Code of the State of California.

Section 4.2
CPOA is entitled to use non-public area bulletin boards on City property for the purpose of posting notices of meetings and other official CPOA business with the understanding that material derogatory to or of the City will not be posted.

Section 4.3
CPOA representatives will be permitted access to work locations to confer with City employee members on matters of employer – employee relationship but not such internal employee organization business as soliciting membership, campaigning for office, and the organization meetings and elections. Such representatives shall not interfere with the efficiency, safety and security of City operations or in any way interfere with work in progress.

Section 4.4
City will provide to CPOA certain meeting space outside normal working hours, provided such space is available. Requests for use of facilities shall be made in advance and approved by the City.

Section 4.5 Personnel Files.
The City's secured personnel files, maintained in the City offices, are not subject to public inspection. Any employee has the right to inspect their own personnel file. An employee has the right, in accordance with law, to respond in writing to anything contained or placed in their own personnel file and any such response(s) shall become part of their personnel file.

ARTICLE 5: UNIT DESCRIPTION

Section 5.1
The following job classifications are represented by the CPOA and are members of this unit:

Job Classifications – Sworn Personnel
Police Sergeant
Police Officer

During the term of this MOU, both parties agree to meet and confer regarding changes to the unit description to address supervisory, leadership and promotional opportunities.

ARTICLE 6: DUES DEDUCTION

City shall provide payroll deductions of membership dues and legal assistance plan sponsored by CPOA/PORAC, upon the written authorization of employees described in Article 5 above and on forms agreed upon by the City and CPOA. The City will promptly remit such fees, dues or assessments to CPOA. Once initiated, dues deductions shall continue according to the terms of the authorizations, and deduction of any authorized fees, dues, or assessments shall continue until the authorization is validly revoked by the employee and CPOA gives written notice of such revocation to City. CPOA shall promptly notify the City's Human Resources Manager of any such revocation, cancellation or change in an employee's authorization.

The amount of the fees, dues, or assessments shall be certified to the Human Resources Manager at least once per year, and within ten (10) business days of a request by City, by an authorized officer of CPOA. In the event of a dispute about the existence or terms of an employee's authorization for deduction of dues, fees or assessment, the City may request and CPOA will promptly provide the City copies of any such authorizations consistent with applicable law.

In the event a bargaining unit employee asks the City about the payment of dues, fees, assessments, or union membership, the City shall inform the employee to contact CPOA. CPOA shall indemnify, defend and hold harmless the City, its officers, elected officials, agents and employees (the "Indemnified Parties") from any and all claims, demands, damages, costs, expenses, or liability arising out of this Section ("Claims"), including any reasonable attorney's fees and costs defending against any third-party Claims or Claims

by current or former employees of the City. In the event an action, claim or lawsuit for legal or equitable relief, including but not limited to injunctive or declaratory relief, is brought by the CPOA or City to enforce or determine the CPOA's indemnification obligations under this Section the prevailing party will be entitled to an award of its reasonable attorney's fees and costs incurred in that action.

The provision of such service to CPOA by the City shall be contingent upon and in accordance with the provisions of City ordinances, resolutions, memoranda of understanding, and applicable administrative procedures.

ARTICLE 7: COMPENSATION

Section 7.1 Wages.

Effective the first full pay period after June 30, 2021, the salary schedule for POA members shall be increased by three percent (3%).

Effective the first full pay period after June 30, 2022, the salary schedule for POA members shall be increased by four percent (4%).

Effective the first full pay period after June 30, 2023, the salary schedule for POA members shall be increased by four percent (4%).

Section 7.2 Salary Advancement

Assigned salary ranges normally contain five (5) steps, A through E. Employees move through these salary steps subject to satisfactory performance. Step "A" is an at-will eighteen (18) month probationary position.

Regular employees shall be eligible for step salary advancement consideration as follows:

1. To the "B" rate of the salary step schedule after successful completion of eighteen (18) months at the "A" rate. The date of this increase shall become the employee's salary review date for purposes of eligibility for future merit step increases.

2. To the "C" rate of the salary step schedule after successful completion of one (1) year at the "B" rate.

3. To the "D" rate of the salary step schedule after successful completion of one (1) year at the "C" rate.

4. To the "E" rate of the salary step schedule after successful completion of one (1) year at the "D" rate.

When an employee (except laterals) is hired at a salary rate other than Step "A" of the salary step schedule assigned to the classification, the employee shall be eligible for a

step increase eighteen (18) months from the date of employment, and this date shall become the employee's salary review date for purposes of eligibility for future merit increases. Thereafter, the above merit pay procedure shall be followed. Laterals will remain at a twelve (12) month probation period and be eligible to receive a salary step increase after twelve (12) months of full-time services.

Salary advancements are granted for continued meritorious and efficient service, and after continued improvements in assigned tasks, in conjunction with performance appraisal procedures. Recommendations for salary advancement are initiated by immediate supervisors and are then forwarded to the Chief of Police for acceptance. These recommendations are then transmitted to the City Manager for approval.

Salary step advancements are not guaranteed. When an employee is denied a merit step increase, the employee shall be informed of such and the reasons therefore in writing. The employee shall be reconsidered for advancement within six (6) months, and if still denied at that time, may be reconsidered for advancement at any subsequent time recommended by the Chief of Police.

Employees who have received internal promotions, if assigned to a salary step in the new classification salary range offering a minimum five percent (5%) salary increase, shall be eligible for a step increase upon successful completion of twelve (12) months in the new position. If employees are placed on a higher salary step than this, based upon the recommendation of the Chief of Police and approval of the City Manager, they shall be eligible to advance to the next step of the new classification salary range one (1) year from the date of their promotion. This promotion date shall also become the employee's new salary review date for purposes of eligibility for future merit salary increases.

Section 7.3 Uniform Program

The Uniform Program is for sworn personnel only.

The purpose of this Uniform Program is to provide uniforms to those personnel who are required to perform duties that require identifying uniforms. All identifying patches, badges, etc., purchased by the City for an employee must be returned to the City when an employee terminates City employment. To make the program effective, all eligible employees shall be required, as a condition of their employment, to participate in accordance with this policy. All personnel required under the program to wear uniforms must comply with departmental rules and regulations.

A. Sworn Police Personnel

Sworn police personnel shall receive a uniform allowance of twelve hundred dollars ($1,200.00) per year payable in two equal increments of six hundred dollars ($600.00) each according to the following payment schedule:

$600.00 in the first pay period of the fiscal year; and
$600.00 in the final pay period of the calendar year.

New employees shall receive one uniform allowance increment initially upon appointment and unless the new employee commences employment on the start of a fiscal year, the uniform allowance for that initial increment shall be pro-rated.

Uniform pay shall be reported as special compensation for eligible employees in accordance with CalPERS regulations and guidance.

Section 7.4 Deferred Compensation Plan

At least one (1) deferred compensation plan shall be offered by the City and made available to all employees in this unit, which provides for tax-deferred savings and/or a retirement supplement. Employee deposits into such plan(s) shall be made by payroll deduction and at monetary levels of the employee's choice, subject to the maximum(s) allowed according to Internal Revenue Service (IRS) regulations and laws.

Section 7.5 Sick Leave Incentive

Sworn members of the CPOA will be awarded an additional four (4) hours of vacation time for every three (3) consecutive months during which sick leave was not used by the member after one's accrual of two hundred forty (240) hours of sick leave time.

Any officer who believes he or she is eligible for the sick leave incentive under the terms of Section 7.5 shall submit a written request with one's payroll time card to Payroll staff in the Finance Department requesting the incentive hours to be awarded. The written request shall specify the beginning and ending dates of the quarter for which the incentive is being sought.

Payroll staff will then verify the officer's eligibility by checking the officer's most recent quarter's sick leave usage.

If, in fact, the requesting officer is eligible for the incentive, Payroll staff will then credit the requesting officer's earned vacation bank with the appropriate amount of incentive hours. If the requesting officer is ineligible for the incentive due to sick leave usage during the quarter indicated, Payroll staff will so notify the requesting officer accordingly noting the date of sick leave usage(s).

A "month" for purposes of sick leave incentive under Section 7.5 begins on the first calendar day of the month and ends on the last calendar day of the month.

Requests for incentive hours pursuant to Section 7.5 must be submitted on or before the end of the third month following the end of the quarter for which the incentive is sought. {For example, if the quarter for which the incentive is sought is for January 1 through March 31, the request for the incentive must be submitted to Payroll on or before June 30.} Any potential incentive hours not timely requested shall be deemed void and eligibility for them waived.

Section 7.6 Educational Incentive Program

The City shall pay an educational incentive for job-related P.O.S.T. certificates obtained by the employee which exceed the normal established job requirements for the classification held by the affected sworn police employee. Eligible employees shall be compensated as follows:

P.O.S.T. Intermediate Certificate	$2 percent (2%) of base pay
P.O.S.T. Advanced Certificate	$4 percent (4%) of base pay

Qualifying employees may receive pay for only one POST certificate at a time. The monetary equivalent of this education incentive pay is disbursed to an eligible employee in the form of one's hourly wage basis through the City's bi-weekly pay cycle, pursuant to the federal Fair Labor Standards Act (FLSA)

If an employee qualifies for an incentive in one classification but is assigned to another classification that *requires* the P.O.S.T. certificate presently earned, the employee is no longer eligible to receive the associated incentive pay.

Payment of the incentive shall be subject to the approval of the City Manager. The following criteria will be used to determine an employee's eligibility for and/or continued eligibility in the incentive program:

A. An employee must have successfully completed his/her probationary period of eighteen (18) months prior to becoming eligible for this educational incentive program.

B. It will be the responsibility of the immediate supervisor or the Chief of Police to notify the City Manager of an employee's eligibility in this incentive program, using the applicable City Personnel Action Form, and secure the City Manager's approval. Once approved, it will be the responsibility of the immediate supervisor or the Chief of Police to notify the City payroll department, using the applicable City Personnel Action Form with the required approval signatures, at the beginning of the pay period in which the incentive pay will be paid as to the affected employee.

This educational incentive pay is separate and distinct from the base salary compensation for each classification for purpose of calculating salary advancements.

Section 7.7 Special Duty Assignments

A. Field Training Officer (FTO)
City agrees to pay a five percent (5%) premium to employees within the CPOA who are assigned by the Chief of Police to the training of new, full-time, regular employees and Reserves, based on a training plan and schedule approved by the Chief of Police. FTO premium will be paid only for those hours for which the assigned trainer has been actually provided the field training.

It is the intent of this provision that assignments involving training shall not be assigned for less than one (1) work shift.

B. Administrative Sergeant

City agrees to pay a five percent (5%) premium to the Administrative Sergeant assigned by the Chief of Police (see Section 3(1)(H) above.) This premium will only be paid for regularly-scheduled hours for which the Sergeant is actually working in this assigned role (i.e., the premium does not apply to leave hours or to overtime hours working in any capacity). The Administrative Sergeant shall be considered as assigned to a shift that requires working on holidays.

Section 7.8 Working In A Higher Classification

An employee covered by this MOU who is assigned to work in a position of a higher classification shall be paid an additional five (5) percent of his or her current salary for the time the employee works in the higher classification. Such assignments to a higher classification shall be approved by the Chief of Police and City Manager. This provision does not apply to employees performing higher duties as a result of a written training program.

Salary adjustments under this section shall not be retroactive.

Section 7.9 Shift Differential

Sworn officers regularly assigned to Graveyard Shift shall receive an additional five (5) percent compensation above base pay for hours worked on the Graveyard Shift. Regularly assigned to a Graveyard Shift shall mean a sworn officer who is assigned to work between the hours of 1800 to 0600, or whose shift starts between 1800 and 0300 hours. .

Sworn officers regularly assigned to Swing Shift shall receive an additional three (3) percent compensation above base pay for hours worked on a Swing Shift. Regularly assigned to a Swing Shift shall mean a sworn officer who is assigned to work between the hours of 1200-0000 or whose shift starts between 1200-1759 hours

Hours paid but not worked are compensable at base pay (for example, paid leave time).

7.10 Longevity Pay

Members who have achieved the following years of service shall receive the Longevity Pay Incentive applied to base pay as shown. Percentages are not cumulative.

- Five Years 2%
- Ten Years 3%
- Twenty Years 5%

7.11 Bilingual Pay

The City has the exclusive right to determine and designate which employees and how many employees are eligible to receive bilingual pay of $75.00 per month. Designated employees will be required to demonstrate conversational fluency in a language (e.g., Spanish) as determined by the City Manager based on community/public needs and organizational usage. The City may administer a competency test to certify fluency of the employee in the designated language. Any such certification shall be a condition prior to employee qualifying for monthly bilingual pay.

ARTICLE 8: MEDICAL AND DENTAL INSURANCE PREMIUMS

Section 8.1 City Contribution To Premiums

The maximum monthly City premium contribution for combined medical and/or dental insurance coverage for sworn personnel shall be paid by the City during the term of this MOU in accord with the following employee subscription enrollment schedules.

A. The City's maximum monthly contribution will be as follows:

Employee Only	$ 767.57 per month.
Employee + 1 Enrolled Dependent	$1,464.55 per month.
Employee + 2 or more Enrolled Dependents	$1,903.92 per month.

Section 8.2 Member Enrollment in Medical and/or Dental Insurance

The City will contract to provide medical and dental insurance coverage for all full-time regular employees and their enrolled dependents. Any premium in excess of the maximum amount contributed by the City as outlined in Section 8.1 above shall be the responsibility of the individual employee, to be paid through City bi-weekly payroll deductions.

Employees may elect to decline City-provided medical and/or dental coverage only in cases when the employee is covered under an alternate third party insurance plan. Proof of insurance is required.

Section 8.3 Short Term and Long Term Disability Insurance

The City shall provide and pay for short term (STD) and long term disability (LTD) insurance(s) in behalf of each employee of this unit for the purpose of providing contracted levels of continued compensation in the event of an off-duty illness or injury.

Section 8.4 Term Life/Accidental Death/Dismemberment Insurance

The City will contract and pay for the full premium to enroll each permanent full-time and part-time employee in a $50,000 face amount of term life insurance policy and a $50,000 Accidental Death and Dismemberment Insurance coverage.

ARTICLE 9: RETIREMENT SYSTEM

The City is a member of the California Public Employee's Retirement System, hereinafter referred to as "CalPERS". All regular full and part time employees of this Unit are compulsory members of this retirement system.

Section 9.1 Classic Tier I Employees

All regular full-time and regular part-time employees of this Unit hired before 01 July 2010 are considered "Classic Tier I" participating members of CalPERS. By contract, the City and eligible employees in this Unit are participating members of the "3% at age 55" Safety Retirement System. The applicable employee contribution paid in full by Classic Tier I employees, pursuant to pre-tax payroll deductions, is nine percent (9%).

A. Cost-Sharing of City CalPERS Contribution

Upon ratification of this Agreement, the City shall implement cost-sharing pursuant to the terms set forth below to offset a portion of the City's employer contribution to CalPERS for retirement benefits as authorized under Section 20516(f) of the Government Code.

The employee cost-sharing contribution will be accomplished pursuant to Section 20516(f) of the Government Code. Cost-sharing contributions made pursuant to Section 20516(f) remain characterized as employer contributions by CalPERS and therefore, will not be allocated to the employee's retirement account. Cost-sharing contributions will be deducted from wages on a pre-tax basis during the term of this Agreement.

The cost-sharing contribution amount is as follows:
Effective July 1, 2021, Classic Tier I employees shall contribute, through payroll deduction, an additional two and one quarter percent (2.25%) for a total of eleven and one-quarter percent (11.25%) of PERSable compensation towards CalPERS retirement.

Section 9.2 Classic Tier II Employees

All regular full-time and regular part-time employees of this Unit hired on or after 01 July 2010, plus any new employee of this Unit that was a participating member with an employer enrolled in a CalPERS "Classic" pension system and whom did not experience a break in employment service longer than six (6) months, are each considered City "Classic Tier II" employees and are compulsory participating members in CalPERS. The City shall contract with CalPERS and enroll said eligible employees in this hiring category in the CalPERS "2% at age 50" Local Public Safety retirement plan. The applicable

employee contribution paid in full by Classic Tier II employees, pursuant to pre-tax payroll deductions, is nine percent (9%).

A. Cost-Sharing of City CalPERS Contribution
Upon ratification of this Agreement, the City shall implement cost-sharing pursuant to the terms set forth below to offset a portion of the City's employer contribution to CalPERS for retirement benefits as authorized under Section 20516(f) of the Government Code.

The employee cost-sharing contribution will be accomplished pursuant to Section 20516(f) of the Government Code. Cost-sharing contributions made pursuant to Section 20516(f) remain characterized as employer contributions by CalPERS and therefore, will not be allocated to the employee's retirement account. Cost-sharing contributions will be deducted from wages on a pre-tax basis during the term of this Agreement.

The cost-sharing contribution amount is as follows:
Effective July 1, 2021, Classic Tier II employees shall contribute, through payroll deduction, an additional two and one-quarter percent (2.25%) for a total of eleven and one quarter percent (11.25%) of PERSable compensation towards CalPERS retirement.

Section 9.3 PEPRA Tier III Employees
A Public Employee Pension Reform Act ("PEPRA") or City "Tier III" employee for retirement purposes is any new member of this Unit who becomes a member of CalPERS for the first time on or after 01 January 2013, and who was not a member of another California public retirement system prior to that date, and who is not subject to reciprocity with another California public retirement system. Eligible employees of the City's "Tier III" Retirement Plan are enrolled as members of the Local Public Safety retirement plan of "2.7% at age 57".

Under PEPRA, Unit members of the Tier III Retirement Plan must contribute fifty percent (50%) of the total Normal Cost, as defined and calculated by CalPERS, as the Employee Share.

Section 9.4 Survivor Benefit Program
The City agrees to contract for the CalPERS 1959 Survivor Benefit Program – Fourth Level, and provide the annual employer cost for this contracted retirement benefit. Employees of this unit shall be solely responsible for the employee monthly cost for this added contractual benefit, payable through mandatory City payroll deductions.

ARTICLE 10: HOLIDAYS AND LEAVES

Section 10.1 City Designated Holidays

The City designates the following Holidays in each calendar year with the closure of City Hall and pedestrian traffic and normal telephone calls to the Clayton Police Station:

New Year's Day	Martin Luther King, Jr. Day
President's Day	Memorial Day
Independence Day	Labor Day
Veteran's Day	Thanksgiving Day
Friday after Thanksgiving Day	Christmas Eve
	Christmas Day

Section 10.2 Holiday Pay

For members assigned to a schedule that would require them to work holidays, those members shall receive holiday-in-lieu pay at the rate of four and one-quarter percent (4.25%) of each member's current hourly rate.

Section 10.3 Personal or "Floating" Leave

In addition to the holidays listed under Section 10.1, all members of this unit shall receive twenty-four (24) hours of Personal Leave for each fiscal year. Said leave hours shall be taken at the employee's discretion, with the consent of the supervisor. If Personal Leave hours are not taken or exhausted by the end of the fiscal year (June 30th), the remaining hours are forfeited.

Section 10.4 Vacation Leave

Permanent, regular employees shall be entitled to annual vacation leave with pay as earned.

A. Vacation leave credit for an 80-hour biweekly work week employee shall be accrued on the following basis, subject to a not-to-exceed accrual cap of twenty-four (24) times one's current monthly accrual rate ("the cap"):
    1. 6.67 hours per month from the date of initial hire through month 24.
    2. 8.00 hours per month from month 25 through month 48.
    3. 10.00 hours per month from month 49 through month 96.
    4. 13.33 hours per month from month 97 through month 180.
    5. 16.67 hours per month from month 181 and beyond.

B. Vacation leave credit for regular full-time employees working less than an eighty (80) hour biweekly work week shall be credited as in paragraph "A" above on a pro-rata basis based on the number of hours worked per week.

C. Vacation leave must be used in increments of one-quarter (0.25) hour or more.

D. Vacation leave may be taken as earned but must be requested in writing as far in advance as possible. Vacation leave scheduling is subject to the approval of the Chief of Police, based on labor deployment requirements.

E. Upon leave of City employment, an employee will be paid for all accrued, unused vacation leave hours.

F. An employee may elect to convert 40 hours of accrued vacation leave per calendar year in accordance with the "Leave Sell Back" Administrative Policy. Election for participation in the program shall occur no later than 60 days prior to the start of the new calendar year. The cash out period shall generally occur 12 months after the election. At the time of the cash out, the employee's vacation leave may not fall below 40 hours after participation in this program.

Section 10.6 Sick Leave

Sick leave is earned at the rate of eight (8) hours for each month worked. Maximum accrual will be unlimited. Unused sick leave will not be paid upon separation from City employment.

Sick leave may generally be used for any illness, injury, medical or dental appointment/treatment, or disability (including pregnancy and childbirth) of the employee. Sick leave may also be used for illness or injury of the employee's immediate family; however, absences for family leave purposes in excess of one (1) week (or a cumulative two [2] weeks in any calendar year) must be approved by the City Manager. A physician's report may be required for extended periods of sick leave usage, or if in the determination of the City Manager, the employee exhibits greater than average, or unusual patterns or circumstances in the use of sick leave.

Up to three (3) days of sick leave may be used to attend funerals of close family members, with the approval of the City Manager.

Members of this unit are entitled to certain disability benefits as defined by state law, and may not therefore use sick leave for on-the-job injuries or illnesses. Further, any unused sick leave shall not extend the retirement date of an employee who has been granted a disability retirement, notwithstanding the provisions of CA Government Code Section 21025.2

Employees may use accrued sick leave for non work-related disabilities up to the effective or commencement date of short-term or long-term disability benefits.

Employees unable to return to work within six (6) months of the date of disability (non work-related) may be separated from City employment, unless an extension is approved by the City Manager, and except as otherwise restricted by state law.

Up to twenty-four (24) hours of accrued paid sick leave may be used as Bereavement Leave per occasion to attend the funeral of a close family member, with approval of the City Manager.

ARTICLE 11: HOURS OF WORK, WORK PERIODS AND PAY PERIODS

Section 11.1 Standard Work Assignment

The standard work assignment shall be eighty (80) hours in a two week pay period.

Section 11.2 Shifts

A. Regular shifts consist of 8, 10, or 12 hours of work per day, as assigned. Paid work time begins at the start of a shift (e.g., a 6am to 6pm shift begins at 6:00 a.m.). Each employee assigned to a shift must have completed changing his or her clothes (uniform, boots, vest, and belt, etc.) and be able and ready to begin work by the beginning of the shift). Each time an assigned work shift schedule is established or altered for members of this unit, the Chief of Police is responsible to so inform the Payroll/Finance Department accordingly, pursuant to the federal Fair Labor Standards Act.

B. Shift Scheduling: Sworn personnel assigned to patrol will be assigned to shifts based upon a seniority selection process. Officers and supervisors will not normally be allowed to spend more than two shift rotations of four months on the same shift in a calendar year. Officers or supervisors who have spent eight months on one shift will be required to rotate onto another shift for at least one four-month period. The Chief of Police retains discretion to assign sworn personnel to address operational concerns including but not limited to training needs, disciplinary circumstances, and extended employee leaves.

C. For purposes of this MOU, “shift trades” is an agreement between two employees to perform each other’s duties on an infrequent basis and within one payroll period, but to be paid as if the two employees worked as originally scheduled. Each employee agrees to work one scheduled shift of the other on an agreed upon date. Shift trades are to be sought on the designated City form and must be approved in advance by the Police Chief or Administrative Sergeant. Shift trades are the prerogative of the Chief of Police and are provided for employees as a means to meet the unexpected personal needs of an employee in a cost-neutral to the City. Shift trades that are likely to create overtime or similar cost exposure will not be approved, and those employees who do not work an agreed trade as expected will have leave hours deducted from their discretionary leave banks sufficient to cover any costs incurred by the City to cover the shift. These exchanges are to be considered a privilege and not a right.

Section 11.3 Pay Periods

The pay period for all employees shall be bi-weekly. The pay period is from 12:00 a.m. Monday through 12:00 midnight Sunday. There are twenty-six (26) pay periods in a fiscal year from July 1st through June 30th. Time sheets are due to Payroll at the start of the day work shift the Monday following the close of the pay period on Sunday. City pay checks are available and distributed on the Wednesday following the close of a pay period.

Note: From time to time, Payroll deadlines for submittal of time sheets and actual pay day may be altered due to designated City holidays. Payroll will notify all employees in advance when these circumstances arise. The time sheet deadline may be adjusted as needed to meet City payroll deadlines. Employees required to estimate hours worked due to an early time sheet deadline shall do so based on an employee's normally-assigned work schedule.

ARTICLE 12: OVERTIME

Section 12.1 Regular Overtime

The City will compensate eligible regular employees for each one-quarter hour (0.25) of overtime worked at a rate of one and one-half times (1.5) the employee's base hourly rate including applicable FLSA-required compensation. Overtime is defined as hours worked in excess of eighty (80) hours per pay period, or hours worked in excess of a regularly scheduled shift. Employees working partial or reduced shifts will not be eligible for overtime until the hours worked exceed the regular shift hours noted in Section 11.2. Authorization of the employee's supervisor must be obtained prior to the working of overtime hours, except in emergency situations. Compensation for overtime shall be in the form of cash payment, or if requested by the employee and approved by the Chief of Police, in the form of compensatory time off (CTO) that shall also accrue at the rate of one and one-half (1.5) times the actual overtime hours worked.

For purposes of overtime and compensatory time calculations, all paid leave shall be considered as hours worked.

Section 12.2 Compensatory Time Off

A maximum of one hundred fifty (150) hours of compensatory time off (CTO) may be accrued by each employee, except when approved by the City Manager for a recognized or specific operational need or situation. Management will make every effort to comply with time off requests of the employee and shall not arbitrarily assign employees to compensatory time off. Upon leaving City employment, the employee will be paid for all accrued, unused compensatory time.

Section 12.3 Call-Out Pay

In the event an employee is called out for emergency duty, the employee will receive compensation at a rate of one and one-half (1.5) times the employee's regularly hourly rate. When an employee is called to duty more than forty-five (45) minutes prior to one's normal work shift, or is called back to duty after leaving work following a normal work shift, the employee will be compensated a minimum of three (3) hours of overtime pay.
Call-out time shall be defined as time worked by the employee, in excess of forty (40) hours per week, which time is not an extension of the normal work day or for which the employee has not been notified at least twenty-four (24) hours in advance. Call-out shall occur only when there has been a break in work service, i.e., the employee has left work for the day and is required to return to duty. In addition, weekend work for which the employee has been notified at least twenty-four (24) hours in advance shall not be considered call-out time. Attendance at regularly-scheduled meetings held after normal working hours that are recognized as part of the job duties of an individual employee shall not be recognized a call-out time.

Section 12.4 Court Time and Appearances

A. Sworn employees of this unit shall receive overtime pay for each hour they are required to, as a direct result of their City employment, and actually appear in court during their off-duty hours, yet said pay shall not be less than four (4) hours of overtime, except as provided below.

B. Sworn employees shall receive regular compensation (straight time) for appearing in court during their regular work hours when such appearance is a direct result of their City employment.

C. Sworn employees shall receive overtime pay only for each hour they actually appear in court, as a direct result of their City employment, while off-duty but within four (4) hours prior to the start of their work shift, yet shall not receive the guaranteed minimum of four (4) hours overtime as provided in "A" above.

D. Sworn employees required to appear in court commencing at a time less than one-half (½) hour following the end of his/her shift regardless of the length of the work shift, and said appearance is due to the employee's City employment, shall be paid overtime only for the time he/she actually appears in court, and shall not be paid the guaranteed four (4) hours minimum of overtime as provided in "A" above.

Sworn employees required to present criminal cases in person to the local district attorney's office during regularly-scheduled time off shall receive overtime pay as provided for in Section 12.4 above. The administrative sergeant responsible for assigning the filing of such criminal cases shall first endeavor to require such assignments to be conducted by sworn employees during one's work shift, and shall only make such assignments to off-duty personnel when no other reasonable alternative exists.

Section 12.5 Time Off Requests

With the exception of annual vacation leave, employees may request to take time off using paid accruals (vacation, CTO, floating holiday) as follows:

- Employee submits written time off request as far in advance as possible, but not more than 3 months or less than 7 days in advance of the date(s) requested.

- All reasonable attempts will be made to accommodate the request, taking into account then-existing staffing levels and operational needs. At no time will the request be granted if staffing does not allow for a minimum of 2 officers on the shift(s) in question.

- If a request is made less than 7 days prior to the date(s) in question, or if 2 officers/sergeants are already scheduled to be off on the date(s) in question, the requestor must find a voluntary replacement to fill the shift. This can be done on a shift-trade or overtime pay basis.

ARTICLE 13: RESIDENCY REQUIREMENT

Each member of this unit shall maintain their principal residence at all times within a fifty (50)-mile radius of the City of Clayton Police Department headquarters.

Upon recommendation from the Chief of Police, the City Manager may grant exception to this residency requirement when special circumstances or hardships warrant, and may condition such exception as the City Manager deems appropriate and consistent with the purpose of this requirement to ensure rapid public safety response time to emergency and disaster situations within the city.

ARTICLE 14: CLASSIFICATION AND COMPENSATION PLANS

Each position with the City shall be allocated to its appropriate classification on the basis of assigned job duties and responsibilities such that the same qualifications may be reasonably required for and the same schedule of pay may be equitably applied to all positions in the same classification. Positions may, from time to time, be reclassified on the basis of changes in or re-evaluation of the duties and responsibilities of the positions.

ARTICLE 15: LAYOFF PROCEDURE

Section 15.1 Purpose

The purpose of this section is to provide a fair and equitable basis for the reduction of personnel when this action becomes necessary in a department comprised of members of this unit or in the total work force of the City. In such circumstances, the City will make

every effort to assist those employees who may be subject to layoff due to lack of work or a similarly compelling reason. Assistance will be made available through utilizing existing vacancies elsewhere in the department or work force, if any, to the fullest extent possible to relocate affected employees. In addition, contact will be made with other employees to refer those employees who are unable to be placed in other City vacancies.

Section 15.2 Causes

The Chief of Police may layoff an employee in the classified service because of shortage of work or budgeted funds. In addition, for the interest of economy or because the necessity for the position or employment involved no longer exists, the City Manager may request, and the City Council may concur, to abolish any position or employment in the classified service and discharge, transfer or demote the employee or officer holding such position or employment.

Section 15.3 Procedure

A. When a reduction in personnel is anticipated, the Personnel Officer or his/her designee shall notify the CPOA in writing forty-five (45) calendar days before the effective date of the layoff with the reasons thereof.

B. The Personnel Officer, or his/her designee, shall determine what openings exist in the same classification in other departments so the affected employee(s) may be considered for transfer or relocation. The employee(s) may be considered for transfer or relocation into a lower classification, where practicable, prior to affecting layoff.

C. If transfer or demotion is not practicable, the affected employee, upon layoff, shall be placed on the appropriate re-employment list as provided for by this Section.

D. Provisional employees of the affected classification(s) shall be laid off prior to the layoff of a probationary or permanent employee.

E. Probationary employees in the affected classification(s) shall be laid off prior to the layoff of a permanent employee.

F. Permanent employees shall be designated for layoff based on an evaluation of all employees in the same classification. Such evaluation will include work assignment, certification, education and seniority.

G. The names of probationary and permanent employees who have been laid off shall be placed upon re-employment lists for classification(s) which, in the opinion of the Personnel Officer, require basically the same qualifications, duties and responsibilities of the classification(s) from which the layoff was made. Re-employment lists will be maintained and valid for a period of one (1) year following the effective date of that layoff.

H. In filling vacancies, eligible individuals on the re-employment lists take precedence over eligible individuals on any other list for the same classification.

ARTICLE 16: CORRECTIVE COUNSELING DOCUMENTS

A Corrective Counseling document is not considered discipline and as such is not subject to the appeal process. It is used by a supervisor to assist an employee in modifying unacceptable behavior to comply with the Clayton Police Department standards, and represents the documentation of a held counseling session. The Corrective Counseling document will be purged from the employee's file upon their next annual performance evaluation.

ARTICLE 17: DISCIPLINARY PROCESS

A Letter of Reprimand is a punitive matter subject to an evidentiary appeal process by the affected employee provided the Chief of Police approves in writing the Reprimand and the affected employee's has an opportunity for a hearing before the Chief. A Letter of Reprimand shall remain in the affected employee's personnel file for a period of three (3) years from the date of reprimand, and shall be removed at the conclusion of the three (3) year period provided there is no repeat incident of the behavior or violation.

For matters involving a higher level discipline of an employee (suspension, demotion, termination), after the process has progressed from the investigation, recommendation for discipline, Skelly hearing before the Police Chief, and the Police Chief's issuance of final discipline, the next step to the appeal process is non-binding arbitration, with an advisory written decision provided to the City Manager for final administrative determination and accompanying action.

ARTICLE 18: GRIEVANCE PROCEDURE

Section 18.1 Definition

A grievance is any dispute between the City and employee or employees or recognized employee organization with respect to the meaning, interpretation, application or enforcement of the Personnel System Rules and Regulations or the Memorandum of Understanding (MOU). Disciplinary action, corrective counseling, and employee evaluations are not within the definition of a "grievance" subject to this procedure.

Section 18.2

It is the intent of the City to anticipate and diminish causes of grievances and to settle any which arise informally at the lowest practicable level of supervision, and as fairly and promptly as possible. To accomplish this, there are time limits between the initiation of a

grievance and its occurrence, between steps of the grievance procedure, and the time in which each answer must be given. Any grievance is subject to the time limits set herein. Failure to pursue or conduct a grievance within these time limits shall constitute said grievance to have been settled on the basis of the last timely demand or answer. The time limit set forth can only be extended by written agreement of both parties.

At each step of the grievance procedure, the City shall make available any record relied upon to sustain the action which gave rise to the grievance and any other information necessary and pertinent to the processing of the grievance.

Section 18.3

Any employee in the merit system shall have the right to use the grievance procedure free from restraint, discrimination, pressure or reprisal from any other employee, supervisor, department head, or representative of recognized employee organizations.

Employee shall have the right to present grievances individually or through his/her recognized employee organization. Employee shall have the right to withdraw the grievance at any step in the procedure. Employee shall have the right to designate a representative of a recognized employee organization at any step of this grievance procedure. If the employee is represented by a representative of a recognized employee organization, the employee filing the grievance shall also be present during the discussion at all steps of the grievance procedure.

Section 18.4
Grievances will be processed in the following manner and within the stated time limits:

A. Step No. 1

When an employee has a grievance, he/she shall, within ten (10) working days following the occurrence of the event or the actual discovery (or when discovery could reasonably be made) of the event on which the grievance is based, , prepare in writing a complete description of the grievance and submit the grievance to his/her immediate supervisor. The employee and supervisor shall discuss the matter in private. Should the substance of the grievance by the employee be connected with actions of the immediate supervisor and/or Chief of Police, said grievance shall be filed with the Personnel Officer.

The supervisor, Chief of Police, and/or Personnel Officer shall make a thorough investigation of the reported grievance and render his/her/their decision within three (3) working days. The decision shall be made in writing to the aggrieved employee.

Most grievances should be solved at the employee – supervisor level.

B. Step No. 2

If the employee is not satisfied with the decision of his/her supervisor, Chief of Police, and/or Personnel Officer in Step No. 1 above, he/she has the right to appeal the decision

to the next higher level of supervision. The aggrieved employee, either individually or by instructing the chosen representative of the recognized employee organization, must prepare a written appeal or must file said appeal within ten (10) working days after the applicable decision is rendered to the next level of supervision.

At this Step of the grievance procedure, the supervisor or employee, individually or through his/her designated recognized employee organization representative, shall have the opportunity to provide evidence from witnesses. In this Step, the management person receiving the appeal shall make a thorough investigation of the reported grievance and shall render his/her decision in writing within five (5) working days of concluding the investigation, but not longer than fifteen (15) working days from the receipt of the appeal.

C. Step No. 3

If the aggrieved employee is not satisfied with the decision made on his/her appeal at the level of management specified in Step No. 2, he/she has the right of appeal to the City Manager. The aggrieved employee, either individually or by instructing his/her chosen representative from a recognized employee organization, shall submit in writing an appeal to the City Manager within ten (10) working days of the date of the decision rendered by the management person in Step No. 2.

The written appeal shall include a detailed statement of the grievance. The City Manager shall arrange a prompt informal hearing of the grievance. The City Manager shall make a thorough investigation of the reported grievance and render a decision in writing to the aggrieved employee within five (5) working days after the close of the informal hearing. Decisions of the City Manager pursuant to this grievance procedure will be final and binding.

ARTICLE 19: JOINT LABOR/MANAGEMENT SAFETY COMMITTEE

Section 19.1

The City shall attempt to provide a safe and healthy work place for all City employees. The CPOA supports the creation of a safe working environment.

Section 19.2

The City will establish and maintain an Employee Safety Committee. Not less than two (2) members of the committee shall be appointed from the Clayton Police Department, one (1) of which shall be named by the CPOA.

Section 19.3

Employees required to attend mandatory safety meetings will be compensated according to the provisions of this MOU.

ARTICLE 20: SCOPE OF AGREEMENT

Except as otherwise specifically provided herein, this MOU fully and completely incorporates the understanding of the parties hereto and constitutes the sole and entire agreement between the parties on any and all matters subject to meeting and conferring laws. Neither party shall, during the term of this MOU, demand any change therein nor shall either party be required to negotiate with respect to any other matter, provided that nothing herein shall prohibit the parties from changing the terms and conditions of this MOU by mutual consent and agreement.

ARTICLE 21: TERM

Except as indicated herein, this MOU shall be effective commencing 01 July 2021 and continue through 30 June 2024.

IN WITNESS THEREOF, this MOU is entered into by the following authorized representatives this 29th day of June 2021 pursuant to the provisions of *CA Government Code Section 3500*, et. seq. for presentation to and adoption by the City Council of Clayton, California.

CLAYTON POLICE OFFICERS ASSOCIATION (CPOA)

By:_____
Rich Enea, II, CPOA President

By:_____
Torrey Jarvis, CPOA Member

By:_____
Jim Bickert, CPOA Labor Representative

CITY OF CLAYTON, CA (CITY)

By:_____
Reina J. Schwartz, City Manager

# # # # # # # # #

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CLAYTON AND THE CLAYTON POLICE OFFICERS' ASSOCIATION

ARTICLE 1: PREAMBLE

This Memorandum of Understanding, pursuant to the State of California Government Code Section 3500 et seq., entered into by the City of Clayton, hereinafter referred to as "City", and the Clayton Police Officers' Association, hereinafter referred to as "CPOA", the recognized employee organization for sworn police personnel, excepting the Chief of Police, is hereby effective 01 July 20~~18~~21 through 30 June 202~~14~~.

It is the intent and purpose of the Memorandum of Understanding, hereinafter referred to as "MOU", to set forth the understanding of the parties reached as a result of meeting and conferring in good faith regarding, but not limited to, matters relating to wages, hours, and terms and conditions of employees represented by the CPOA.

ARTICLE 2: SAVINGS CLAUSE

If any section, subsection, subdivision, sentence, clause or phrase of this MOU is, for any reason, held to be illegal or unconstitutional, such holding shall not affect the validity of the remaining portions of this MOU.

ARTICLE 3: MANAGEMENT RIGHTS

Section 3.1
Except as otherwise specifically provided and subject to applicable laws, the City has and retains sole and exclusive rights and functions of management, including, but not limited to, the following:

A. To determine the nature, standards, and extent of services to be performed, as well as the right to determine and implement its public function and responsibility.

B. To manage all facilities and operations of the City, including the methods, means, and numbers and kinds of personnel by which the City operations are to be conducted.

C. To direct the working forces, including the right to hire, assign, promote, demote, or transfer any employee.

D. To assign work to and schedule employees in accordance with requirements as determined by the City, and to establish and change work schedules and assignments upon reasonable notice.

E. To discharge, suspend, demote, reprimand, withhold merit increases or otherwise discipline employees in accordance with applicable law.

F. To determine policies, procedures, and standards affecting the selection, training, and promotion of employees.

G. To establish, assess, and implement employee performance standards, including, but not limited to, quality and quantity standards, the assessment of employee performances, and the procedures for said assessment.

H. To determine the assignment of specific personnel and the duration of each assignment for the day watch "Administrative Sergeant" at the sole discretion of the Chief of Police, which assignment and its term are not subject to grievance, disciplinary appeal or any applicable loss in compensation, organizational status or rank; its operation herein is not subject to the *White* decision.

Section 3.2
CPOA recognizes the City has and will continue to retain the unilateral and exclusive right to operate, administer, and manage its municipal services and work force, performing those services in all respects subject to this MOU.

ARTICLE 4: ASSOCIATION AND EMPLOYEE RIGHTS

Section 4.1
The City recognizes the employees' rights to self-organization and to be represented by employee organizations of their own choosing as set forth in Chapter 10, Division 4 of the Government Code of the State of California.

Section 4.2
CPOA is entitled to use non-public area bulletin boards on City property for the purpose of posting notices of meetings and other official CPOA business with the understanding that material derogatory to or of the City will not be posted.

Section 4.3
CPOA representatives will be permitted access to work locations to confer with City employee members on matters of employer – employee relationship but not such internal employee organization business as soliciting membership, campaigning for office, and the organization meetings and elections. Such representatives shall not interfere with the efficiency, safety and security of City operations or in any way interfere with work in progress.

Section 4.4
City will provide to CPOA certain meeting space outside normal working hours, provided such space is available. Requests for use of facilities shall be made in advance and approved by the City.

Section 4.5 Personnel Files.
The City's secured personnel files, maintained in the City offices, are not subject to public inspection. Any employee has the right to inspect their own personnel file. An employee has the right, in accordance with law, to respond in writing to anything contained or placed in their own personnel file and any such response(s) shall become part of their personnel file.

ARTICLE 5: UNIT DESCRIPTION

Section 5.1
The following job classifications are represented by the CPOA and are members of this unit:

Job Classifications – Sworn Personnel
Police Sergeant
Police Officer

During the term of this MOU, both parties agree to meet and confer regarding changes to the unit description to address supervisory, leadership and promotional opportunities.

ARTICLE 6: DUES DEDUCTION

City shall provide payroll deductions of membership dues and legal assistance plan sponsored by CPOA/PORAC, upon the written authorization of employees described in Article 5 above and on forms ~~provided~~ agreed upon by the City and CPOA. The City will promptly remit such fees, dues or assessments to CPOA. Once initiated, dues deductions shall continue according to the terms of the authorizations, and deduction of any authorized fees, dues, or assessments shall continue until the authorization is validly revoked by the employee and CPOA gives written notice of such revocation to City. CPOA shall promptly notify the City's Human Resources Manager of any such revocation, cancellation or change in an employee's authorization.

The amount of the fees, dues, or assessments shall be certified to the Human Resources Manager at least once per year, and within ten (10) business days of a request by City, by an authorized officer of CPOA. In the event of a dispute about the existence or terms of an employee's authorization for deduction of dues, fees or assessment, the City may request and CPOA will promptly provide the City copies of any such authorizations consistent with applicable law.

In the event a bargaining unit employee asks the City about the payment of dues, fees, assessments, or union membership, the City shall inform the employee to contact CPOA. CPOA shall indemnify, defend and hold harmless the City, its officers, elected officials, agents and employees (the "Indemnified Parties") from any and all claims, demands, damages, costs, expenses, or liability arising out of this Section ("Claims"), including any reasonable attorney's fees and costs defending against any third-party Claims or Claims

by current or former employees of the City. In the event an action, claim or lawsuit for legal or equitable relief, including but not limited to injunctive or declaratory relief, is brought by the CPOA or City to enforce or determine the CPOA's indemnification obligations under this Section the prevailing party will be entitled to an award of its reasonable attorney's fees and costs incurred in that action.

The provision of such service to CPOA by the City shall be contingent upon and in accordance with the provisions of City ordinances, resolutions, memoranda of understanding, and applicable administrative procedures.

ARTICLE 7: COMPENSATION

Section 7.1 Wages.

~~A. Effective 02 July 2018, the monthly base salary ranges for the following classifications shall be:~~

~~Classification~~	~~A~~	~~B~~	~~C~~	~~D~~	~~E~~
~~Police Sergeant~~	~~6435~~	~~6757~~	~~7095~~	~~7449~~	~~7822~~
~~Police Officer~~	~~5476~~	~~5750~~	~~6038~~	~~6340~~	~~6657~~

~~B. Effective 01 July 2019, the monthly base salary ranges for the following classifications shall be:~~

~~Classification~~	~~A~~	~~B~~	~~C~~	~~D~~	~~E~~
~~Police Sergeant~~	~~6725~~	~~7061~~	~~7414~~	~~7785~~	~~8174~~
~~Police Officer~~	~~5723~~	~~6009~~	~~6310~~	~~6625~~	~~6957~~

~~C. Effective 29 June 2020, the monthly base salary ranges for the following classifications shall be:~~

~~Classification~~	~~A~~	~~B~~	~~C~~	~~D~~	~~E~~
~~Police Sergeant~~	~~7027~~	~~7379~~	~~7748~~	~~8135~~	~~8542~~
~~Police Officer~~	~~5981~~	~~6280~~	~~6594~~	~~6924~~	~~7270~~

Effective the first full pay period after June 30, 2021, the salary schedule for POA members shall be increased by three percent (3%).

Effective the first full pay period after June 30, 2022, the salary schedule for POA members shall be increased by four percent (4%).

Effective the first full pay period after June 30, 2023, the salary schedule for POA members shall be increased by four percent (4%).

Section 7.2 Salary Advancement

Assigned salary ranges normally contain five (5) steps, A through E. Employees move through these salary steps subject to satisfactory performance. Step "A" is an at-will eighteen (18) month probationary position.

Regular employees shall be eligible for step salary advancement consideration as follows:

1. To the "B" rate of the salary step schedule after successful completion of eighteen (18) months at the "A" rate. The date of this increase shall become the employee's salary review date for purposes of eligibility for future merit step increases.

2. To the "C" rate of the salary step schedule after successful completion of one (1) year at the "B" rate.

3. To the "D" rate of the salary step schedule after successful completion of one (1) year at the "C" rate.

4. To the "E" rate of the salary step schedule after successful completion of one (1) year at the "D" rate.

When an employee (except laterals) is hired at a salary rate other than Step "A" of the salary step schedule assigned to the classification, the employee shall be eligible for a step increase eighteen (18) months from the date of employment, and this date shall become the employee's salary review date for purposes of eligibility for future merit increases. Thereafter, the above merit pay procedure shall be followed. Laterals will remain at a twelve (12) month probation period and be eligible to receive a salary step increase after twelve (12) months of full-time services.

Salary advancements are granted for continued meritorious and efficient service, and after continued improvements in assigned tasks, in conjunction with performance appraisal procedures. Recommendations for salary advancement are initiated by immediate supervisors and are then forwarded to the Chief of Police for acceptance. These recommendations are then transmitted to the City Manager for approval.

Salary step advancements are not guaranteed. When an employee is denied a merit step increase, the employee shall be informed of such and the reasons therefore in writing. The employee shall be reconsidered for advancement within six (6) months, and if still denied at that time, may be reconsidered for advancement at any subsequent time recommended by the Chief of Police.

Employees who have received internal promotions, if assigned to a salary step in the new classification salary range offering a minimum five percent (5%) salary increase, shall be eligible for a step increase upon successful completion of twelve (12) months in the new position. If employees are placed on a higher salary step than this, based upon the recommendation of the Chief of Police and approval of the City Manager, they shall be eligible to advance to the next step of the new classification salary range one (1) year from the date of their promotion. This promotion date shall also become the employee's new salary review date for purposes of eligibility for future merit salary increases.

Section 7.3 Uniform Program

The Uniform Program is for sworn personnel only.

The purpose of this Uniform Program is to provide uniforms to those personnel who are required to perform duties that require identifying uniforms. All identifying patches, badges, etc., purchased by the City for an employee must be returned to the City when an employee terminates City employment. To make the program effective, all eligible employees shall be required, as a condition of their employment, to participate in accordance with this policy. All personnel required under the program to wear uniforms must comply with departmental rules and regulations.

A. Sworn Police Personnel

Sworn police personnel shall receive a uniform allowance of ~~nine~~ twelve hundred dollars ($~~900~~1,200.00) per year payable in two equal increments of ~~four~~ six hundred ~~fifty~~ dollars ($~~450~~600.00) each according to the following payment schedule:

$~~450~~600.00 in the first pay period of the fiscal year; and
$~~450~~600.00 in the final pay period of the calendar year.

New employees shall receive one uniform allowance increment initially upon appointment and unless the new employee commences employment on the start of a fiscal year, the uniform allowance for that initial increment shall be pro-rated.

Uniform pay shall be reported as special compensation for eligible employees in accordance with CalPERS regulations and guidance.

Section 7.4 Deferred Compensation Plan

At least one (1) deferred compensation plan shall be offered by the City and made available to all employees in this unit, which provides for tax-deferred savings and/or a retirement supplement. Employee deposits into such plan(s) shall be made by payroll deduction and at monetary levels of the employee's choice, subject to the maximum(s) allowed according to Internal Revenue Service (IRS) regulations and laws.

Section 7.5 Sick Leave Incentive

Sworn members of the CPOA will be awarded an additional four (4) hours of vacation time for every three (3) consecutive months during which sick leave was not used by the member after one's accrual of two hundred forty (240) hours of sick leave time.

Any officer who believes he or she is eligible for the sick leave incentive under the terms of Section 7.5 shall submit a written request with one's payroll time card to Payroll staff in the Finance Department requesting the incentive hours to be awarded. The written request shall specify the beginning and ending dates of the quarter for which the incentive is being sought.

Payroll staff will then verify the officer's eligibility by checking the officer's most recent quarter's sick leave usage.

If, in fact, the requesting officer is eligible for the incentive, Payroll staff will then credit the requesting officer's earned vacation bank with the appropriate amount of incentive hours. If the requesting officer is ineligible for the incentive due to sick leave usage during the quarter indicated, Payroll staff will so notify the requesting officer accordingly noting the date of sick leave usage(s).

A "month" for purposes of sick leave incentive under Section 7.5 begins on the first calendar day of the month and ends on the last calendar day of the month.

Requests for incentive hours pursuant to Section 7.5 must be submitted on or before the end of the third month following the end of the quarter for which the incentive is sought. {For example, if the quarter for which the incentive is sought is for January 1 through March 31, the request for the incentive must be submitted to Payroll on or before June 30.} Any potential incentive hours not timely requested shall be deemed void and eligibility for them waived.

Section 7.6 Educational Incentive Program

The City shall pay an educational incentive for job-related P.O.S.T. certificates obtained by the employee which exceed the normal established job requirements for the classification held by the affected sworn police employee. Eligible employees shall be compensated as follows:

P.O.S.T. Intermediate Certificate $~~1,200/Year or~~2 percent (2%) of base pay

P.O.S.T. Advanced Certificate $~~2,160/Year~~4 percent (4%) of base pay

Qualifying employees may receive pay for only one POST certificate at a time. The monetary equivalent of this education incentive pay is disbursed to an eligible employee

in the form of one's hourly wage basis through the City's bi-weekly pay cycle, pursuant to the federal Fair Labor Standards Act (FLSA)

If an employee qualifies for an incentive in one classification but is assigned to another classification that *requires* the P.O.S.T. certificate presently earned, the employee is no longer eligible to receive the associated incentive pay.

Payment of the incentive shall be subject to the approval of the City Manager. The following criteria will be used to determine an employee's eligibility for and/or continued eligibility in the incentive program:

A. An employee must have successfully completed his/her probationary period of eighteen (18) months prior to becoming eligible for this educational incentive program.

B. It will be the responsibility of the immediate supervisor or the Chief of Police to notify the City Manager of an employee's eligibility in this incentive program, using the applicable City Personnel Action Form, and secure the City Manager's approval. Once approved, it will be the responsibility of the immediate supervisor or the Chief of Police to notify the City payroll department, using the applicable City Personnel Action Form with the required approval signatures, at the beginning of the pay period in which the incentive pay will be paid as to the affected employee.

This educational incentive pay is separate and distinct from the base salary compensation for each classification for purpose of calculating salary advancements.

Section 7.7 Special Duty Assignments

A. Field Training Officer (FTO)
City agrees to pay a five percent (5%) premium to employees within the CPOA who are assigned by the Chief of Police to the training of new, full-time, regular employees and Reserves, based on a training plan and schedule approved by the Chief of Police. FTO premium will be paid only for those hours for which the assigned trainer has been actually provided the field training.

It is the intent of this provision that assignments involving training shall not be assigned for less than one (1) work shift.

B. Administrative Sergeant
City agrees to pay a five percent (5%) premium to the Administrative Sergeant assigned by the Chief of Police (see Section 3(1)(H) above.) This premium will only be paid for regularly-scheduled hours for which the Sergeant is actually working in this assigned role (i.e., the premium does not apply to leave hours or to overtime hours working in any capacity). The Administrative Sergeant shall be considered as assigned to a shift that requires working on holidays.

Section 7.8 Working In A Higher Classification

An employee covered by this MOU who is assigned to work in a position of a higher classification shall be paid an additional five (5) percent of his or her current salary for the time the employee works in the higher classification. Such assignments to a higher classification shall be approved by the Chief of Police and City Manager. This provision does not apply to employees performing higher duties as a result of a written training program.

Salary adjustments under this section shall not be retroactive.

Section 7.9 Shift Differential

Sworn officers regularly assigned to Graveyard Shift shall receive an additional ~~four~~ five (45) percent compensation above base pay for hours worked on the Graveyard Shift. Regularly assigned to a Graveyard Shift shall mean a sworn officer who is assigned to work between the hours of 1800 to 0600, or whose shift starts between 1800 and 0300 hours. ~~2100 to 0700 for at least four (4) days per week~~.

Sworn officers regularly assigned to Swing Shift shall receive an additional three ~~two and one-half~~ (~~2.5~~3) percent compensation above base pay for hours worked on a Swing Shift. Regularly assigned to a Swing Shift shall mean a sworn officer who is assigned to work between the hours of 1200-0000 or whose shift starts between 1200-1759 hours ~~1400 to 2400, or 1700 to 0300 for at least four (4) days per week.~~

Hours paid but not worked ~~not worked on the officer's regularly assigned shift~~ are compensable at base pay (for example, paid leave time). ~~This provision includes off hours such as paid and unpaid leave.~~

~~Both parties acknowledge and agree the current language in the MOU does not adequately or properly address shift differential pay reflecting an assigned shift scheduled for an employee working a 10-hour or 12-hour work period. During the term of this agreement, the City and the CPOA agree to mutually consider and agree upon prospective terms and conditions of this Section for potential revision to address 8-hour, 10-hour and 12-hour work shifts.~~

7.10 Longevity Pay

Members who have achieved the following years of service shall receive the Longevity Pay Incentive applied to base pay as shown. Percentages are not cumulative.

- Five Years 2%
- Ten Years 3%
- Twenty Years 5%

7.11 Bilingual Pay

The City has the exclusive right to determine and designate which employees and how many employees are eligible to receive bilingual pay of $75.00 per month. Designated employees will be required to demonstrate conversational fluency in a language (e.g., Spanish) as determined by the City Manager based on community/public needs and organizational usage. The City may administer a competency test to certify fluency of the employee in the designated language. Any such certification shall be a condition prior to employee qualifying for monthly bilingual pay.

ARTICLE 8: MEDICAL AND DENTAL INSURANCE PREMIUMS

Section 8.1 City Contribution To Premiums

The maximum monthly City premium contribution for combined medical and/or dental insurance coverage for sworn personnel shall be paid by the City during the term of this MOU in accord with the following employee subscription enrollment schedules.

A. The City's maximum monthly contribution will be as follows:

~~No Enrollment/Unused Benefit (enrollments after 30 June 2010): $ -0-~~

~~No Enrollment/Unused Benefit (existing eligible employees): $ 250.00/mo.~~
~~(Provided proof of similar medical and dental coverage is available to the employee is placed and maintained via another qualified third party insurance provider. Ref. Section 8.2).~~

Employee Only	$ 767.57 per month.
Employee + 1 Enrolled Dependent	$~~1,355.57~~1,464.55 per month.
Employee + 2 or more Enrolled Dependents	$1,903.92~~1,774.77~~ per month.

Section 8.2 Member Enrollment in Medical and/or Dental Insurance

The City will contract to provide medical and dental insurance coverage for all full-time regular employees and their enrolled dependents. Any premium in excess of the maximum amount contributed by the City as outlined in Section 8.1 above shall be the responsibility of the individual employee, to be paid through City bi-weekly payroll deductions.

Employees may elect to decline City-provided medical and/or dental coverage only in cases when the employee is covered under an alternate third party insurance plan.

Proof of insurance is required. ~~For employees authorized to decline City-provided medical and/or dental coverage, the City will contribute a monthly amount up to the maximum monthly premium cap outlined in Section 8.1 above under "No Enrollment". The employee may elect to place said "No Enrollment" monies into a City-approved deferred compensation plan, to the employee's Flexible Spending Account (FSA – medical), or may receive the monies as taxable income, each prorated amount disbursed bi-weekly at the employee's designated option and in accord with applicable IRS regulations.~~

~~Those employees whose monthly expense for their enrolled subscription in City-secured medical and/or dental insurance is less than the maximum amounts listed in Section 8.1 may also elect to place Unused Benefit residual monies into a City-approved deferred compensation plan, to the employee's Flexible Spending Account (FSA – medical), or may receive the monies as taxable income, each prorated amount disbursed bi-weekly at the employee's designated option and in accord with applicable IRS regulations.~~

~~In no case shall an employee's Unused Benefit residual payout exceed the maximum of $250.00 per month.~~

Section 8.3 Short Term and Long Term Disability Insurance

The City shall provide and pay for short term (STD) and long term disability (LTD) insurance(s) in behalf of each employee of this unit for the purpose of providing contracted levels of continued compensation in the event of an off-duty illness or injury.

Section 8.4 Term Life/Accidental Death/Dismemberment Insurance

The City will contract and pay for the full premium to enroll each permanent full-time and part-time employee in a $50,000 face amount of term life insurance policy and a $50,000 Accidental Death and Dismemberment Insurance coverage.

ARTICLE 9: RETIREMENT SYSTEM

The City is a member of the California Public Employee's Retirement System, hereinafter referred to as "CalPERS". All regular full and part time employees of this Unit are compulsory members of this retirement system.

Section 9.1 Classic Tier I Employees

All regular full-time and regular part-time employees of this Unit hired before 01 July 2010 are considered "Classic Tier I" participating members of CalPERS. By contract, the City and eligible employees in this Unit are participating members of the "3% at age 55" Safety Retirement System. The applicable employee contribution paid in full by Classic Tier I employees, pursuant to pre-tax payroll deductions, is nine percent (9%).

A. Cost-Sharing of City CalPERS Contribution

Upon ratification of this Agreement, the City shall implement cost-sharing pursuant to the terms set forth below to offset a portion of the City's employer contribution to CalPERS for retirement benefits as authorized under Section 20516(f) of the Government Code.

The employee cost-sharing contribution will be accomplished pursuant to Section 20516(f) of the Government Code. Cost-sharing contributions made pursuant to Section 20516(f) remain characterized as employer contributions by CalPERS and therefore, will not be allocated to the employee's retirement account. Cost-sharing contributions will be deducted from wages on a pre-tax basis during the term of this Agreement.

The cost-sharing contribution amount is as follows:

Effective July 1, 2021,

~~1. Effective 02 July 2018, Classic Tier I employees shall contribute, through payroll deduction, an additional one-half of one percent (0.5%) of PERSable compensation, for a total contribution of 9.5%, towards CalPERS retirement.~~

~~2. Effective 01 July 2019, Classic Tier I employees shall contribute, through payroll deduction, an additional three-quarters of one percent (0.75%) of PERSable compensation, for a total contribution of 10.25%, towards CalPERS retirement.~~

~~3. Effective 29 June 2020,~~ Classic Tier I employees shall contribute, through payroll deduction, an additional ~~one~~ two and one quarter percent (2.25%) for a total of eleven and one-quarter percent (11.25%) of PERSable compensation ~~, for a total contribution of 11.25%,~~ towards CalPERS retirement.

Section 9.2 Classic Tier II Employees

All regular full-time and regular part-time employees of this Unit hired on or after 01 July 2010, plus any new employee of this Unit that was a participating member with an employer enrolled in a CalPERS "Classic" pension system and whom did not experience a break in employment service longer than six (6) months, are each considered City "Classic Tier II" employees and are compulsory participating members in CalPERS. The City shall contract with CalPERS and enroll said eligible employees in this hiring category in the CalPERS "2% at age 50" Local Public Safety retirement plan. The applicable employee contribution paid in full by Classic Tier II employees, pursuant to pre-tax payroll deductions, is nine percent (9%).

A. Cost-Sharing of City CalPERS Contribution

Upon ratification of this Agreement, the City shall implement cost-sharing pursuant to the terms set forth below to offset a portion of the City's employer contribution to CalPERS for retirement benefits as authorized under Section 20516(f) of the Government Code.

The employee cost-sharing contribution will be accomplished pursuant to Section 20516(f) of the Government Code. Cost-sharing contributions made pursuant to Section 20516(f) remain characterized as employer contributions by CalPERS and therefore, will not be allocated to the employee's retirement account. Cost-sharing contributions will be deducted from wages on a pre-tax basis during the term of this Agreement.

The cost-sharing contribution amount is as follows:
Effective July 1, 2021, ~~The cost-sharing contribution amount for Classic Tier II employees is as follows:~~

~~1. Effective 02 July 2018, Classic Tier II employees shall contribute, through payroll deduction, an additional one-half of one percent (0.5%) of PERSable compensation towards CalPERS retirement.~~

~~2. Effective 01 July 2019, Classic Tier II employees shall contribute, through payroll deduction, an additional three-quarters of one percent (0.75%) of PERSable compensation towards CalPERS retirement.~~

~~3. Effective 29 June 2020,~~ Classic Tier II employees shall contribute, through payroll deduction, an additional ~~one~~two and one-quarter percent (2.25~~1~~%) for a total of eleven and one quarter percent (11.25%) of PERSable compensation towards CalPERS retirement.

Section 9.3 PEPRA Tier III Employees

A Public Employee Pension Reform Act ("PEPRA") or City "Tier III" employee for retirement purposes is any new member of this Unit who becomes a member of CalPERS for the first time on or after 01 January 2013, and who was not a member of another California public retirement system prior to that date, and who is not subject to reciprocity with another California public retirement system. Eligible employees of the City's "Tier III" Retirement Plan are enrolled as members of the Local Public Safety retirement plan of "2.7% at age 57".

Under PEPRA, Unit members of the Tier III Retirement Plan must contribute fifty percent (50%) of the total Normal Cost, as defined and calculated by CalPERS, as the Employee Share.

Section 9.4 Survivor Benefit Program

The City agrees to contract for the CalPERS 1959 Survivor Benefit Program – Fourth Level, and provide the annual employer cost for this contracted retirement benefit. Employees of this unit shall be solely responsible for the employee monthly cost for this added contractual benefit, payable through mandatory City payroll deductions.

ARTICLE 10: HOLIDAYS AND LEAVES

Section 10.1 City Designated Holidays

The City designates the following Holidays in each calendar year with the closure of City Hall and pedestrian traffic and normal telephone calls to the Clayton Police Station:

New Year's Day	Martin Luther King, Jr. Day
President's Day	Memorial Day
Independence Day	Labor Day
Veteran's Day	Thanksgiving Day
Friday after Thanksgiving Day	Christmas Eve
	Christmas Day

Section 10.2 Holiday Pay

~~A member of this Unit whose work assignment requires one to work a City designated Holiday shall receive one's regular pay, and provided that member works at least four (4) hours of that Holiday, that member will be paid eight (8) additional hours of pay for having to work that Holiday during that pay period. A member of this Unit not working any hours of that Holiday during that pay period shall receive zero ($0) pay for that Holiday. A member of this Unit working less than four (4) hours on a Holiday shall receive one's regular pay for the hours actually worked during that pay period.~~

For members assigned to a schedule that would require them to work holidays, those members shall receive holiday-in-lieu pay at the rate of four and one-quarter percent (4.25%) of each member's current hourly rate.

Section 10.3 Personal or "Floating" Leave

In addition to the holidays listed under Section 10.1, all members of this unit shall receive twenty-four (24) hours of Personal Leave for each fiscal year. Said leave hours shall be taken at the employee's discretion, with the consent of the supervisor. If Personal Leave hours are not taken or exhausted by the end of the fiscal year (June 30th), the remaining hours are forfeited.

Section 10.4 Vacation Leave

Permanent, regular employees shall be entitled to annual vacation leave with pay as earned.

A. Vacation leave credit for an 80-hour biweekly work week employee shall be accrued on the following basis, subject to a not-to-exceed accrual cap of twenty-four (24) ~~eighteen (18)~~ times one's current monthly accrual rate ("the cap"):
    1. 6.67 hours per month from the date of initial hire through month 24.
    2. 8.00 hours per month from month 25 through month 48.
    3. 10.00 hours per month from month 49 through month 96.

4. 13.33 hours per month from month 97 through month 180.
5. 16.67 hours per month from month 181 and beyond.

~~An employee having earned an accrued, unused vacation leave hour balance above eighteen (18) times one's current monthly accrual cap as of 24 July 2011 is hereafter ineligible to accrue further vacation leave hours until such time said employee's accrued, unused vacation leave hours balance drops below the eighteen (18) times cap, and thereafter may again accrue further vacation leave hours only to the extent such accrual balance never exceeds the employee's eighteen (18) times applicable cap.~~

B. Vacation leave credit for regular full-time employees working less than an eighty (80) hour biweekly work week shall be credited as in paragraph "A" above on a pro-rata basis based on the number of hours worked per week.

C. Vacation leave must be used in increments of one-quarter (0.25) hour or more.

D. Vacation leave may be taken as earned but must be requested in writing as far in advance as possible. Vacation leave scheduling is subject to the approval of the Chief of Police, based on labor deployment requirements.

~~E. In the event one or more observed holidays fall within the vacation leave of an employee, such holiday shall not be charged as vacation leave, and the vacation leave may be extended accordingly.~~

E. Upon leave of City employment, an employee will be paid for all accrued, unused vacation leave hours. ~~up to and including the maximum cap of eighteen (18) times one's current monthly accrual rate. An employee who earned and thereafter maintained an accrued, unused vacation leave hour balance in excess of eighteen (18) times one's current monthly accrual rate as of 24 July 2011 will be paid for all accrued, unused vacation leave hours upon leave of City employment.~~

F. An employee may elect to convert 40 hours of accrued vacation leave per calendar year in accordance with the "Leave Sell Back" Administrative Policy. Election for participation in the program shall occur no later than 60 days prior to the start of the new calendar year. The cash out period shall generally occur 12 months after the election. At the time of the cash out, the employee's vacation leave may not fall below 40 hours after participation in this program.

Section 10.6 Sick Leave

Sick leave is earned at the rate of eight (8) hours for each month worked. Maximum accrual will be unlimited. Unused sick leave will not be paid upon separation from City employment.

Sick leave may generally be used for any illness, injury, medical or dental appointment/treatment, or disability (including pregnancy and childbirth) of the employee. Sick leave may also be used for illness or injury of the employee's immediate family; however, absences for family leave purposes in excess of one (1) week (or a cumulative

two [2] weeks in any calendar year) must be approved by the City Manager. A physician's report may be required for extended periods of sick leave usage, or if in the determination of the City Manager, the employee exhibits greater than average, or unusual patterns or circumstances in the use of sick leave.

Up to three (3) days of sick leave may be used to attend funerals of close family members, with the approval of the City Manager.

Members of this unit are entitled to certain disability benefits as defined by state law, and may not therefore use sick leave for on-the-job injuries or illnesses. Further, any unused sick leave shall not extend the retirement date of an employee who has been granted a disability retirement, notwithstanding the provisions of CA Government Code Section 21025.2

Employees may use accrued sick leave for non work-related disabilities up to the effective or commencement date of short-term or long-term disability benefits.

Employees unable to return to work within six (6) months of the date of disability (non work-related) may be separated from City employment, unless an extension is approved by the City Manager, and except as otherwise restricted by state law.

Up to twenty-four (24) hours of accrued paid sick leave may be used as Bereavement Leave per occasion to attend the funeral of a close family member, with approval of the City Manager.

ARTICLE 11: HOURS OF WORK, WORK PERIODS AND PAY PERIODS

Section 11.1 Standard Work Assignment

The standard work assignment shall be eighty (80) hours in a two week pay period.

Section 11.2 Shifts

A. Regular shifts consist of 8, 10, or 12 hours of work per day, as assigned. Paid work time begins at the start of a shift (e.g. a 6am to 6pm shift begins at 6:00 a.m.). Each employee assigned to a shift must have completed changing his or her clothes (uniform, boots, vest, and belt, etc.) and be able and ready to begin work by the beginning of the shift). Each time an assigned work shift schedule is established or altered for members of this unit, the Chief of Police is responsible to so inform the Payroll/Finance Department accordingly, pursuant to the federal Fair Labor Standards Act.

B. Shift Scheduling: Sworn personnel assigned to patrol will be assigned to shifts based upon a seniority selection process. Officers and supervisors will not normally be allowed to spend more than two shift rotations of four months on the same shift in a calendar year. Officers or supervisors who have spent eight months on one shift will be required to rotate

onto another shift for at least one four-month period. The Chief of Police retains discretion to assign sworn personnel to address operational concerns including but not limited to training needs, disciplinary circumstances, and extended employee leaves.

~~B~~C. For purposes of this MOU, "shift trades" is an agreement between two employees to perform each other's duties on an infrequent basis and within one payroll period, but to be paid as if the two employees worked as originally scheduled. Each employee agrees to work one scheduled shift of the other on an agreed upon date. Shift trades are to be sought on the designated City form and must be approved in advance by the Police Chief or Administrative Sergeant. ~~and used by an employee seeking to take one (1) work day off in lieu of using accrued personal paid leave time.~~ Shift trades are the prerogative of the Chief of Police and are provided for employees as a means to meet the unexpected personal needs of an employee in a cost-neutral to the City. Shift trades that are likely to create overtime or similar cost exposure will not be approved, and those employees who do not work an agreed trade as expected will have leave hours deducted from their discretionary leave banks sufficient to cover any costs incurred by the City to cover the shift. These exchanges are to be considered a privilege and not a right.

Section 11.3 Pay Periods

The pay period for all employees shall be bi-weekly. The pay period is from 12:00 a.m. Monday through 12:00 midnight Sunday. There are twenty-six (26) pay periods in a fiscal year from July 1st through June 30th. Time sheets are due to Payroll at the start of the day work shift the Monday following the close of the pay period on Sunday. City pay checks are available and distributed on the Wednesday following the close of a pay period.

Note: From time to time, Payroll deadlines for submittal of time sheets and actual pay day may be altered due to designated City holidays. Payroll will notify all employees in advance when these circumstances arise. The time sheet deadline may be adjusted as needed to meet City payroll deadlines. Employees required to estimate hours worked due to an early time sheet deadline shall do so based on an employee's normally-assigned work schedule.

ARTICLE 12: OVERTIME

Section 12.1 Regular Overtime

The City will compensate eligible regular employees for each one-quarter hour (0.25) of overtime worked at a rate of one and one-half times (1.5) the employee's base hourly rate including applicable FLSA-required compensation. Overtime is defined as hours worked in excess of eighty (80) hours per pay period, or hours worked in excess of a regularly scheduled shift. Employees working partial or reduced shifts will not be eligible for overtime until the hours worked exceed the regular shift hours noted in Section 11.2. Authorization of the employee's supervisor must be obtained prior to the working of

overtime hours, except in emergency situations. Compensation for overtime shall be in the form of cash payment, or if requested by the employee and approved by the Chief of Police, in the form of compensatory time off (CTO) that shall also accrue at the rate of one and one-half (1.5) times the actual overtime hours worked.

For purposes of overtime and compensatory time calculations, all paid leave shall be considered as hours worked.

Section 12.2 Compensatory Time Off

A maximum of one hundred fifty (150) hours of compensatory time off (CTO) may be accrued by each employee, except when approved by the City Manager for a recognized or specific operational need or situation. ~~Whenever possible and in the discretion of the immediate supervisor or Chief of Police, overtime shall be compensated with compensatory time off. Compensatory time off may be used by written request of the employee filed three (3) days in advance with the appropriate supervisor or the Chief of Police.~~ Management will make every effort to comply with time off requests of the employee and shall not arbitrarily assign employees to compensatory time off. Upon leaving City employment, the employee will be paid for all accrued, unused compensatory time.

Section 12.3 Call-Out Pay

In the event an employee is called out for emergency duty, the employee will receive compensation at a rate of one and one-half (1.5) times the employee's regularly hourly rate. When an employee is called to duty more than forty-five (45) minutes prior to one's normal work shift, or is called back to duty after leaving work following a normal work shift, the employee will be compensated a minimum of three (3) hours of overtime pay.
Call-out time shall be defined as time worked by the employee, in excess of forty (40) hours per week, which time is not an extension of the normal work day or for which the employee has not been notified at least twenty-four (24) hours in advance. Call-out shall occur only when there has been a break in work service, i.e., the employee has left work for the day and is required to return to duty. In addition, weekend work for which the employee has been notified at least twenty-four (24) hours in advance shall not be considered call-out time. Attendance at regularly-scheduled meetings held after normal working hours that are recognized as part of the job duties of an individual employee shall not be recognized a call-out time.

Section 12.4 Court Time and Appearances

A. Sworn employees of this unit shall receive overtime pay for each hour they are required to, as a direct result of their City employment, and actually appear in court during their off-duty hours, yet said pay shall not be less than four (4) hours of overtime, except as provided below.

B. Sworn employees shall receive regular compensation (straight time) for appearing in court during their regular work hours when such appearance is a direct result of their City employment.

C. Sworn employees shall receive overtime pay only for each hour they actually appear in court, as a direct result of their City employment, while off-duty but within four (4) hours prior to the start of their work shift, yet shall not receive the guaranteed minimum of four (4) hours overtime as provided in "A" above.

D. Sworn employees required to appear in court commencing at a time less than one-half (½) hour following the end of his/her shift regardless of the length of the work shift, and said appearance is due to the employee's City employment, shall be paid overtime only for the time he/she actually appears in court, and shall not be paid the guaranteed four (4) hours minimum of overtime as provided in "A" above.

Sworn employees required to present criminal cases in person to the local district attorney's office during regularly-scheduled time off shall receive overtime pay as provided for in Section 12.4 above. The administrative sergeant responsible for assigning the filing of such criminal cases shall first endeavor to require such assignments to be conducted by sworn employees during one's work shift, and shall only make such assignments to off-duty personnel when no other reasonable alternative exists.

Section 12.5 Time Off Requests

With the exception of annual vacation leave, employees may request to take time off using paid accruals (vacation, CTO, floating holiday) as follows:

- Employee submits written time off request as far in advance as possible, but not more than 3 months or less than ~~14~~7 days in advance of the date(s) requested.

- All reasonable attempts will be made to accommodate the request, taking into account then-existing staffing levels and operational needs. At no time will the request be granted if staffing does not allow for a minimum of 2 officers on the shift(s) in question.

- If a request is made less than ~~14~~7 days prior to the date(s) in question, or if 2 officers/sergeants are already scheduled to be off on the date(s) in question, the requestor must find a voluntary replacement to fill the shift. This can be done on a shift-trade or overtime pay basis.

ARTICLE 13: RESIDENCY REQUIREMENT

Each member of this unit shall maintain their principal residence at all times within a fifty (50)-mile radius of the City of Clayton Police Department headquarters.

Upon recommendation from the Chief of Police, the City Manager may grant exception to this residency requirement when special circumstances or hardships warrant, and may condition such exception as the City Manager deems appropriate and consistent with the purpose of this requirement to ~~insure~~ensure rapid public safety response time to emergency and disaster situations within the city.

ARTICLE 14: CLASSIFICATION AND COMPENSATION PLANS

Each position with the City shall be allocated to its appropriate classification on the basis of assigned job duties and responsibilities such that the same qualifications may be reasonably required for and the same schedule of pay may be equitably applied to all positions in the same classification. Positions may, from time to time, be reclassified on the basis of changes in or re-evaluation of the duties and responsibilities of the positions.

ARTICLE 15: LAYOFF PROCEDURE

Section 15.1 Purpose

The purpose of this section is to provide a fair and equitable basis for the reduction of personnel when this action becomes necessary in a department comprised of members of this unit or in the total work force of the City. In such circumstances, the City will make every effort to assist those employees who may be subject to layoff due to lack of work or a similarly compelling reason. Assistance will be made available through utilizing existing vacancies elsewhere in the department or work force, if any, to the fullest extent possible to relocate affected employees. In addition, contact will be made with other employees to refer those employees who are unable to be placed in other City vacancies.

Section 15.2 Causes

The Chief of Police may layoff an employee in the classified service because of shortage of work or budgeted funds. In addition, for the interest of economy or because the necessity for the position or employment involved no longer exists, the City Manager may request, and the City Council may concur, to abolish any position or employment in the classified service and discharge, transfer or demote the employee or officer holding such position or employment.

Section 15.3 Procedure

A. When a reduction in personnel is anticipated, the Personnel Officer or his/her designee shall notify the CPOA in writing forty-five (45) calendar days before the effective date of the layoff with the reasons thereof.

B. The Personnel Officer, or his/her designee, shall determine what openings exist in the same classification in other departments so the affected employee(s) may be considered for transfer or relocation. The employee(s) may be considered for transfer or relocation into a lower classification, where practicable, prior to affecting layoff.

C. If transfer or demotion is not practicable, the affected employee, upon layoff, shall be placed on the appropriate re-employment list as provided for by this Section.

D. Provisional employees of the affected classification(s) shall be laid off prior to the layoff of a probationary or permanent employee.

E. Probationary employees in the affected classification(s) shall be laid off prior to the layoff of a permanent employee.

F. Permanent employees shall be designated for layoff based on an evaluation of all employees in the same classification. Such evaluation will include work assignment, certification, education and seniority.

G. The names of probationary and permanent employees who have been laid off shall be placed upon re-employment lists for classification(s) which, in the opinion of the Personnel Officer, require basically the same qualifications, duties and responsibilities of the classification(s) from which the layoff was made. Re-employment lists will be maintained and valid for a period of one (1) year following the effective date of that layoff.

H. In filling vacancies, eligible individuals on the re-employment lists take precedence over eligible individuals on any other list for the same classification.

ARTICLE 16: CORRECTIVE COUNSELING DOCUMENTS

A Corrective Counseling document is not considered discipline and as such is not subject to the appeal process. It is used by a supervisor to assist an employee in modifying unacceptable behavior to comply with the Clayton Police Department standards, and represents the documentation of a held counseling session. The Corrective Counseling document will be purged from the employee's file upon their next annual performance evaluation.

ARTICLE 17: DISCIPLINARY PROCESS

A Letter of Reprimand is ~~not~~ a punitive ~~disciplinary~~ matter subject to an evidentiary appeal process by the affected employee provided the Chief of Police approves in writing the Reprimand ~~without~~ and the affected employee's ~~right to~~has an opportunity for a~~ny~~ hearing before the Chief. A Letter of Reprimand shall remain in the affected employee's personnel

file for a period of ~~five~~three (~~5~~3) years from the date of reprimand, and shall be removed at the conclusion of the ~~five~~ three (3~~5~~) year period provided there is no repeat incident of the behavior or violation.

For matters involving a higher level discipline of an employee (suspension, demotion, termination), after the process has progressed from the investigation, recommendation for discipline, ~~the~~ Skelly hearing before the Police Chief, and ~~the City Manager's decision to~~ the Police Chief's issuance of final ~~impose the~~ discipline, the next step to the appeal process is non-binding arbitration, with an advisory written decision provided to the City Manager for final administrative determination and accompanying action.

~~Any side can appeal the arbiter's ruling, but only as to the issues raised in the arbitration.~~

~~Final appeal will be to the City Council.~~

ARTICLE 18: GRIEVANCE PROCEDURE

Section 18.1 Definition

A grievance is any dispute between the City and employee or employees or recognized employee organization with respect to the meaning, interpretation, application or enforcement of the Personnel System Rules and Regulations or the Memorandum of Understanding (MOU). Disciplinary action, corrective counseling, and employee evaluations are not within the definition of a "grievance" subject to this procedure.

Section 18.2

It is the intent of the City to anticipate and diminish causes of grievances and to settle any which arise informally at the lowest practicable level of supervision, and as fairly and promptly as possible. To accomplish this, there are time limits between the initiation of a grievance and its occurrence, between steps of the grievance procedure, and the time in which each answer must be given. Any grievance is subject to the time limits set herein. Failure to pursue or conduct a grievance within these time limits shall constitute said grievance to have been settled on the basis of the last timely demand or answer. The time limit set forth can only be extended by written agreement of both parties.

At each step of the grievance procedure, the City shall make available any record relied upon to sustain the action which gave rise to the grievance and any other information necessary and pertinent to the processing of the grievance.

Section 18.3

Any employee in the merit system shall have the right to use the grievance procedure free from restraint, discrimination, pressure or reprisal from any other employee, supervisor, department head, or representative of recognized employee organizations.

Employee shall have the right to present grievances individually or through his/her recognized employee organization. Employee shall have the right to withdraw the grievance at any step in the procedure. Employee shall have the right to designate a representative of a recognized employee organization at any step of this grievance procedure. If the employee is represented by a representative of a recognized employee organization, the employee filing the grievance shall also be present during the discussion at all steps of the grievance procedure.

Section 18.4
Grievances will be processed in the following manner and within the stated time limits:

A. Step No. 1

When an employee has a grievance, he/she shall, within ten (10) working days following the occurrence of the event or the actual discovery (or when discovery could reasonably be made) of the event on which the grievance is based, , prepare in writing a complete description of the grievance and submit the grievance to his/her immediate supervisor. The employee and supervisor shall discuss the matter in private. Should the substance of the grievance by the employee be connected with actions of the immediate supervisor and/or Chief of Police, said grievance shall be filed with the Personnel Officer.

The supervisor, Chief of Police, and/or Personnel Officer shall make a thorough investigation of the reported grievance and render his/her/their decision within three (3) working days. The decision shall be made in writing to the aggrieved employee.

Most grievances should be solved at the employee – supervisor level.

B. Step No. 2

If the employee is not satisfied with the decision of his/her supervisor, Chief of Police, and/or Personnel Officer in Step No. 1 above, he/she has the right to appeal the decision to the next higher level of supervision. The aggrieved employee, either individually or by instructing the chosen representative of the recognized employee organization, must prepare a written appeal or must file said appeal within ten (10) working days after the applicable decision is rendered to the next level of supervision.

At this Step of the grievance procedure, the supervisor or employee, individually or through his/her designated recognized employee organization representative, shall have the opportunity to provide evidence from witnesses. In this Step, the management person receiving the appeal shall make a thorough investigation of the reported grievance and shall render his/her decision in writing within five (5) working days of concluding the investigation, but not longer than fifteen (15) working days from the receipt of the appeal.

C. Step No. 3

If the aggrieved employee is not satisfied with the decision made on his/her appeal at the level of management specified in Step No. 2, he/she has the right of appeal to the City Manager. The aggrieved employee, either individually or by instructing his/her chosen representative from a recognized employee organization, shall submit in writing an appeal to the City Manager within ten (10) working days of the date of the decision rendered by the management person in Step No. 2.

The written appeal shall include a detailed statement of the grievance. The City Manager shall arrange a prompt informal hearing of the grievance. ~~Following the close of the hearing before the City Manager, t~~The City Manager shall make a thorough investigation of the reported grievance and render ~~his~~ a decision in writing to the aggrieved employee within five (5) working days after the close of the informal hearing. Decisions of the City Manager pursuant to this grievance procedure will be final and binding.
~~The City Council is given a copy of the City Manager's decision, and the City may initiate its own grievances at this step of the grievance procedure.~~

~~D. Step No. 4~~

~~If the aggrieved employee, or City, is not satisfied with the decision of the City Manager in Step No. 3, and wish to appeal the decision, the aggrieved employee, either individually or by instructing his/her designated representative of a recognized employee organization, can appeal the decision in writing to the Personnel Board (City Council) within ten (10) days of the City Manager's decision.~~

~~Decisions of the Personnel Board (City Council) pursuant to this grievance procedure will be final and binding.~~

ARTICLE 19: JOINT LABOR/MANAGEMENT SAFETY COMMITTEE

Section 19.1

The City shall attempt to provide a safe and healthy work place for all City employees. The CPOA supports the creation of a safe working environment.

Section 19.2

The City will establish and maintain an Employee Safety Committee. Not less than two (2) members of the committee shall be appointed from the Clayton Police Department, one (1) of which shall be named by the CPOA.

Section 19.3

Employees required to attend mandatory safety meetings will be compensated according to the provisions of this MOU.

ARTICLE 20: SCOPE OF AGREEMENT

Except as otherwise specifically provided herein, this MOU fully and completely incorporates the understanding of the parties hereto and constitutes the sole and entire agreement between the parties on any and all matters subject to meeting and conferring laws. Neither party shall, during the term of this MOU, demand any change therein nor shall either party be required to negotiate with respect to any other matter, provided that nothing herein shall prohibit the parties from changing the terms and conditions of this MOU by mutual consent and agreement.

ARTICLE 21: TERM

Except as indicated herein, this MOU shall be effective commencing 01 July 20~~18~~21 and continue through 30 June 202~~1~~4.

IN WITNESS THEREOF, this MOU is entered into by the following authorized representatives this 29th day of June 2021 ~~15th day of June 2018~~ pursuant to the provisions of *CA Government Code Section 3500*, et. seq. for presentation to and adoption by the City Council of Clayton, California.

CLAYTON POLICE OFFICERS ASSOCIATION (CPOA)

By:_____
Rich Enea, II, CPOA President

By:_____
Torrey Jarvis, CPOA Member

By:_____
Jim Bickert, CPOA Labor Representative

CITY OF CLAYTON, CA (CITY)

By:_____
Reina J. Schwartz, City Manager

# # # # # # # # #

CITY OF CLAYTON
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AGENDA REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

FROM: **BILL STRACKER, CITY ENGINEER**

DATE: **June 29, 2021**

SUBJECT: **A Resolution Approving the City's Local Transportation Improvement Project For Fiscal Year 2021/22 Involving Road Maintenance and Rehabilitation Account – Local Streets and Roads Funds (RMRA-LSR; SB1)**

RECOMMENDATIONS

It is recommended the City Council adopt the proposed Resolution approving the City's local transportation improvement project for Fiscal Year 2021/22 involving Road Maintenance and Rehabilitation Account – Local Streets and Roads Funds (RMRA-LSR; SB1)

BACKGROUND

The Road Repair and Accountability Act of 2017 (SB1-Beall) continues as a significant $5.2 billion per year (Pre-pandemic) statewide investment in California's transportation systems. The Act increased per gallon fuel excise taxes, diesel fuel sales taxes and vehicle registration taxes, stabilized the price-based fuel tax rates and provides for inflationary adjustments to rates in future years. This legislation more than doubles local streets and road funds allocated through the Highway Users Tax Account (HUTA), distributing funds from new taxes through the RMRA account.

Annually, on July 1st, the City of Clayton, along with all other eligible California agencies, submits a work plan to the California Transportation Commission (CTC) committing the following fiscal years RMRA funding to a specific pavement preservation project in the coming year or a future year if the City desires. The submission of the work plan maintains the City's eligibility to garner RMRA funding during the forthcoming fiscal year. Without this commitment of RMRA funds the City loses its eligibility to collect RMRA funding through the State Controller's Office (SCO).

The City of Clayton typically performs a semi-annual neighborhood streets pavement preservation project on even numbered years. The most recent project was the 2018 Neighborhood Streets Project and we will be performing the 2022 Neighborhood Streets Project this fiscal year. In odd numbered years, when federal funding is available, the City

may perform pavement preservation work on collector and arterial streets. Collector and arterial streets are the only streets that qualify for federal funding. Local streets are funded completely with local funding sources.

DISCUSSION

One hallmark of the SB1 legislation is complete transparency about where, when, why and how RMRA funds are spent by local Agencies. As such, information required by CTC is quite specific including:

- Listing each pavement preservation project by year,
- Specific type of preservation treatment proposed for each street segment,
- Statement of the expected longevity of each proposed treatment, and
- The projected completion of the overall pavement preservation project.

The required information is included in the attached resolution.

The COVID-19 pandemic along with the glut on the worldwide oil market have potentially a double negative impact on future RMRA revenues. While fuel prices had been low due to a glut of oil and low demand, prices are rising quickly now that demand has begun to pick up. This however may mean conservation on the part of consumers putting some potential downward pressure on revenues. Predictions of lost revenue are difficult to make with any accuracy, but the most pessimistic estimates reflect up to a 25% loss of RMRA tax revenue, although that has not yet come to pass with RMRA revenues so far in FY2020/21.

By means of adopted City Council Resolution, Clayton has committed the FY 2021/22 RMRA funds to the 2022 Clayton Neighborhood Streets Pavement Preservation Project.

ENVIRONMENTAL DETERMINATION:

There is no environmental impact from approving the FY 2021-22 RMRA street list. The resultant pavement preservation work falls under CEQA exemption, Recommended Council action regarding CEQA typically occurs at contract award.

SUBSEQUENT ACTIONS:

Staff will submit the adopted resolution to the CalSMART on-line reporting program of the California Transportation Commission by the July 1 deadline in order to be eligible for the FY2021/22 RMRA funding disbursement.

FISCAL IMPACT:

Remittance advice provided by the SCO for FY 2020/21 shows that through February 2021 Clayton received $109,000 in RMRA tax revenue, at an average monthly accrual of $15,600. Based on this data, and no economic contraction, Clayton would finish FY 2020/21 with an estimated $171,000 in RMRA revenue. The projection for FY2021/22 provided by California City Finance is up to $217,787, although if the most pessimistic predictions come to fruition, revenues could be as low as 163,340. Even if actual revenues fall short of the projection of $217,787, there should be sufficient funds to support the planned 2022 Neighborhood Streets Pavement Preservation Project.

Attachments: 1. Resolution [2 pp.]

RESOLUTION NO. ___-2021

A RESOLUTION A RESOLUTION APPROVING THE CITY OF CLAYTON'S LIST OF LOCAL TRANSPORTATION IMPROVEMENT PROJECTS FOR FISCAL YEAR 2021/22 USING ROAD MAINTENANCE AND REHABILITATION ACCOUNT – LOCAL STREETS AND ROAD FUNDS (RMRA-LSR; SB 1)

THE CITY COUNCIL
City of Clayton, California

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the State Legislature and signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide;

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of Clayton are aware of the projects proposed for funding in its community and which projects have been completed each fiscal year;

WHEREAS, Clayton staff has determined the 2022 Clayton Neighborhood Streets Pavement Preservation Project (10449) is the project that should receive street pavement preservation treatment utilizing FY 2021/22 funds from the Road Maintenance and Rehabilitation Account (RMRA) created by SB 1; and

WHEREAS, the 2022 Clayton Neighborhood Streets Pavement Preservation Project will consist of sustainable street surface treatments and street striping on a City-wide pavement preservation project intended to have a useful service life of a minimum of fifteen years;

WHEREAS, the 2022 Clayton Neighborhood Streets Pavement Preservation Project is scheduled to be completed in 2022;

WHEREAS, it has been calculated (pre pandemic and resultant economic contraction) that the City of Clayton was projected to receive up to $217,787 in RMRA funds in Fiscal Year 2021/22 from SB 1;

WHEREAS, Clayton staff used the MTC StreetSaver® Pavement Management Program to determine its 2022 Clayton Neighborhood Streets Pavement Preservation Project to ensure revenues are used on the most cost-effective streets that also meet the community's priorities for continual transportation investment;

WHEREAS, Clayton staff has recommended it is most cost effective to roll the FY 2020/21 RMRA funds into a future year and construct the 2022 Clayton Neighborhood Streets Pavement Preservation Project with additional accumulated funds in order to obtain economies of scale of construction costs to match the magnitude of necessary street improvement and rehabilitation; and

WHEREAS, the 2018 California Statewide Local Streets and Roads Needs Assessment found that Clayton's streets are in a "Very Good" condition with an average network Pavement Condition Index (PCI) of 81, and this ongoing RMRA revenue will assist the City to maintain and sustain the overall quality of Clayton's street system.

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

Section 1. The foregoing Recitals are true and correct statements of fact and in part, along with the accompany staff report, constitute the basis for necessity in authorizing this Resolution.

Section 2. The City Council does herein authorize the assignment of its expectant FY 2021/22 RMRA funding of approximately $217,787 to be used for its 2022 Clayton Neighborhood Streets Pavement Preservation Project (10449), which street project constitutes the City of Clayton's local transportation improvement project to be constructed using its FY 2021/22 RMRA monies.

Section 3. The City Council further herein approves and authorizes the use of its Fiscal Year 2021/22 RMRA monies for construction of its assigned 2022 Clayton Neighborhood Streets Pavement Preservation Project.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California, at a regular public meeting thereof held on the 29th day of June 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

_____

Carl Wolfe, Mayor

ATTEST:

_____

Janet Calderon, City Clerk

CITY OF CLAYTON
Founded 1857 . . Incorporated 1964

Agenda Item: 8(a)

STAFF REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

FROM: **Paul Rodrigues, Finance Director, CPA**

DATE: **June 29, 2021**

SUBJECT: **Public Hearing and Recommended Adoption of a Resolution Adopting the Annual Budget for the City of Clayton for the FY2021/22 Fiscal Year, Commencing July 1, 2021 and Ending June 30, 2022, the FY2021/22 Appropriations Limit and the 5-year Capital Improvement Program (CIP) For Fiscal Years 2021/22 Through 2025/26**

RECOMMENDATION

It is recommended the City Council: (1) Receive the staff report and presentation; (2) Open the Public Hearing and receive public comments; (3) Close the Public Hearing; (4) Provide any final budget modifications; and then (5) By motion adopt a Resolution approving the City's Budget for the fiscal year ending June 30, 2022 (FY 2021/22), the FY2021/22 Gann Appropriations Limit, and a 5-year CIP Budget for FYs 2021/22 through 2025/26.

BACKGROUND

On an annual basis, the City Council is required by State law and its Municipal Code to adopt a budget with the goal of matching the various needs of the community with the limited financial resources required to provide those services. The City Council also adopts a Capital Improvement Program (CIP) that appropriates funds for various capital projects based on priority. City staff has prepared the attached City of Clayton FY 2021/22 Budget, which includes the operational budgets for the City's General Fund, Special Funds, and Fiduciary Funds as well as the Five-Year CIP budget. The City Council held a workshop/presentation on the FY 2021/22 budget at its meeting of June 15, 2021 to review the assembled budget information and available materials.

DISCUSSION

Total General Fund operating revenues for the FY 2021/22 proposed budget are $5,185,450. General Fund operating expenditures are proposed at $5,177,482 producing a balanced General Fund operating budget with a minor surplus of $7,968 anticipated at year-end.

Revenues. For FY 2021/22, the proposed budget has been prepared with modest revenue estimates. Based on input from HdL Companies, who assists the City (and many other cities) in tax revenue estimates, consultation with County Tax Collector and Controller/Auditor office, staff has projected a 9.4% increase in sales tax as the local economy in both the City and the County continue to recover. Property taxes in lieu of VLF are estimated to increase by 4%, while secured property taxes are projected to increase by 3%. Overall, revenue is projected to grow at about 6%.

Other General Fund revenues previously impacted by the COVID-19 pandemic are projected to increase and approach pre-pandemic levels. These revenues include planning permits & fees, planning service charges, park use fees, meeting room fees, and Clayton community gymnasium rent.

Expenditures. The single most significant factor in overall expenditure growth is salaries; labor costs represent nearly 70 percent of the General Fund budget. This is true even though Clayton salaries lag significantly behind comparable small cities in Contra Costa and Alameda counties. Having salaries so far below the comparable market limits the City's ability to recruit and retain adequate talent which leads to nearly continual organizational disruption. The disruption is costly in its own right and damaging to employee morale.

The budget includes the labor costs associated with the recently completed labor negotiations with the Clayton Police Officers Association. Even with the salary increases in the proposed agreement, Clayton Police Officers will remain significantly underpaid compared to the market.

Special Funds. Of the various special restricted funds, there are three – the Geological Hazard Abatement District [GHAD] (Fund 212), Neighborhood Street Lights (Fund 214), and Stormwater (Fund 216) which have potential fund balance issues within the next few years. Each of these have declining fund balances and are forecast that they may not have sufficient revenues to cover future costs. Increases in revenues would then be needed to maintain the services these funds provide. Any revenue increases may be subject to Proposition 218 majority protest, a 50% plus on if a general revenue measure; or if a special revenue measure a voter approved 2/3 approval. Without sufficient special fund revenue, the City's General Fund would need to subsidize these special purpose funds, and could place pressure to reduce other General Fund operations.

The Landscape Maintenance District Budget and Grove Park budgets are projected to have the annual CPI increase of 3% as stipulated in the ballot measures. Both these have sufficient revenue and fund balances to address various operational and capital needs.

Attached are the budget sheets for the overall City Operating Budget Revenues/Expenses, the individual Department Budgets and the various Special Restricted Funds as well as the Budget narrative.

It should be noted that, as discussed in several previous meetings, the long-term projections for the City show that there is a structural gap between ongoing revenues and ongoing expenses (see Attachment 2). Further, since historically we have seen that revenues are growing more slowly than expenditures, it will be imperative for the City to spend time over the coming months on developing a long-term budget strategy.

Proposition 4 Appropriations Limit

In 1978, the California electorate voted to end the perceived runaway "tax and spend" practices of local governments by restricting the amount of annual growth in tax money expenditures allowed for each public entity. This tax limit, known as the "Gann Appropriations Limitation" (Proposition No. 4), remains in law today. As part of the annual

budget cycle, it is incumbent upon each public entity to calculate and declare its associated compliance with this tax limitation.

After applying the specified adjustments, our new statutory tax limitation would allow the City to spend $12,653,880 in tax revenues over the next twelve months ending June 30, 2022. The City-wide Proposed Budget submitted for adoption this year contains only $5,267,723 in tax revenues subject to the limit, which is still a wide gap from the City's voter-imposed Appropriations Limit.

The reality of the above mathematical exercise is that the City of Clayton receives less than one-half (41.6%) of its containment-cap taxes permissible under this former proposition imposed on local governments by tax-weary voters in California. In other words (in tax limitation theory), the City of Clayton could levy and appropriate an additional $7,386,157 of annual tax revenues in our local services, *if such taxes* were *approved and available from within our community*

Planning Commission Conformance Finding

Section 65401 of the California Government Code requires each planning commission of a public agency to determine if projects proposed in a city's capital improvement program (CIP) for the upcoming fiscal year are in conformity with the jurisdiction's adopted General Plan. At its public meeting held on June 22, 2021, the Clayton Planning Commission did consider the City's proposed Capital Improvement Program (CIP) for Fiscal Years 2021/22 and did, by attached Planning Commission Resolution No. 5-2021 (Attachment 4), determine a finding of conformity as required.

FISCAL IMPACT

If adopted as proposed, the City's General Fund operational budget for FY 2021/22 would be $5,177,482. The total City-wide operating and capital budget for all City funds would be $11,416,361. A detailed fiscal analysis narrative of the budget is included in the Budget Message section of the Proposed Budget (Attachment 3).

Attachments:

1. Resolution adopting City Budget [4 pages]
    - Exhibit A: Appropriations Limit Calculation [1 page]
2. May 2021 California Department of Finance Price Factor and Population Information Letter [3 pages]
3. FY 2021/22 City Budget and 5-Year CIP Budget [179 pages]
4. Clayton Planning Commission Resolution No. 05-2021 [2 pages]

RESOLUTION NO. ## - 2021

A RESOLUTION ADOPTING THE ANNUAL BUDGET FOR THE CITY OF CLAYTON FOR THE 2021/22 FISCAL YEAR COMMENCING JULY 1, 2021 AND ENDING JUNE 30, 2022, ADOPTING THE FY2021/22 APPROPRIATIONS LIMIT, AND THE 5-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FISCAL YEARS 2021/22 THROUGH 2025/26

THE CITY COUNCIL
City of Clayton, California

WHEREAS, on June 15, 2021 and June 29, 2021 the City Council did receive presentations on the proposed budgets for operation of the City of Clayton in Fiscal Year 2021/22 commencing July 1, 2021; and

WHEREAS, on June 29, 2021, a Public Hearing was set and duly held on the proposed budgets whereat opportunities were provided accordingly for members of the public to offer comments and provide input on the fiscal plans presented; and

WHEREAS, after due consideration and review, the Clayton City Council finds it is in the best interest of the general health, welfare and safety of this City, its citizens and businesspersons, to formally adopt a financial plan governing the receipt and expenditure of public monies in Fiscal Year 2021/22; and

WHEREAS, Section 7910 of the California Government Code and Article XIIIB of the California Constitution, established by Proposition 4, requires the adoption of an annual Appropriations Limit for each fiscal year; and

WHEREAS, this Appropriations Limit fixes the amount of general tax revenue that can be appropriated in a given fiscal year; and

WHEREAS, the Fiscal Year 2021/22 Appropriations Limit is based upon the prior year's City Council adopted Appropriation Limit adjusted for the change in County population and the change in State per capita income; and

WHEREAS, City staff has calculated the fiscal year 2021/22 Appropriations Limit to be $12,653,880 while the City's annual tax proceeds total $5,267,723, an amount less than one-half (41.6%) of the City's allowable tax expenditure cap.

NOW, THEREFORE, BE IT RESOLVED the City Council of Clayton, California does hereby adopt the budget revenue by fund for the City of Clayton for the Fiscal Year commencing July 1, 2021 and ending June 30, 2022 as follows:

FUND		2021/22 REVENUES
General Fund – Fund No. 101	$	5,185,450
Rainy Day Fund – Fund No. 110		3,000
HUTA Gas Taxes – Fund No. 201		324,884
RMRA Gas Taxes – Fund No. 202		221,987
Landscape Maintenance District – Fund No. 210		1,219,857
The Grove Park Maintenance District – Fund 211		151,196
Oakhurst Geological Hazard Abatement District – Fund No. 212		65,188
Presley GHAD Settlement – Fund 213		1,800
Street Light Assessment District – Fund No. 214		126,791
Stormwater Assessment – Fund No. 216		136,759
High Street Bridge Assessment District – Fund No. 217		1,844
Oak Street Bridge Assessment District – Fund No. 218		2,040
Measure "J" Fund – Fund No. 220		271,176
Lydia Lane Sewer Assessment District – Fund No. 222		17,800
Oak Street Sewer Assessment District – Fund No. 223		11,359
Restricted Grants – Fund No. 230		521,280
Diablo Estates at Clayton BAD – Fund No. 231		96,112
Capital Improvement Projects – Fund No. 303		1,792,325
Development Impact Fees – Fund No. 304		8,000
Clayton Financing Authority – Fund 405		9,200
Middle School CFD – Fund No. 420		390,384
Middle School Refunding – Fund 422		452,350
Self Insurance Fund – Fund No. 501		400
Capital Equipment Replacement Fund – Fund No. 502		115,200
Pension Rate Stabilization Fund – Fund No. 503		4,000
Endeavor Hall – Fund No. 702		10,000
Successor Agency (Former RDA) – Fund No. 615		666,754
Successor Housing Agency – Fund No. 616		133,400
TOTAL REVENUE:	**$**	**11,940,536**

; and

BE IT FURTHER RESOLVED the budget appropriations by fund for the City of Clayton for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022 are adopted as follows:

FUND	2021/22 APPROPRIATIONS
General Fund – Fund No. 101	$ 5,177,482
Rainy Day Fund – Fund No. 110	330,000
HUTA Gas Taxes – Fund No. 201	348,779
RMRA Gas Taxes – Fund No. 202	445,000
Landscape Maintenance District – Fund No. 210	2,115,388
The Grove Park Maintenance District – Fund 211	217,169
Oakhurst Geological Hazard Abatement District – Fund No. 212	128,381
Presley GHAD Settlement – Fund 213	20,084
Street Light Assessment District – Fund No. 214	162,366
Stormwater Assessment – Fund No. 216	165,619
High Street Bridge Assessment District – Fund No. 217	1,454
Oak Street Bridge Assessment District – Fund No. 218	258
Measure "J" Fund – Fund No. 220	37,076
Lydia Lane Sewer Assessment District – Fund No. 222	22,464
Oak Street Sewer Assessment District – Fund No. 223	11,264
Restricted Grants – Fund No. 230	382,623
Diablo Estates at Clayton BAD – Fund No. 231	71,049
Development Impact Fees – Fund No. 304	-
Clayton Financing Authority – Fund 405	-
Middle School CFD – Fund No. 420	480,841
Middle School Refunding – Fund 422	424,556
Self Insurance Fund – Fund No. 501	6,300
Capital Equipment Replacement Fund – Fund No. 502	168,000
Pension Rate Stabilization Fund – Fund No. 503	-
Endeavor Hall – Fund No. 702	37,532
Successor Agency (Former RDA) – Fund No. 615	642,676
Successor Housing Agency – Fund No. 616	20,000
TOTAL APPROPRIATIONS:	**$ 11,416,361** ; and

BE IT FURTHER RESOLVED the 5-Year Capital Improvement Program (CIP) Budget of the City of Clayton for the fiscal years commencing July 1, 2021 and ending June 30, 2026 is hereby adopted with the following CIP Projects scheduled for undertaking in FY2021/22:

Capital Improvement Projects - Fund 303	2021/22 APPROPRIATIONS
Pine Hollow Road Upgrades (CIP 10379)	$ 100,000
North Valley Playground Rehabilitation (CIP 10442)	58,435
Oak/Grassland Savannah Maintenance (CIP 10446)	100,000
Emergency/Auxillary Power at City Hall Complex (CIP 10447)	100000
School Intersection Improvement (CIP 10448)	100,211
2022 Neighborhood Streets Repave (CIP 10449)	1,275,000
Downtown Pedestrian Improvement (CIP 10450)	252,000
Housing Element Update (NEW)	311,250
	$ 2,296,896 ; and

BE IT FURTHER RESOLVED the appropriations listed above constitute the budget for the Fiscal Year 2021/22 and the City Manager is herein authorized to transfer appropriations within the control accounts as deemed necessary, provided no change is made in the total amount designated for any one fund; and

BE IT FURTHER RESOLVED the City Council of Clayton does hereby find and determine it has complied with all of the provisions of Article XIII B of the California Constitution in determining the annual Appropriations Limit for Fiscal Year 2021/22; and

BE IT FURTHER RESOLVED pursuant to Government Code Section 7910 and Article XIIIB of the California Constitution the approved Appropriations Limit for fiscal year 2021/22 is hereby established at $12,653,880 as shown in “Exhibit A”; and

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California during a public hearing at a special public meeting thereof held on the June 29, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

_____
Carl Wolfe, Mayor

ATTEST:

_____
Janet Calderon, City Clerk

City of Clayton Appropriations Limit
FY 2021/22

FY 2020/21 Appropriations Limit:			**$ 11,926,371**
A. Change in California Per Capita Cost of Living (Converted to a Ratio)		1.05730	
B. Greater of the Change in Population (Converted to a Ratio) (Converted to a Ratio)			
City of Clayton (0.19%)	0.99810		
County of Contra Costa (0.26%)	1.00350	1.00350	
Compound Adjustment Factor (A multiplied by B)			1.06100
FY 2020/21 Appropriations Limit:			**12,653,880**
Estimated Appropriations Subject to Limit:			**5,267,723**
			41.6%
Available Annual Tax Gap:			**$ 7,386,157**

DEPARTMENT OF FINANCE
OFFICE OF THE DIRECTOR

Gavin Newsom ▪ Governor
State Capitol ▪ Room 1145 ▪ Sacramento CA ▪ 95814-4998 ▪ www.dof.ca.gov

May 2021

Dear Fiscal Officer:

Subject: Price Factor and Population Information

Appropriations Limit
California Revenue and Taxation Code section 2227 requires the Department of Finance (Finance) to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use their percentage change in population factor for January 1, 2021, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2021-22. Attachment A provides the change in California's per capita personal income and an example for utilizing the price factor and population percentage change factor to calculate the 2021-22 appropriations limit. Attachment B provides the city and unincorporated county population percentage change. Attachment C provides the population percentage change for counties and their summed incorporated areas. The population percentage change data excludes federal and state institutionalized populations and military populations.

Population Percent Change for Special Districts
Some special districts must establish an annual appropriations limit. California Revenue and Taxation Code section 2228 provides additional information regarding the appropriations limit. Article XIII B, section 9(C) of the California Constitution exempts certain special districts from the appropriations limit calculation mandate. The code section and the California Constitution can be accessed at the following website: http://leginfo.legislature.ca.gov/faces/codes.xhtml.

Special districts required by law to calculate their appropriations limit must present the calculation as part of their annual audit. Any questions special districts have on this requirement should be directed to their county, district legal counsel, or the law itself. No state agency reviews the local appropriations limits.

Population Certification
The population certification program applies only to cities and counties. California Revenue and Taxation Code section 11005.6 mandates Finance to automatically certify any population estimate that exceeds the current certified population with the State Controller's Office. **Finance will certify the higher estimate to the State Controller by June 1, 2021**.

Please Note: The prior year's city population estimates may be revised. The per capita personal income change is based on historical data. Given the stay-at-home orders due to COVID-19, growth in the coming years may be substantially lower than recent trends.

If you have any questions regarding this data, please contact the Demographic Research Unit at (916) 323-4086.

KEELY MARTIN BOSLER
Director
By:

/s/ Erika Li

Erika Li
Chief Deputy Director

Attachment

A. **Price Factor**: Article XIII B specifies that local jurisdictions select their cost of living factor to compute their appropriation limit by a vote of their governing body. The cost of living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the fiscal year 2021-22 appropriation limit is:

Per Capita Personal Income

Fiscal Year (FY)	Percentage change over prior year
2021-22	5.73

B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2021-22 appropriation limit.

2021-22:

Per Capita Cost of Living Change = 5.73 percent
Population Change = -0.46 percent

Per Capita Cost of Living converted to a ratio: $\frac{5.73 + 100}{100} = 1.0573$

Population converted to a ratio: $-\frac{0.46 + 100}{100} = 0.9954$

Calculation of factor for FY 2021-22: 1.0573 x 0.9954 = 1.0524

Fiscal Year 2021-22

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2020 to January 1, 2021 and Total Population, January 1, 2021

County City	Percent Change 2020-2021	--- Population Minus Exclusions --- 1-1-20	 1-1-21	Total Population 1-1-2021
Contra Costa				
Antioch	0.55	112,236	112,848	112,848
Brentwood	1.28	65,263	66,097	66,097
Clayton	-0.19	11,290	11,268	11,268
Concord	-0.14	129,453	129,273	129,273
Danville	0.15	43,840	43,906	43,906
El Cerrito	0.04	24,835	24,846	24,846
Hercules	1.45	25,494	25,864	25,864
Lafayette	0.15	25,321	25,358	25,358
Martinez	-0.32	36,946	36,827	36,827
Moraga	0.38	16,756	16,820	16,820
Oakley	1.48	42,268	42,895	42,895
Orinda	0.50	18,984	19,078	19,078
Pinole	-0.11	19,390	19,369	19,369
Pittsburg	0.00	74,501	74,498	74,498
Pleasant Hill	0.02	34,127	34,133	34,133
Richmond	-0.14	110,288	110,130	110,130
San Pablo	-0.12	31,078	31,041	31,041
San Ramon	0.58	83,376	83,863	83,863
Walnut Creek	1.03	70,592	71,317	71,317
Unincorporated	0.35	173,731	174,339	174,423
County Total	0.35	1,149,769	1,153,770	1,153,854

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

PROPOSED BUDGET
FISCAL YEAR 2021/22

THE CITY COUNCIL

CARL "CW" WOLFE, MAYOR
Peter Cloven, VICE MAYOR
JIM DIAZ, COUNCILMEMBER
Holly Tillman, COUNCILMEMBER
JEFF WAN, COUNCILMEMBER

* * *

RECOMMENDED BY:

REINA J. SCHWARTZ, CITY MANAGER

* * * * *

PREPARED AND PRESENTED BY:

PAUL RODRIGUES, FINANCE DIRECTOR, CPA
LAURA HOFFMEISTER, ASSISTANT TO THE CITY MANAGER

CITY OF CLAYTON, CALIFORNIA
94517
www.ci.clayton.ca.us



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BACKGROUND INFORMATION 2021/22

OUR MISSION

Enhance Clayton by providing quality of service through:

- Responsible Stewardship
- Effective Collaboration
- Continuous Progress

OUR VALUES

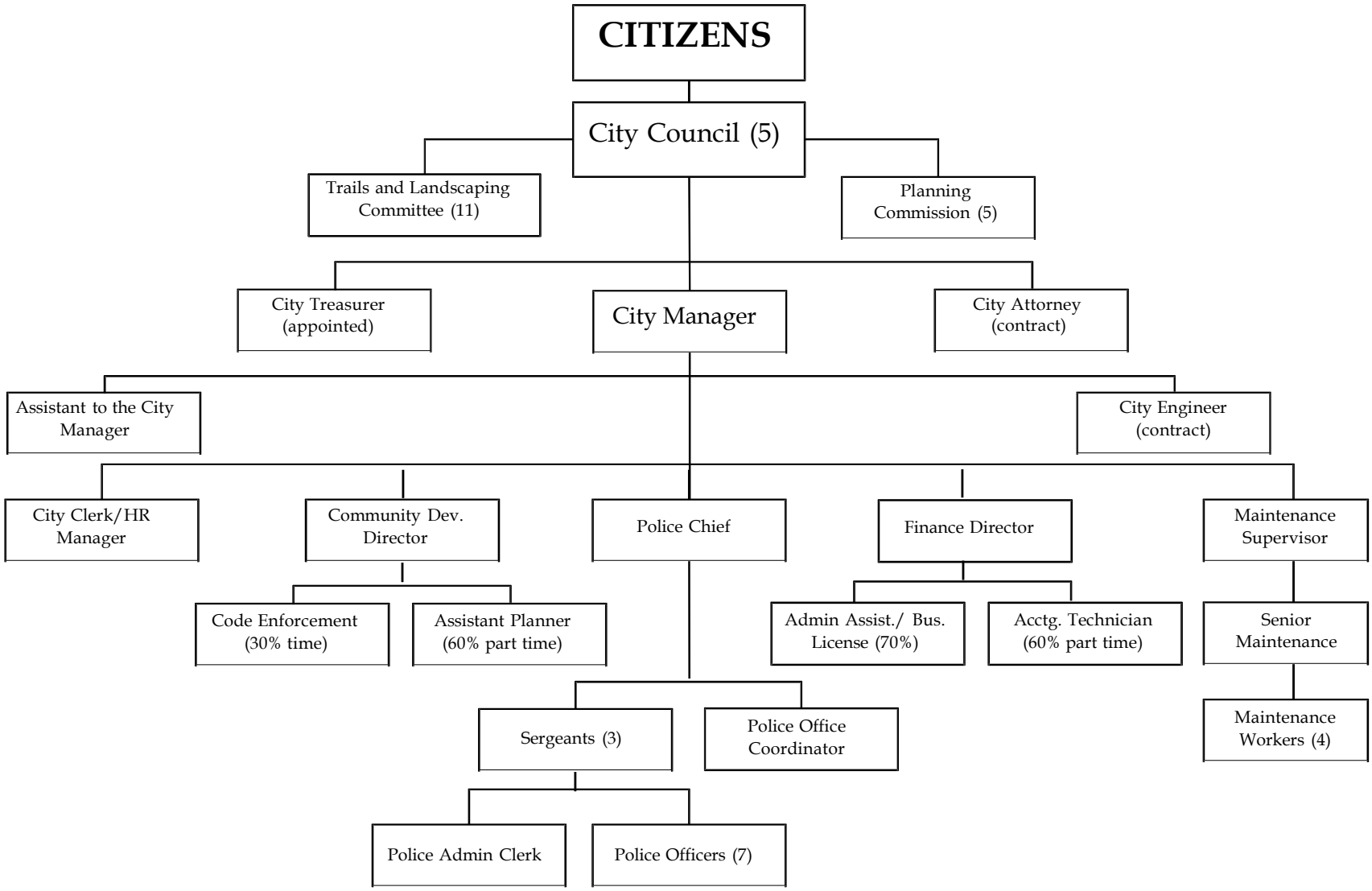
- Excellence
- Integrity
- Respect
- Teamwork

OUR VISION

The City of Clayton organization will be recognized as a premier small city. Customer service will be our hallmark; organizational processes will be a model of efficiency and effectiveness; innovation will be common place; and excellence of work product will be the norm. The employees will enjoy their work environment, and each will be a valued and respected member in his or her field of work. All residents and the City Council will be proud of their City government.

(Note: Mission and Values updated Feb. 28, 2020)

CITY OF CLAYTON ORGANIZATIONAL CHART



DIRECTORY OF OFFICIALS AND ADVISORY BODIES

CITY COUNCIL

Carl "CW" Wolfe, Mayor
Peter Cloven, Vice Mayor
Jim Diaz, Councilmember
Holly Tillman, Councilmember
Jeff Wan, Councilmember

COMMISSIONS

Planning Commission

COMMITTEES

Trails and Landscaping Committee

APPOINTED OFFICIALS AND DEPARTMENT HEADS

Reina J. Schwartz	City Manager
Laura Hoffmeister	Assistant to the City Manager
Malathy Subramanian	City Attorney (contract)
Elise Warren	Chief of Police
Janet Calderon	City Clerk / HR Manager
Paul Rodrigues	Finance Director, CPA
Hank Stratford	City Treasurer
Dana Ayers	Interim Community Development Director
Bill Stracker	City Engineer (contract)
Jim Warburton	Maintenance Supervisor

CITY OF CLAYTON

Founded 1857 .. Incorporated 1964

Demographics and Economic Characteristics

Date of Incorporation	March 18, 1964
Form of Government (General Law)	Council-Manager
Number of authorized City positions	27

Population:

Population	12,265
Median age	46.3
Median household income	$157,768
Registered voters	8,363
Area in square miles	4.3

Miles of Streets:

Lane miles	44.9
Pavement Condition Index (PCI)	80/100 ["Very Good" rating]

Fire Protection: (Contra Costa County Fire Protection District)

Number of stations (Station No. 11)	1

Police Protection:

Number of stations	1
Number of patrol vehicles	10
Number of sworn personnel	11

Public Education:

Elementary School	1
Mt Diablo Elementary	
Middle School	1
Diablo View Middle School	

Library: (Contra Costa County Library System)

Number of branch libraries (City-owned facility)	1

Parks & Community Facilities:

Park sites	7
Park acreage	19.07
Open space acreage	515.51
Open space trail miles	20
Creekside trail miles	7
Endeavor Hall	1
Hoyer Hall (in the library)	1
City Hall Conference Room	1

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BUDGET MESSAGE

2021/22

BUDGET SUMMARY

Presented herein for public review and consideration is the City's proposed budgets for FY 2021/22. It is an annually balanced budget as required by law, and the General Fund displays a balance of projected revenues exceeding expenditures resulting in a planned operating surplus of **$15,968.** The City's General Fund budget does not contain any appropriation for a "contingency" account. The chart below captures a five (5) year history of the City's overall expenditure budgets:

CITY OF CLAYTON BUDGETS

BUDGET AREA	FY 2021/22	FY 2020/21	FY 2019/20	FY 2018/19	FY 2017/18
GENERAL FUND OPERATING EXPENDITURES	$ 5,177,485	$ 4,843,806	$ 4,774,450	$ 4,587,220	$ 4,455,050
OTHER FUNDS*	5,266,203	5,167,395	4,739,491	5,420,805	4,817,118
CAPITAL IMPROVEMENT PROGRAM	2,296,896	1,446,400	2,996,371	2,746,513	2,471,256
SUCCESSOR AGENCY (former RDA)	642,676	859,749	867,351	692,490	711,957
TOTAL	**$ 13,383,260**	**$ 12,317,350**	**$ 13,377,663**	**$ 13,447,028**	**$ 12,455,381**

*Includes the City's twelve (12) special revenue, three (3) internal service, one (1) enterprise, and eight (8) fiduciary funds (excluding the Successor Agency fiduciary fund reported separately in the table). Also excludes Depreciation in CERF Fund 502.

The combined financial program proposed for the General Fund, the City's Other Funds, the Capital Improvement Program (CIP), and the Successor Agency is $13,383,260, an increase of $1,065,910 (8.65%) from last year's adopted budget, excluding General Fund non-operational expenditures. This increase is a combination of increases to General Fund operating expenditures ($333,679/6.89%), Other Funds expenditures ($98,808/1.91%), and CIP Fund expenditure ($850,496/58.80%) and a decrease to Successor Agency Fund expenditures ($217,073/25.25%). These changes will be discussed in greater detail later in the Budget Message.

Comparable to prior year's adopted General Fund budget, the proposed fiscal plan for next year anticipates the effects of the global pandemic COVID-19 to have a less negative effect on the local and national economy as the nation recovers and revenues are forecast with that in mind.

GENERAL FUND REVENUES

FY 2020/21 Revenue Projections

Although the current fiscal year has not closed at the time of budget preparations for the upcoming year, sufficient information is available to forecast what year-end FY 2020/21 revenues will look like. At this time, General Fund revenues are expected to total approximately **$5,022,084** by the close of FY 2020/21. This projection reflects a favorable variance of **$177,853** (3.67%) over total estimated General Fund revenues in the FY 2020/21 adopted budget suggesting the revenue forecasting methodologies and assumptions used last year were generally reliable.

Total secured property taxes, including property taxes in-lieu of vehicle license fees (VLF) are projected to have a positive variance of $151,431 (6.20%) over the original adopted budget revenues of $2,442,423.

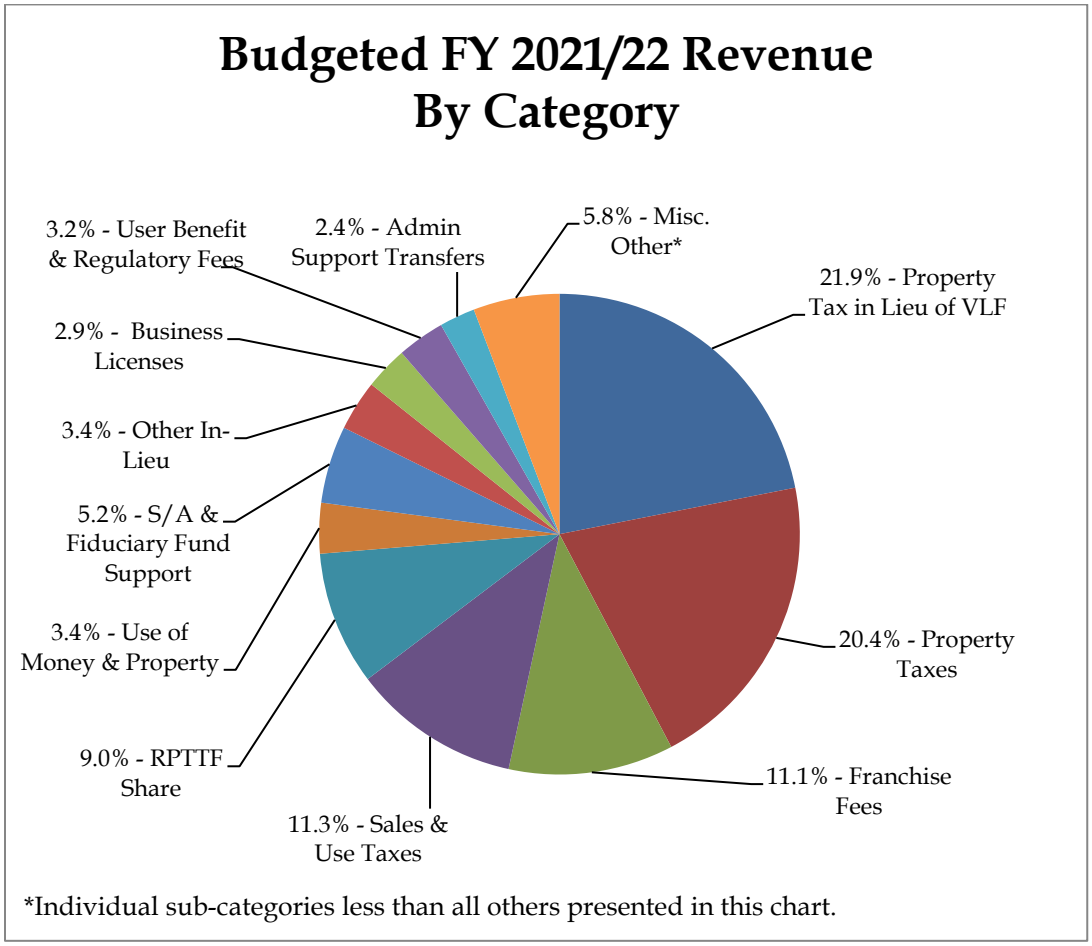
Sales tax revenues, originally budgeted at a pandemic impacted total of $467,527 are expected to increase to $549,760, a positive variance of $82,233 (17.59%). Analysis shows that during the pandemic, people have spent more on online sales, which positively affects the City's sales tax revenues. Further, the Wayfair decision, (discussed later in this document) also positively affects the City's sales tax revenues.

As noted previously, this positive revenue news was partially offset by negative variances elsewhere, primarily due to the COVID-19 pandemic. For instance, due to closures of various City facilities and parks, park use fees and meeting room fees are projected to be lower ($4,370 and $2,800 respectively) than what was budgeted for 2020/21.

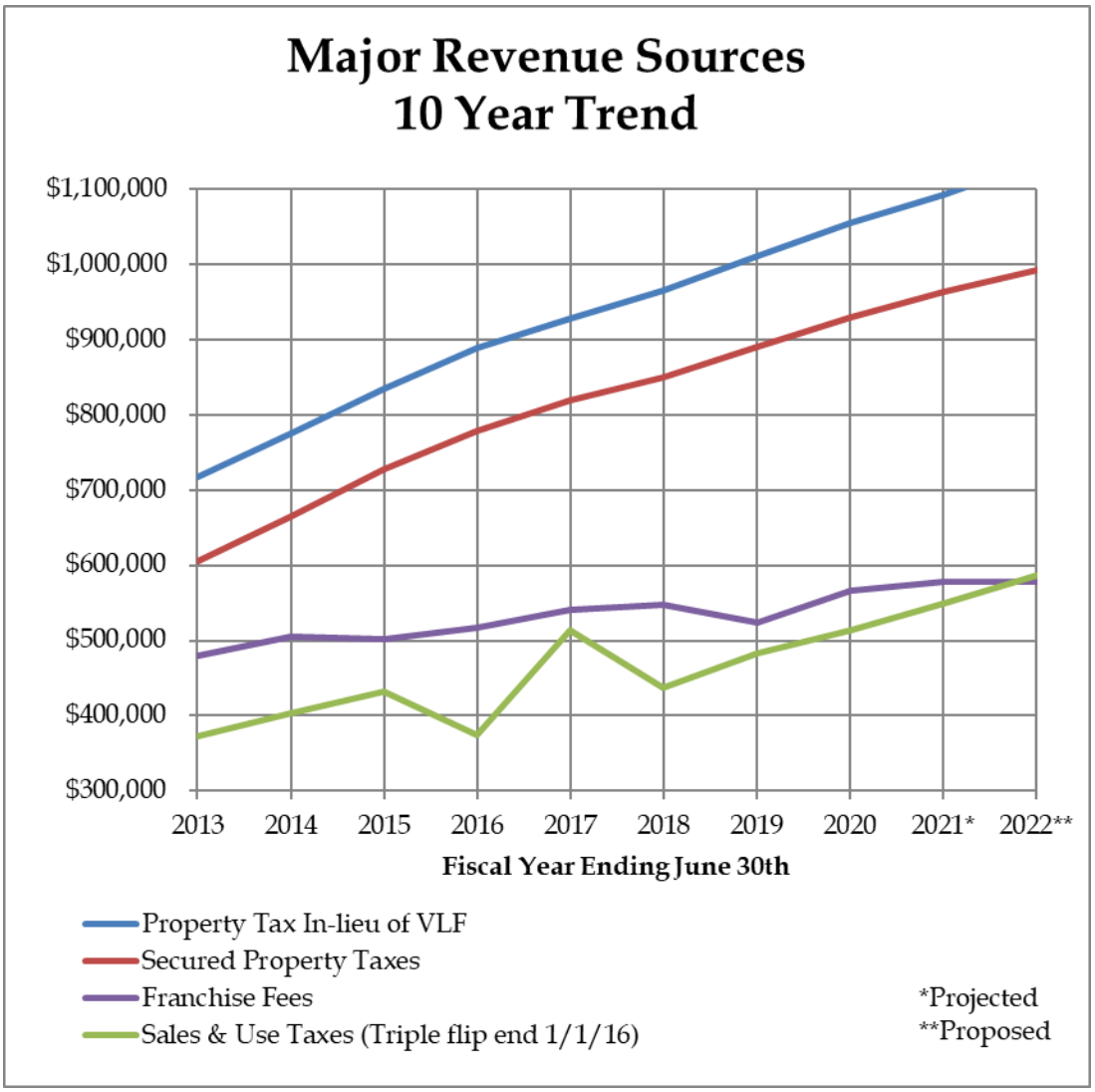
Interest revenues are projected to be $10,000 lower than the 2020/21 budgeted amount, primarily due to applying a conservative approach to estimating the total amount for the year. Due to continued low interest rates, as current City investments mature, they are replaced by investments with a lower yield, resulting in lower investment earnings.

FY 2021/22Revenue Projections

The FY 2021/22 proposed budget estimates total General Fund revenues of **$5,185,450**. This is an increase of **7.04%** over the prior year adopted budget. This projection is supported by actual FY 2020/21 operational revenue results to-date and is reflective of current statistics suggesting the economy is recovering from any COVID-19 impacts.



As illustrated in the previous pie chart, a noteworthy portion (64.7% of General Fund revenues) is concentrated in just four sources. The "slice of the pie" of these four major revenue sources remained consistent with the prior year's budget. In order of significance these four key revenue sources include: (1) property tax in-lieu of vehicle license fees (VLF), (2) local secured ad valorem property taxes, (3) sales & use taxes, and (4) franchise fees. The following chart illustrates the ten-year trend of these four major revenue sources for the City:



This trend analysis illustrates the gradual recovery of local revenue sources following the "Great Recession." Revenue sources with delayed downturns arising from the recession (i.e. property tax in-lieu of VLF and general property taxes) have made a comeback and have exceeded pre-recession levels since FY 2014/15, while sales and use taxes are steadily increasing, and franchise fees have flattened or started to decrease slightly.

The following section provides background and analysis of the City's most significant revenue sources.

Property Tax in - Lieu of Vehicle License Fees

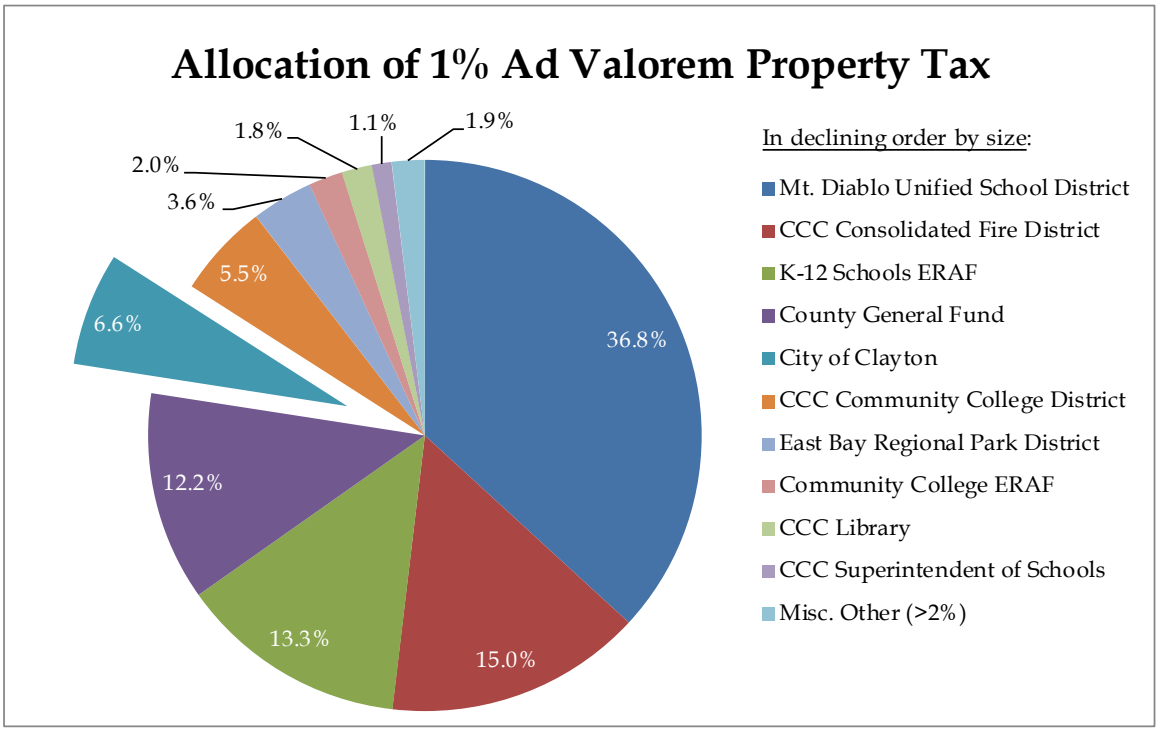
The largest revenue source, making up 21.9% of General Fund budgeted revenues for FY 2021/22, is property tax in-lieu of vehicle license fees (VLF). The VLF is an annual value tax on the ownership of registered vehicles. It is collected by the California Department of Motor Vehicles and then distributed to cities and counties. In 2004, the California State Legislature permanently reduced the tax rate from 2.0% to 0.65% of a vehicle's current market value. The reduction in VLF revenue to cities and counties was offset by an increased transfer of the state's share of local secured property taxes. The City is projecting revenue of $1,137,266 in FY 2021/22, which is an increase of approximately 4.0% over projected actuals for FY 2020/21 and 4.5% over last year's budgeted figure.

Local Secured Ad Valorem Property Taxes

The second largest revenue source, making up 20.4% of General Fund budgeted revenues for FY 2021/22, is the City's share of the local ad valorem secured property taxes. Secured property taxes are tax imposed on the calculated and controlled value of real property such as land and permanently attached improvements. Proposition 13 (1978) limits the real property tax rate to one percent (1%) of a property's assessed value for ad valorem tax purposes. Furthermore, Proposition 13 also restricts annual assessed property value growth to an inflationary factor equal to the lessor of the annual October to October California Consumer Price Index or two percent (2%). Following the County Assessor's Office completion of the annual assessment roll, individual parcel taxes are calculated by the County Auditor-Controller's Office (ACO) and levied and collected by the County Tax Collector's Office. The County ACO then allocates taxes levied to local taxing agencies pursuant to a statutory allocation formula applicable to the tax rate area (TRA) the underlying parcel is located within.

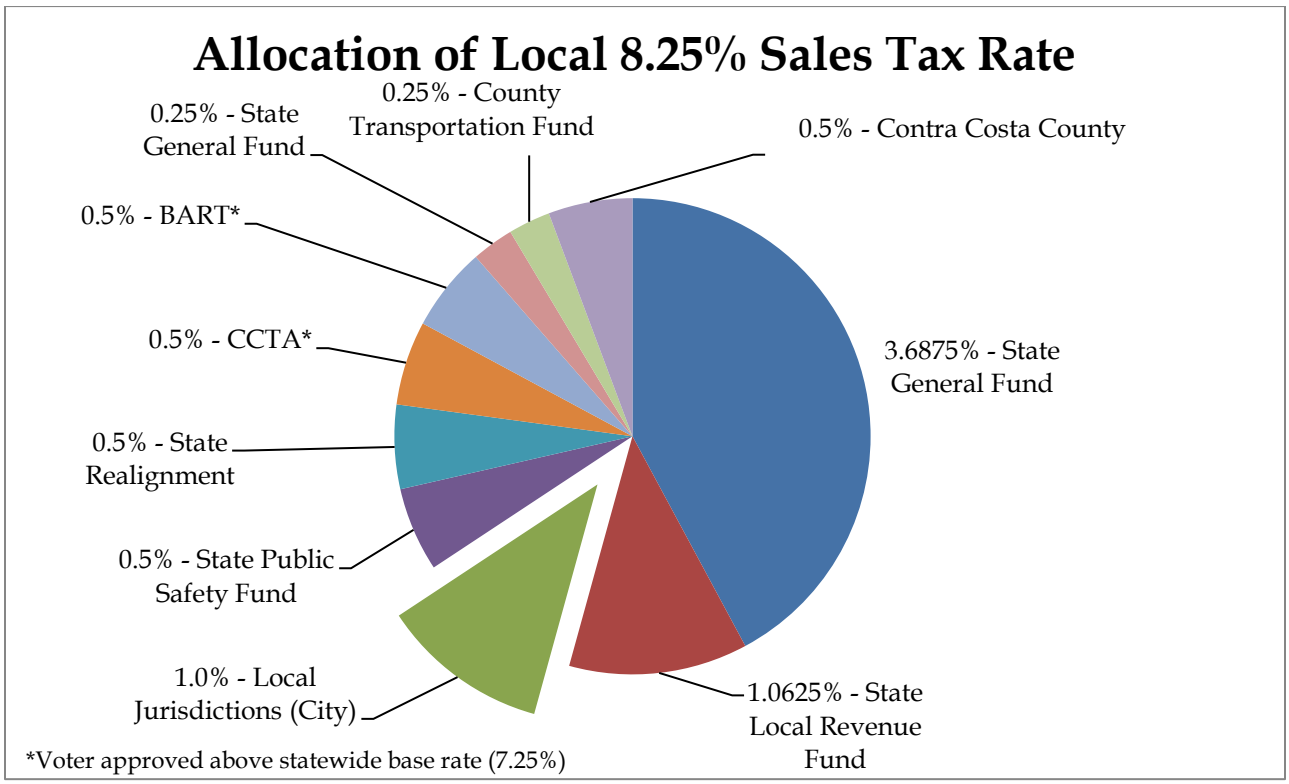
The City of Clayton has ten (10) such TRAs, with the largest TRA by current assessed value returning only 6.63% of the full one percent tax back to the General Fund. Comparatively, the City is considered a "low property tax city" stemming from the original implementation of Proposition 13 in 1978. For FY 2021/22, the City's share of secured local property tax revenues is projected to be $992,164, which is an increase of approximately 3.0% over projected actuals for FY 2020/21 and 3.64% over last year's budgeted figure.

The following illustration summarizes the statutory allocation of the 1% general ad valorem secured property tax to each taxing entity:



Sales & Use Taxes

The third largest revenue source, making up 11.3% of General Fund budgeted revenues for FY 2021/22, is sales & use taxes. This is a tax imposed on the total retail price of any tangible personal property, unless deemed specifically exempt by the California Department of Tax and Fee Administration (CDTFA), as well as the use or storage of such property when sales tax is not paid. Although the unadjusted general state-wide sales tax rate applied to transactions is 7.25%, the basic local rate (aka "Bradley-Burns" rate) returned to local agencies (i.e. City of Clayton) is only one percent (1%). This local share is unrestricted and must be received into the General Fund. In the City of Clayton, the applicable sales tax rate is currently 8.75% due to a combination of other additional local and regional voter-approved measures. The following is a pie chart depicting the current allocation of the 8.75% sales tax rate applied to all taxable transactions in the City of Clayton:



The City is projecting sales & use tax revenue of $585,965 in FY 2021/22, which is an increase of approximately 6.59% over projected actuals for FY 2020/21. This projection is supported by historical local revenue trends as well as analysis performed by sales tax analysts HdL, Coren & Cone. On a regional level the economic outlook for the Bay Area continues to recover from the COVID-19 pandemic with inflationary growth in the annual April 2020 to April 2021 local consumer price index coming in at 3.8%.

Along with the aforementioned COVID-19 pandemic, another significant and uncertain factor impacting this key revenue source is the California state legislature's passage of Assembly Bill 147 (AB 147) on April 25, 2019. This bill authorized the CDTFA to enforce the collection of sales and use taxes on online retailers with "significant nexus" effective April 1, 2019. Consistent with the U.S. Supreme Court's *South Dakota v. Wayfair* decision, AB 147 defines significant nexus as online sales of tangible property in excess of $500,000 during the preceding or current calendar year. Given the City of Clayton's limited presence of "brick and mortar" retail businesses generating sales taxes, this new legislation may result in a noticeable increase in sales & use tax revenues. Given these uncertainties, the City engaged the services of HdL, Coren & Cone to more accurately estimate sales and use tax revenues for 2020/21 and 2021/22. City staff will continue to monitor for unexpected fluctuations in this revenue source and recommend budgetary action to the City Council, if necessary, once new sales tax information incorporating the provisions of AB 147 becomes available.

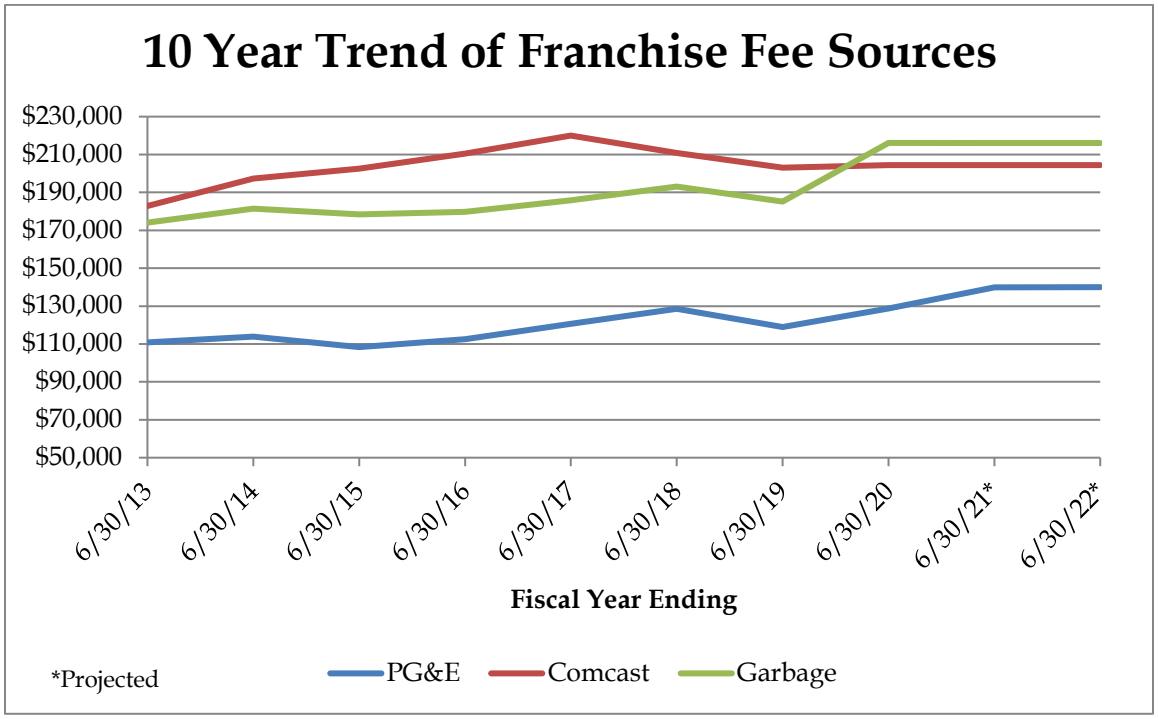
Franchise Fees

The fourth largest revenue source, making up 11.1% of General Fund budgeted revenues for FY 2021/22, is franchise fees. Franchise fees are rent paid by utilities or other businesses for the privilege of using the City's right-of-way (i.e. streets, sidewalks, etc.) to locate utility lines, operate vehicles, and/or conduct private business for profit. The City currently collects a 1% franchise fee from Pacific Gas & Electric and a 5% franchise fee from cable operators (i.e. Comcast and AT&T/Pacific Bell). In addition, the City collects a 10% franchise fee from Republic Services for its collection, transportation, disposal and diversion of solid waste and recyclable materials.

In the City's long-term forecasting of franchise revenues, staff had previously identified and communicated that the growth of streaming operations may eventually negatively impact the Comcast franchise fee as a reliable revenue source to local governments. This risk has now become a reality with FY 2018/19 Comcast franchise fee revenues falling short of the budget by $18,000 (8.1%), which is the most significant year-to-year decrease in at least ten years. Again, this reduction is due to consumer migration to alternative cable-less options. Accordingly, budgeted revenues for Comcast franchise fees have been adjusted to reflect this reduction, and continued decreases seem to have curtailed.

Despite PG&E franchise revenues decreasing as recently as FY 2018/19, with franchise fee revenues falling short of the budget by $10,872 (8.4%), revenues since have been increasing. Although PG&E franchise revenue projections outperformed the FY 2020/21 budget by 8.4%, FY 2021/22 revenues are projected to remain flat, due to the recent fluctuations.

In the aggregate, however, it is expected total franchise fee revenues from all sources will remain stable, growing by .06% over 2020/21 projected revenues in FY 2021/22 to a total of $577,693. The following chart depicts the ten (10) year trend of the City's three major franchise fee revenues by source:



Redevelopment Property Tax Trust Fund Revenue

The fifth largest revenue source, making up 9.0% of General Fund budgeted revenues for FY 2021/22, is the City's share of the Redevelopment Property Tax Trust Fund (RPTTF) tax increment. Pursuant to Assembly Bill 1 26x, with the Clayton Redevelopment Agency's (RDA) dissolution in February 2012 (FY 2011/12), the Clayton "Successor Agency" became the heir to the RDA. The Successor Agency receives funds through the RPTTF sufficient to pay/retire debt service and enforceable obligations of the former RDA as requested through the semi-annual "Recognized Obligation Payment Schedule" (ROPS) process, which is subject to approval by the California Department of Finance (DOF). Prior to the City of Clayton receiving its share of RPTTF taxes levied by the County, monies are first used to pay County administrative fees, required tax sharing payments (i.e. pass through payments), and approved enforceable obligations on the Successor Agency's ROPS. Thereafter, the residual balance of the County RPTTF is distributed by the County to the school entities, city, county, and special districts based on their proportionate share of property tax revenues. The City of Clayton's share of this residual balance is approximately 6.96%.

The amount of RPTTF residual balance allocated to the City is negatively correlated with the amount of state-approved obligations included in each ROPS. For FY 2021/22, after incorporating the state-approved ROPS and pass-through payments as well as total RPTTF expected to be available in the County pool for funding, it is

projected the City will receive approximately $464,424 in RPTTF revenues. FY 2021/22 budgeted RPTTF revenues are expected to increase by approximately 3.58% over projected actuals for FY 2020/21, as well as by 17.04% from last year's budgeted figure. As previously described, due to the process by which the amount of RPTTF distributable to the City is calculated, historical allocations of RPTTF to the City are not germane in predicting future allocations.

Fiduciary Funds Administrative Service Charges

The sixth largest revenue source making up 5.2% of General Fund budgeted revenues for FY 2021/22 is derived from administrative support charges from the Successor Agency and other fiduciary funds of the City. Since the creation of the Successor Agency in 2012, the City has received $250,000 on an annual basis for administrative support services in accordance with *California Health & Safety Code* Section 34171(b). However, a few years following dissolution of the Successor Agency, the Governor's May 2015 trailer bill (AB 113) placed additional restrictions on the amount of administrative allowance an administering agency may receive, potentially resulting in a cap substantially less than the previous $250,000 floor amount. The most detrimental impact of this trailer bill was to apply an administrative allowance cap of 50% to RPTTF monies actually "received" in the prior year, rather than to the total amount of "approved" enforceable obligations. The City experienced its first loss from this new state decree in FY 2016/17 when the City was allocated only $231,915 for Successor Agency administrative support purposes.

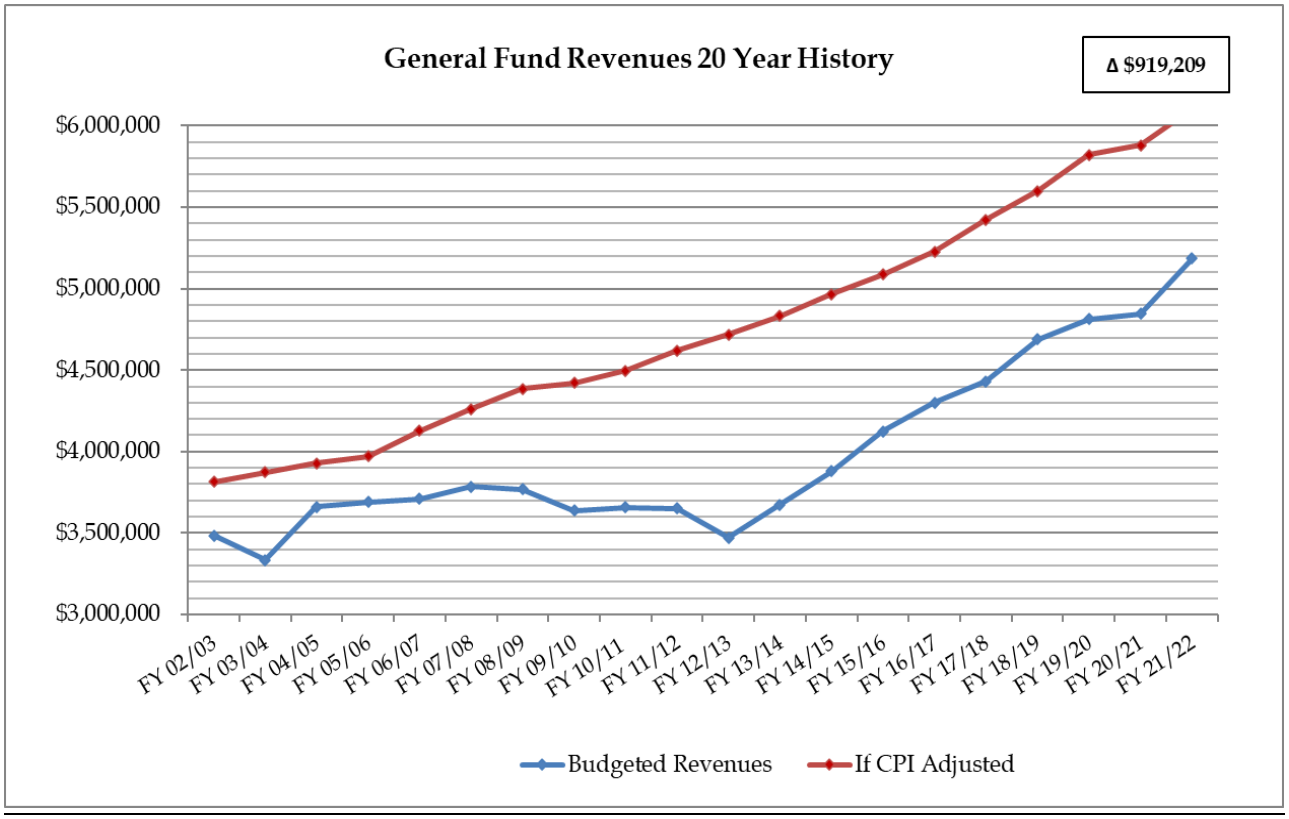
Pursuant to the March 26, 2021 Determination Letter issued by the California Department of Finance (DOF) approving the Successor Agency's 2021/22 Recognized Obligation Payment Schedule (ROPS), the City will be receiving its full administrative allowance of $250,000 for FY 2021/22. Beginning FY 2022/23, these Successor Agency administrative allowance revenues are projected to drop permanently and fluctuate annually between $196,000 and $199,000 until the dissolution of the Successor Agency in FY 2025/26 following the maturity of the 2014 refunding Tax Allocation Bonds. Including administrative cost recovery from the other fiduciary funds of the City, the total Fiduciary Funds Administrative Charges line item is expected to be $272,151. This reflects a 3.8% increase from projected actuals for FY 2020/21 for Fiduciary Funds other than the Successor Agency Fund, which remains the same at $250,000.

Despite the County's assumption of the Oversight Board role effective July 1, 2018 pursuant to state law, the City has and will presumably continue to receive its annual administrative recovery revenue until dissolution of the Successor Agency. At this point no information has been made publicly available suggesting the elimination of this revenue, which would be catastrophic to the City's annual General Fund operating budget. However, given the City's exposure and the risk level, staff will

Continue to monitor legislative action by the state and report significant developments to the City Council.

Overall, as previously discussed, the principal sources of General Fund operating revenue are either increasing, suggesting the end of the COVID-19 pandemic is in sight.

When looking at a twenty (20) year history of General Fund budgeted revenues, actual revenue growth has clearly not kept pace with inflation. The following line chart, updated and presented annually, illustrates the growing difference between General Fund budgeted revenues versus FY 2002/03 base year revenues adjusted for annual changes in the consumer price index for the San Francisco-Oakland-Hayward region, with the difference in FY 2021-22 being $919,209:



GENERAL FUND OPERATING EXPENDITURES

The proposed FY 2021/22 budget incorporates total General Fund appropriations of **$5,177,482**, which reflects an overall increase of **6.89%** compared to the prior year's adopted budget.

FY 2020/21 Operating Expenditure Projections

The starting point for developing next year's budget is forecasting current year results and comparing to the budgetary projections. General Fund operational expenditures are expected to total approximately **$4,871,593** by the close of FY 2020/21. If realized, this projection will result in an unfavorable budgetary variance with expenditures coming in **$27,787** (5.74%) higher than the original adopted FY 2020/21 General Fund budget of $4,843,806, but a savings of **$6154** (0.13%) relative to the budget as amended at Mid-Year. This variance suggests departments were generally successful in controlling their budgets within the constraints of the City Council approved legally enforceable departmental budgets.

FY 2021/22 Proposed Operating Appropriations

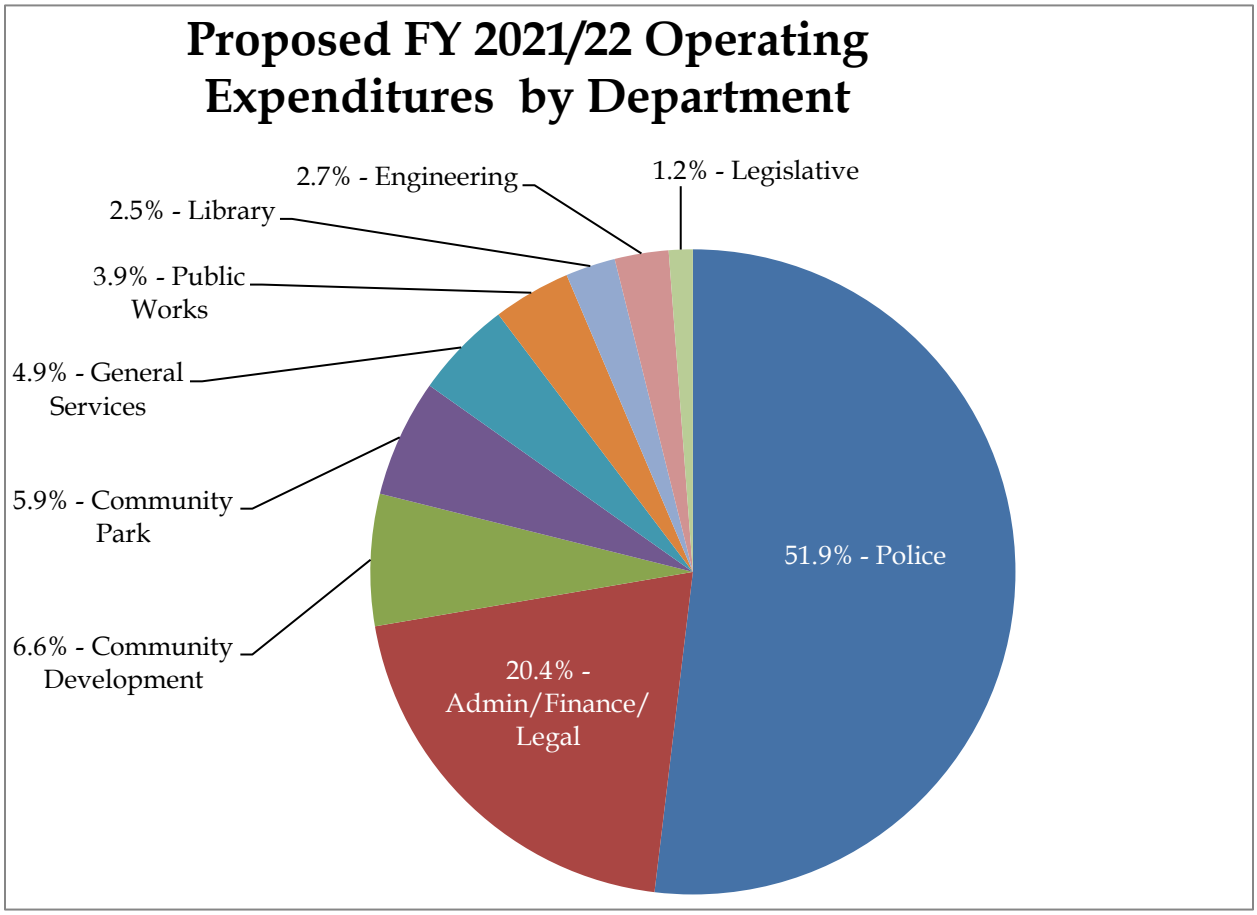
The following table provides a year-to-year comparison of proposed General Fund appropriations at the department level:

GENERAL FUND DEPARTMENTAL ADOPTED OPERATING BUDGETS

DEPARTMENT	FY 2021/22	FY 2020/21	% CHANGE
LEGISLATIVE	$ 63,471	$ 66,334	-4.32%
ADMIN / FINANCE / LEGAL	1,055,988	968,539	9.03%
PUBLIC WORKS	201,462	189,608	6.25%
COMMUNITY DEVELOPMENT	343,416	344,161	-0.22%
GENERAL SERVICES	252,597	191,248	32.08%
POLICE	2,689,035	2,525,923	6.46%
LIBRARY	127,181	139,831	-9.05%
ENGINEERING	137,835	128,150	7.56%
COMMUNITY PARK	306,500	290,012	5.69%
TOTAL	**$ 5,177,485**	**$ 4,843,806**	**6.89%**

The bulk of the increase in proposed appropriations pertains to the General Fund's Police Department budget, which is analyzed and discussed in greater detail later. Despite the proposed increase in appropriations exceeding this year's inflationary consumer price index rate as well as the operational revenue growth rate, it should be noted the proposed FY 2021/22 budget plans for the City providing once again the same level of public services to the community with no reductions or cuts.

The following pie chart illustrates each department's proportionate share of total proposed General Fund operating expenditures for FY 2021/22:



The order of departmental appropriations by proportional share of the General Fund is consistent with the prior year's adopted budget, suggesting no significant change in the priority of City programs.

As anticipated, the Police Department's share of proposed General Fund appropriations in FY 2021/22 is a majority share of total appropriations at 51.9%. As such, when considering the departmental distribution of appropriations, it is important to note for every $1.00 paid by taxpayers as general tax revenue to the City, slightly over one-half of the tax monies (~52¢ of every $1) is used to provide local law enforcement services to the community.

As a service organization, unsurprisingly the cost for personnel services comprises the bulk of General Fund appropriations. The proportion of expenditures related to personnel services remained relatively steady decreasing only slightly by 1.34% to a total of approximately 65.54% of the overall proposed operating General Fund budget. Overall the proportion of General Fund appropriations attributable to labor-related costs has been controlled and remained relatively steady at approximately two-thirds of the General Fund budget over the past eight-plus years.

Legislative Department (No. 01)

This is the smallest General Fund department making up 1.2% of proposed budgeted operating expenditures. Services funded by this department generally include: City Council members to set policy goals and objectives for the community, regular and special meetings of the City Council and recordings thereof, administering elections, and steering City promotional activities. Proposed appropriations of this department reflect a decrease of 4.32%.

Admin / Finance / Legal Department (No. 02)

This department makes up 20.4% of proposed General Fund budgeted operating expenditures. By its nature, the Admin/Finance/Legal Department provides essential administrative, oversight, and supportive services for all of the City's direct-cost programs including but not limited to: police, community development, parks and landscape maintenance services, capital improvements, etc. Comprised of approximately 5.3 permanent full-time equivalent employees, functions funded by this department include, but are not limited to: executive management and policy execution; legal counsel; human resources; financial, budgetary and compliance reporting; treasury and investment management; payroll and benefits administration; disbursements; revenue collection; records retention management and public records act facilitation; and facility rentals. Proposed appropriations reflect an increase of 9.03% from the prior year adopted budget, primarily due to increases in salaries, benefits and allocated legal services costs.

Public Works Department (No. 03)

This department makes up 3.9% of proposed General Fund budgeted operating expenditures. Services funded by the Public Works Department include the maintenance of city hall and the adjacent corporation yard as well as maintenance of the City's five neighborhood parks (El Molino, Lydia Lane, North Valley, Stranahan, Westwood, as well as future maintenance of the Dog Park). Proposed appropriations of this department reflect an increase of 6.25% over the prior year primarily attributable to increases in HVAC repair costs, janitorial services, general supplies and contract seasonal labor.

Community Development Department (No. 04)

This department makes up 6.6% of proposed General Fund budgeted operating expenditures. Comprised of approximately 1.9 permanent full-time equivalent employees, services funded by the Community Development Department generally include, but are not limited to: long-range planning and special studies (i.e. transportation, housing, zoning, etc.); ensuring compliance of land development and private party design proposals with local, state, and federal regulations; municipal code enforcement; and administration of the city's low to moderate income housing program. Proposed appropriations reflect a decrease of 0.22% over the prior year adopted budget and assumes a fully staffed department.

General Services Department (No. 05)

This department makes up 4.9% of proposed General Fund operating budgeted expenditures. By its nature, the General Services Department captures essential support costs shared amongst all of the City's departments and funds. Functions funded by this department include, but are not limited to: city-wide risk management and insurance premiums; computer, software, and network technology support; and office supplies and shared printer/copy/scanning costs (excluding those of the police department which is tracked separately). Proposed appropriations for this department are expected to increase 32.08% over the prior budget due to increased insurance costs. Computer/IT services previously expended from this department will for the second year, continue to be paid using Comcast PEG fees in the Restricted Grant Fund.

Police Department (No. 06)

This is by far the largest General Fund department making up 51.9% of proposed General Fund budgeted operating expenditures. This is the only department that works 24 hours, 7 days a week, and 365 days a year. This includes staffing and associated operations such as contract dispatch services and vehicles. A department providing this coverage for community safety therefore would be the largest portion of the budget, and expected to account for over 50% of the operational budget. Services funded by the Police Department include, but are not limited to: traffic enforcement, vehicle collision investigation, crime investigation, animal control (contract), dispatch services (contract), and police records management. This department is comprised of twelve (12) permanent full-time equivalent employees, ten (10) of whom are permanent full-time sworn police officers (including the Chief of Police) and two (2) of whom are police operations support personnel. The City's eleventh (11th) sworn police officer is and has long been funded by the Supplemental Law Enforcement Services Fund (SLESF) restricted-use funding source, which is tracked in the City's Grants Fund and discussed in greater detail later.

Proposed operating appropriations for this department reflect an increase of 6.46% over the prior year adopted budget. Of this $163,112 increase, $140,704 or 86.26% are increases in negotiated salaries and other cost increases.

Library Department (No. 07)

This department makes up 2.5% of proposed General Fund budgeted operating expenditures. Services funded by the Library Department include but are not limited to: City maintenance of the City-owned Clayton Community Library building, grounds and equipment. Funding Sunday and weekday County Library staffing hours beyond the County's base has been discontinued for FY 2021/22 due to the cost estimate from the County increasing over 400%. Proposed operating appropriations reflect a decrease of 9.05% over the prior year's budget.

Engineering Department (No. 08)

This department makes up 2.7% of proposed General Fund budgeted expenditures. Services funded by the contract Engineering Department include but are not limited to: administration of the City's capital improvement program, plan check and review of construction/development plans, administration of the City's encroachment permit program, and management of several benefit assessment districts. Professional engineering services are estimated to increase 3.8%. The agreement with Harris & Associates calls for an annual adjustment of their rates based upon the June to June Consumer Price Index change for the San Francisco Bay Area.

Clayton Community Park Department (No. 09)

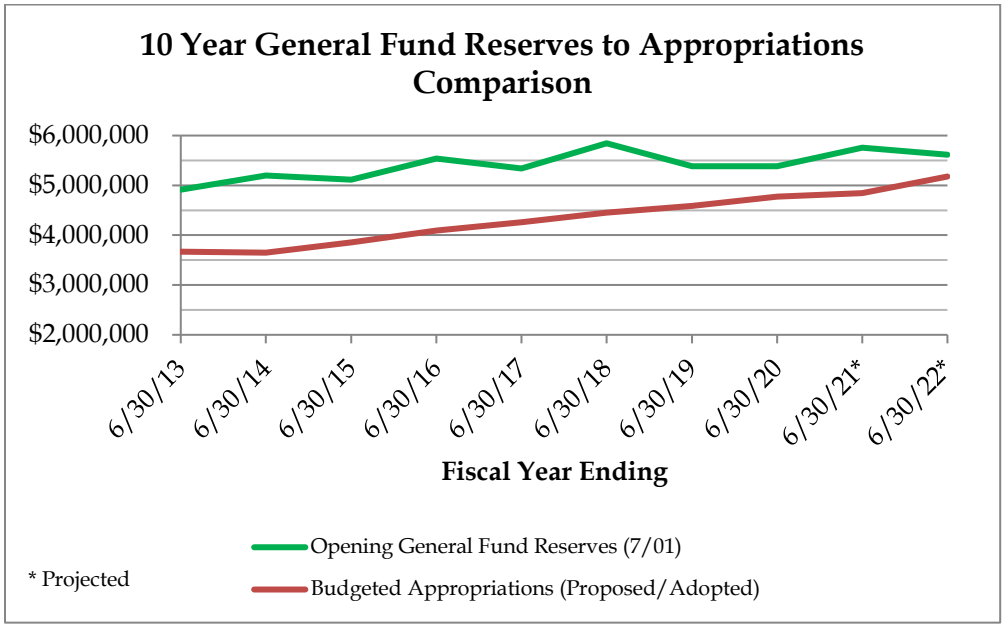
This department makes up 5.9% of General Fund operating appropriations included in the Proposed Budget. Services funded by the Clayton Community Park Department include but are not limited to: landscaping of the park grounds, maintenance of recreational sporting fields and related equipment/facilities, repairs and maintenance of the water irrigation network, and trash removal. Operating appropriations of this department are proposed to increase by 5.69%

GENERAL FUND RESERVES

FY 2020/21 Projected Operational Excess

The prior year adopted City Budget anticipated an operational excess resulting from operations of $425. Due to favorable budgetary variances on both the revenue and expenditure sides, it is projected FY 2020/21 will close with an operational excess of **$150,491**. Although the results of both General Fund revenues and expenditures are projected to come in better than budgeted, the favorable budgetary variance on the revenues side, primarily property taxes and sales taxes is the leading factor in the year projecting to end more favorably than originally budgeted.

The following line chart illustrates a ten-year comparison, by fiscal year, of opening General Fund reserves to adopted appropriations for that same fiscal year. For purposes of this analysis, General Fund reserves are defined as total General Fund balance per the underlying audited financial statements less any outstanding City Council-approved assignments or commitments of excess reserves.



Establishment of Rainy- Day Fund for Operational Excess Earmarks (Fund 110)

In FY2020/21, the City Council established the Rainy-Day Fund, which Operational Excess's earmarked by the City Council can be transferred. Establishment this fund allows better tracking of these earmarked funds.

FY 2021/22 General Fund Reserves Status

By set City Council formal policy, a minimum General Fund reserve has been set at $250,000 for never-to-be-expended "catastrophic" purposes. In practice this has been implemented and easily complied with, indicating that this floor requirement should be re-evaluated and possibly elevated at some point. However, the practicing Policy Goal of the City Council is to establish and retain an undesignated reserve of 50% relative to the annual General Fund Budget. The FY 2021/22 proposed budget projects total General Fund reserves, net of unspent City Council earmarks of excess reserves, to be **$5,615,104** as of July 1, 2021. This reserve balance is **1.08** times the proposed General Fund operational appropriations for FY 2021/22. Subtracting the "untouchable" minimum reserve of $250,000 to reflect true reserve equity lowers this ratio to a still healthy **1.04** ($5,365,104). This measurement demonstrates the effectiveness of the City's prudent fiscal policies over the long-run.

Comparison of Budget to Actual Net Increase (Decrease) to General Fund Balance

A ten-year comparison of the net change to the General Fund balance shows that the audited actual net change consistently outperforms the budgeted net change due to a combination of actual revenues coming in higher than budgeted while actual expenditures are lower than budgeted. This reflects a continued best practice of budgeting conservatively.

		6/30/2011	6/30/2012	6/30/2013	6/30/2014	6/30/2015	6/30/2016	6/30/2017	6/30/2018	6/30/2019	6/30/2020
Net Increase (Decrease)											
	Budgeted	-	-	(197,464)	24,320	27,286	28,516	(239,953)	(260,586)	(170,102)	(46,643)
	Actual	98,260	375,629	26,164	(143,156)	389,892	204,902	299,222	(250,810)	93,674	404,425
	Difference	**98,260**	**375,629**	**223,628**	**(167,476)**	**362,606**	**176,386**	**539,175**	**9,776**	**263,776**	**451,068**

SPECIAL REVENUE FUNDS

In addition to the General Fund operations of the City, the City Council and staff are charged with stewardship over the provision of public services employing restricted-use monies accounted for in *special revenue funds*. In accordance with the Government Accounting Standards Board (GASB), special revenue funds are "governmental funds used to account for the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes." In total, the City currently has twelve (12) such special revenue funds that account for such restricted use monies. Strict controls and regulations are placed on the City's special revenue funds' express purpose and expenditure. These funds are in essence self-contained operations yet form a critical portion of the overall City Budget as these funds underwrite much of the public service and improvement mission of the City. The following section provides a discussion of the fiscal status of each of these special revenue funds.

A. HUTA Gas Tax Fund – No. 201

Derived from layers of state transportation taxes on the sale of gasoline [*California Street and Highway Code*, Sections 2105, 2106, 2107 and 2107.5; voter-approved Proposition 42 "Traffic Congestion Relief Act" monies], this group of revenues is deposited into a fund referred to as the City's "Highway Users Tax Account (HUTA) Gas Tax Fund". Local HUTA funds in the past have been a reliable source of funding for cities since the 1970s and are universally used to fund local road maintenance and repairs. The use of HUTA gas taxes is restricted by Article XIX of the California State Constitution and by *California Streets and Highways Code* section 2101. All HUTA gas taxes must be expended for the following:

- The research, planning, construction, improvement, maintenance, and operation of public streets and highways (and their related public facilities for non-motorized traffic), including the mitigation of their environmental impacts, the payment for property taken or damaged for such purposes, and the administrative costs necessarily incurred in the foregoing purposes.
- The research and planning for exclusive public mass transit guideways (and their related fixed facilities), the payment for property taken or damaged for such purposes, and the administrative costs necessarily incurred in the foregoing purposes.
- The construction and improvement of exclusive public mass transit guideways (and their related fixed facilities), including the mitigation of their environmental effects, the payment for property taken or damaged for such purposes, the administrative costs necessarily incurred in the foregoing purposes, and the maintenance of the structures and the immediate right-of-way for the public mass transit guideways.
- The payment of principal and interest on voter-approved bonds issued for the purposes specified above.

Historically, the City of Clayton has generally used HUTA monies to perform annual street re-striping and safety re-markings, traffic regulation and warning signs and replacements, resealing of street cracks, sidewalk and gutter repairs, replacement of street name signs, operation and repair of arterial street lights, and traffic signal maintenance.

Due to the City's pattern of heavy reinvestment of HUTA tax funds into maintenance and repair of local streets and roads, our City has been successful in its upkeep of this infrastructure. In total, the City has invested over $1.5 million of HUTA tax monies into street repaving and improvements capital projects over the last ten fiscal years (since FY 2010/11). This accomplishment has enabled Clayton to consistently remain in the Top 5 best average pavement condition streets within Contra Costa County and greater Bay Area. Clayton is currently ranked No. 3 in all of the Bay Area and tied for No. 1 in Contra Costa County with a PCI of 82. This Pavement Condition Index (PCI) ranks Clayton's overall street system in the "Very Good" category, with the average Contra Costa PCI being 70 (Good) and Bay Area PCI being 67 (Fair). Pavements are rated from 0 to 100 with 100 being the index assigned to a newly paved street.

Utilizing the latest projections published by the League of California Cities, the FY 2021/22 HUTA gas tax revenues are estimated to total $320,383, reflecting an increase of approximately 11.7% from FY 2020/21.

Consistent with the prior year plan in order to use existing HUTA Gas Tax fund reserves for eligible City streets projects, the proposed budget plans to draw down all available reserves and ends FY 2021/22 with fund balance of $1,780 consistent with state policy to "use it or lose it."

B. RMRA Gas Tax Fund – No. 202

The Road Repair and Accountability Act of 2017, also referred to as Senate Bill 1 (SB1), is a significant new investment in California's transportation systems of approximately $5.2 billion per year. SB1 increased the per gallon fuel excise taxes, diesel fuel sales taxes and vehicle registration taxes, sought to stabilize the problematic price-based fuel tax rates and provide for inflationary adjustments to rates in future years. In result, SB1 more than doubled local streets and road funds allocated through the existing Highway Users Tax Account (HUTA) gas taxes described previously, allocating monies from new taxes through the establishment of a new Road Maintenance and Rehabilitation Account (RMRA).

The RMRA receives monies from the following new taxes imposed under SB1:

- A 12¢ per gallon increase to the gasoline excise tax effective November 1, 2017.
- A 12¢ per gallon increase to the diesel fuel excise tax effective November 1, 2017, half of which is allocated to the Trade Corridors Enhancement Account with the remaining half to the RMRA.
- A new vehicle registration tax called the "transportation improvement fee," effective January 1, 2018, based on vehicle market value.
- An additional new $100 vehicle registration tax on zero emission vehicles model year 2020 and later effective July 1, 2020.
- Annual rate increases to these taxes beginning July 1, 2020 (July 1, 2021 for the ZEV fee), and every July 1st thereafter for the change in the California consumer price index (CPI). The first adjustment made on July 1, 2020 will cover the CPI change for the two-year timeframe November 1, 2017 through November 12, 2019.

The restricted-use of RMRA gas tax monies is similar, but not identical, to HUTA gas tax monies. Pursuant to *California Streets and Highways Code* section 2030, RMRA allocations must be deposited into a separate restricted-use fund and may only be used for projects that include but are not limited to: road maintenance and rehabilitation, safety projects, railroad grade separations, traffic control devices, and complete street components.

Consistent with the City's regular objective to use all available HUTA gas tax reserves for eligible City streets projects, the proposed RMRA Gas Tax fund budget also plans to draw down all available reserves over the next several years, transferring funds to the Capital Improvement fund for eligible streets projects.

C. Citywide Landscape Maintenance District – Fund No. 210

In June 2007, Clayton voters approved a replacement real property special tax to continue funding the operation and maintenance of its citywide public landscaped areas. This voter action created the City of Clayton Landscape Maintenance Community Facilities District 2007-1 (LMD). This annual special parcel tax is restricted to landscape costs associated with: arterial and specified roadway medians and parkways, the trails system, the annual open space non-native (exotic) invasive weed abatement in city-owned open space of the area hills, the annual open space and trails maintenance including weed abatement for fire and public safety, landscape and turf irrigation and the monthly maintenance and special occasion/holiday operation of the "Clayton Fountain". Operations for the LMD are separately accounted for by the City in a restricted-use special revenue fund.

Measure B, the 2007 ballot measure, expired June 30, 2017. Given this was the only source of funds for the maintenance and operation of the LMD, in order continue this

sole funding a special parcel tax, "Measure H" was placed before the voters on the June 7, 2016 ballot needing two-thirds (66.67%) voter approval. In June 2016, the voters overwhelmingly approved (77.1% positive vote) to extend the LMD special parcel tax for an additional ten (10) years.

Maintenance of City parks is not included as an authorized expenditure under the LMD Act; park maintenance obligations fall to the City's General Fund. The LMD has now completed its fourth year of operation under Measure H. The LMD has a City Council-appointed Trails and Landscaping Citizens' Oversight Committee (TLC) that meets periodically to ensure these special-purpose tax revenues are used for their intended purpose as established under the previous ballot measure for the LMD. Unfortunately, due to limited staffing during the FY 2021/22 budget process, there was not the ability to schedule a Trails and Landscape Committee meeting prior to the budget preparation and adoption for City Council. Staff will meet with the TLC and then forward their review and any additional or modified recommendations to the City Council. Thereafter, if needed the City Council could then take any action to make budget amendments to the LMD.

Pursuant to the terms of voter-approved Measure H, the special parcel tax rate may be modified annually by the change in the consumer price index (CPI) as published by the U.S. Bureau of Labor and Statistics from April to April for this geographic region (San Francisco-Oakland-Hayward, CA). In no event shall the special parcel tax rate be increased by more than three percent (3.0%) annually. Given the local CPI change (from April 2020 to April 2021) was 3.8%, the LMD'S projected revenues are proposed to be increased by 3.0% to a total of $1,204,857 for FY 2021/22. This results in a modest increase to LMD special parcel tax revenues of $35,093 over the prior year's adopted budget. The capped CPI growth adjustment will result in an increase of $7.98 per residential parcel over the prior year rate (last year's single-family rate was $266.46; including the CPI adjustment factor the new single-family parcel rate will be $274.44).

Over the past ten years, from FY 2007/08 through FY 2019/20, it is estimated the LMD will have used approximately $2 million of these special parcel tax funds for public landscape and irrigation and trail system improvements. When including additional LMD improvement projects planned for FY 2021/22, the LMD will have invested over $2.5 million into various capital improvements in addition to maintaining current landscaping. The prior approved Downtown Planters (Main Street) replacement project was completed in November of 2020 for a total cost of $281,622.

For FY 2021/22, the LMD budgeted to fund the following landscape maintenance improvement projects:

Project Description	Amount	Project ID
Cardinet trail section repave	$185,000	7306
Trail reconstruct end of Peacock Ck	$100,000	7306
Replace Irrigation Control (6 of them)	$ 90,000	LMD 2021-2

Repave/Repair/Crack Seal Trails	$ 30,000	7306
Native open pace planting pilot project	$ 12,500	7520
Trim up trees btwn Blue Oak/Keller	$100,000	LMD 2021-2
Tree Trimming streets/trails	$300,000	7440
Total	**$817,500**	

Due to drought conditions replanting projects are not proposed that would require additional water. Therefore it is planned to focus on trails maintenance, tree trimming, (along arterials and open space areas), and irrigation control replacement (the later providing better irrigation water management).

The proposed LMD budget is a balanced operational budget, responsibly utilizing fund balance to undertake non-recurring capital improvement projects. This practice is consistent with prior year budgets as the LMD is pay-as-you-go for such improvements, responsibly drawing on fund balance as needed. Proposed appropriations of the budget are annually adjusted for anticipated water and electrical utility rate increases as well as for fuel, fertilizer, water, etc.

Over the past year the LMD has generated a modest reserve balance to allow the consideration of the aforementioned non-operational landscaping improvement projects to be undertaken. Although the proposed budget anticipates an ending fund balance reserve of $117,933 by the close of FY 2021/22, staff is not proposing additional capital projects beyond those listed in order to allow time to complete these budgeted projects and to have sufficient funds for normal operational cash flow purposes.

An enormous impact on LMD operations from FY 2012/13 through FY 2016/17 was the declared drought conditions and the severe water conservation reductions imposed by Contra Costa Water District (CCWD) as directed by the Governor's Executive Order Emergency declaration, resulting in a 45% mandatory water reduction order. With irrigation cutbacks of that magnitude, the City Council ordered the LMD to suspend irrigation water to turf and bushes, reserving restricted water supplies to irrigate public trees. This action plan negatively impacted much of the water intensive landscape in order to sustain the more valuable plants and mature signature trees in the LMD. Capital improvement projects completed during the extended drought timeframe were hardscape-only oriented. There have only been two sections of a Clayton Road median replanted since the prior drought.

Although the State of California and CCWD returned to unrestricted water conditions over the last few years, the State is currently in drought conditions again, with Contra Costa listed as Exceptional Drought, the highest category. Although CCWD has not mandated cutbacks yet, they have asked for voluntary reductions. Additionally, it is forecasted that the dry conditions will likely continue into next year. It is conceivable that we will have an insufficient rainy season to establish new plantings. Therefore, no new replanting projects are being proposed as it would require additional water to establish from irrigation and/or a normal "rainy" season. Water districts were required by case

law to change billing rate structures to incorporate greater costs for service areas with greater water delivery demands (i.e. higher elevations requiring more energy for delivery). Clayton's geographic location resulted in a rate tier increase by CCWD in January 2021 of 3.75%. The proposed budget for the LMD includes the increased water costs with the adjusted rate estimated expenditure of $240,000.

Personnel services for this labor-intensive work effort account for 25% of the LMD budget in FY 2021/22 ($520,712). Whenever possible, less complex tasks within the LMD are assigned to in-house part-time or contract temporary seasonal personnel, which allows full-time permanent City maintenance personnel to focus their efforts on tasks requiring journeyman-level experience (i.e. irrigation line and system repairs). The LMD has only one full-time dedicated staff person of the six (6) permanent Maintenance Department personnel. During this past fiscal year (2020/21) the pandemic had unexpected impacts to the LMD operations. The ability to use part-time/seasonal contract personnel was not possible. In addition, a full time vacancy occurred with one of the staff resigning for an advanced position in a different agency. With limited resources and social distancing requirements – especially as related to persons in vehicles - staff prioritized trimming to keep walks and paths clear, and irrigation repairs. Other trimming and weeding along rights of ways and medians were postponed or delayed until more recently. Staff is hopeful as the public health conditions improve overall temporary seasonal workers will be available to assist in the LMD.

As approved by Measure H voters, the LMD's budget includes a recurring line item for the purchase of replacement plants, budgeted at $20,000. However, it is likely with drought conditions this expenditure will not occur. The LMD further contributes an annual allocation to the City's Capital Equipment Replacement Fund (CERF) for its shared cost of utilizing City Maintenance Department vehicles for LMD operations budgeted at $30,000 in FY 2021/22. A relatively nominal amount of $40,679 (3.3% of annual LMD revenue) is transferred to the City's General Fund to help defray the LMD's share of administrative support and overhead incurred by the City (i.e. telephones, payroll processing, accounts payable, management, compliance, legal, etc.).

With all of these actions, the LMD's ending fund balance on June 30, 2022 is projected to be **$117,933**. The LMD's reserve position is evidence the City does not siphon "surplus" monies into its General Fund but uses the special parcel tax revenues for its intended voter-approved purposes. Its monetary existence allows the LMD to re-evaluate priorities in the future to replace landscape lost (including adding in more hardscape treatments) from the water conservation measures resulting from drought conditions.

D. The Grove Park Fund – No. 211

The Grove Park officially opened to the community on January 12, 2008 and on May 29, 2008, the City Maintenance Department assumed full responsibility for the care and maintenance of The Grove Park. On Opening Day, the public park immediately became the signature statement of our community, and ever since it has been the popular gathering place for residents and visitors to the Clayton Town Center. Voters originally

approved this restricted special parcel tax in November 2006 (Measure O) to maintain the park for ten (10) years, with the levy first collected in FY 2007-08. In November 2014, the voters overwhelmingly elected to extend The Grove Park special parcel tax for an additional twenty (20) years [from 2017/18 through 2036/37] through the passage of Measure P (81.3% positive vote) making FY 2021/22 the 15th year of the restricted-use special parcel tax's existence. Operations forThe Grove Park are accounted for by the City in a legally separate restricted-use special revenue fund.

Pursuant to the terms of voter-approved Measure P, the special parcel tax rate may be modified annually by the change in the consumer price index (CPI) from April to April. However, in no event shall the tax rate be increased by more than 3.0% each year. The CPI change (from April 2020 to April 2021) was 3.8%. Accordingly, The Grove Park's proposed budget for FY 2020/21 incorporates an increase to the special parcel tax levy of 3.0% to a total of $143,796 resulting in a minor increase of $4,188 over the prior year's adopted budget. The capped CPI growth adjustment will result in an increase of $0.66 per residential parcel over the prior year rate (last year's single family rate was $22.18; with the CPI adjustment factor the new rate will be 22.84.

The Grove Park fund received its 10th and final installment of the generous $10,000 annual donation from Endashiian, Inc. (developers and landowners of the CVS/Pharmacy store site - formerly Longs Drugs Store), four years ago in FY 2016/17. Despite the conclusion of this ten-year pledge, Endeashiian, Inc. graciously donated an additional $1,000 to The Grove Park fund in both FY 2017/18 and FY 2018/19, which was both unexpected and unsolicited. No funds were received during FY 2019/20 or 2020/21.

During FY 2020/21 due to limited staffing due to Pandemic conditions, restrictions on certain outside activities and no community events that used The Grove Park, overall actual expenses were less than budgeted. The Grove Park fund is projected to maintain a positive reserve balance of approximately $406,930 by the close of FY 2020/21with reserves slightly decreasing to $377,618 as funds are proposed to be used for various maintenance, replacement-repairs and to improve safety. Of this projected FY 2020/21 ending fund balance amount, $84,202 is projected to be in the asset replacement reserve approved in the adoption of Measure O; $75,000 in the unallocated stabilization reserve (increasing by $5,000 annually), and $218,416 in unrestricted reserves. As The Grove Park's apparatus and infrastructure ages following fourteen years of heavy public use, these reserves will be critical to maintain this public gem.

For FY 2021/22, it is projected total operational expenses of $120,169, which is in addition there are one-time expenses for capital outlay total $97,000 for a total budgeted expenses of $217,169. The expenses will be offset by revenues totaling $143,796, plus $65,973 in fund balance use (asset replacement and unrestricted reserve use).

As The Grove Park continues to mature and its public attraction increases, more City Maintenance Department personnel time may be necessary to keep it in a condition worthy of the City's signature piece. During the summer and on Saturday Concert Series weekends, a part-time seasonal maintenance worker is assigned to perform routine maintenance and oversight tasks at The Grove Park to ensure this highly-visible asset shines for our community. The adjacent municipal well provides landscape irrigation and other non-potable water needs of The Grove Park, saving considerable taxpayer monies compared to the metered water prices of Contra Costa Water District.

To continue to meet the operational objectives of The Grove Park, appropriations of $217,169 are proposed for FY 2021/22, with total revenues of $151,196 it results in a projected use of $65,973 from the fund balance for one-time expenses. Nevertheless, the Grove Park fund's total reserves remain sufficient beyond its normal yearly operations.

E. Oakhurst Geological Hazard Abatement District – Fund No. 212

Formed by the City Council during the construction of the Oakhurst Development Project, this benefit assessment district encompasses all of the lots and open spaces within the Oakhurst [residential] Development. The Oakhurst Geological Hazard Abatement District (GHAD) has the authority but not the obligation to perform repairs to public, or authorized private, properties caused by certain geologic hazards such as landslides within this area. In order to fund any such operations, the GHAD Board of Directors (City Council) is required by state law to receive an affirmative vote by the real property owners within the district for any increase in the assessment rate. Although insufficient assessment revenues have always existed to perform much of the identified or anticipated hillside repairs, the property owners within the district have rejected any increase to their assessment three (3) times in the past. The GHAD Manager (contract City Engineer) manages the district and provides a separate budget and annual report to the Board of Directors in June or July annually.

Due to the restricted amount of voter-approved assessments, the GHAD levies an annual assessment that generally produces the same amount of revenue each year for general geologic hazard abatement purposes within the Oakhurst Development (adjusted only for CPI annually). For FY 2021/22, assessment revenue is projected to be approximately $44,894 which incorporates an April 2020 to April 2021 consumer price index (CPI) inflationary increase of 3.8%. Currently, it is unlikely property owners within the district would approve a significant rate increase sufficient to arrest or mitigate hillside movements. Interest earnings are insignificant for the GHAD fund estimated to be $210, which operates for most of the 12 months in a cash-flow deficit. The assessment revenues are not received by the GHAD [City as its fiduciary agent] until property owners pay their property tax bills in December and again in April each year.

Management expenses proposed for the GHAD this year include $5,000 for City Engineering services (District Manager) and $1,000 allocated for specialized legal services. Although litigation has been settled, the GHAD is still internally assessed a

share of the City's general liability insurance premium increases which were historically propelled by the Oakhurst hillside movement litigation, which served lawsuits against the GHAD as well as the City. This annual expenditure ($7,000 in FY 2021/22) must remain for several years following settlement of the litigation as those defenses pertaining to the GHAD's share of General Fund insurance premium expenses still impact the annual calculation of the City's general liability insurance premium for that prospective time period. Since the GHAD does not have its own employees, a base transfer of $8,169 to the City's General Fund for general administrative and clerical support services is critical to sustain the bare existence of the District (18% of annual assessment). County administrative fees to levy, collect, and disburse the GHAD property tax bill assessment are estimated at $1,550.

Project costs totaling $104,412 are planned for FY 2021/22, which includes monitoring reports, minor/emergency repairs and repair to section of Ahwanee Lane near Miwok. Accordingly, and due to the limited financial resources available, the GHAD is projected to fully utilize its reserves and need a transfer of $20,084 from the Presley Settlement Fund (Fund 213) to fund these key projects by the close FY 2021/22. Although these projects are designed to improve current conditions, no significant geologic hazards can be abated in exchange for the relatively small total assessment levy. The GHAD maintains its legal life with the foresight and wisdom that affected property owners might someday wish, or need, to proactively utilize this legal instrument to address hillside movement remediation.

F. Presley GHAD Settlement Fund – No. 213

In 2003 the City and Geological Hazard and Abatement District (GHAD) settled its lawsuit against Presley regarding damages to City infrastructures in the Kelok Way area of the Oakhurst Development. After reimbursement to the City of advanced legal expenses, proceeds from the settlement were retained in a separate fund for use to clean V-ditches in the area, monitor hillside movement and explore mitigation options to protect public infrastructures in the development. During FY 2010/11, funds were appropriated from this reserve ($110,000) to perform road resurfacings within the development in conjunction with the 2010 Pavement Rehabilitation Project (CIP No. 10409). More recently, in FY 2017/18 this fund incurred $19,870 for the removal and replacement of broken concrete V-ditches in three separate locations within the GHAD.

For FY 2021/22 $20,084 is planned to be used and transferred to the GHAD Fund 212, to cover the GHAD operational/project shortfall. After the inclusion of projected interest earnings to this fund of approximately $1,800 it is anticipated this fund will end FY 2021/22 with a positive reserve balance of **$95,669**. These monies may yet be tapped for further area repairs to damaged public infrastructure and/or arrest hillside movement in the future, as well as deficit operations of the GHAD fund.

G. Neighborhood Street Light Fund – No. 214

This fund accounts for the operations of the Clayton Neighborhood Streetlight Benefit Assessment District. This restricted-use assessment is collected through the real

property tax bill on Clayton residential properties [current assessment ranges from $8.34 - $43.54 per residential unit per year]. Since FY 2000-01 (for twenty-one consecutive years), the City **has not requested or increased the rate charged to real property owners** for the public street lights in their neighborhoods. These assessments are restricted for public street light operations and maintenance within residential neighborhoods, excluding arterial streetlights, which are funded through HUTA gas taxes accounted for in a separate restricted-use fund. This fund's proposed budget incorporates the same amount in revenues as last year ($125,991) since this assessment can only be increased by affirmative vote of the assessed property owners pursuant to the law (Proposition 218). Total proposed appropriations of the fund are $162,336.

In order to continue providing current services within the existing assessment rate, consistent with the prior year and recent years, a draw on existing reserves is expected in FY 2021/22 by approximately **$35,575**. One alarming projection in the proposed budget is the expectation the gas and electrical line item (account 7335) will now exceed the total assessment of the district by itself.

At the current rate of reserve use, this fund has **just one full fiscal year left** of operational reserves before the fund is expected to run out of money in FY 2022/23. Clearly, given annual hikes in PG&E electrical rates and the longtime zero increase cap on the assessment amount (since FY 2000/01) the fund has been in a structural deficit position for several years which will need to be addressed in the near term. With a projected opening positive reserve balance of only $19,631 at the end of FY 2021/22 it is likely to be insufficient to cover operational costs for FY 2022/23, there is justification to approach voters for an increase to this annual assessment .

It has been 21 years since the Neighborhood Street Light Benefit Assessment rates were raised, and the law is clear voter approval is mandatory to do so. Absent an increase to the assessment to capture inflationary growth, should the fund deplete its reserves in FY 2022/23 as currently projected, a policy call would likely be needed to either fund the annual operating deficit with a General Fund subsidy (further depleting limited revenues necessary for existing basic public services) or by turning off selected neighborhood streetlights. Redirecting street lighting costs to the HUTA Gas Tax Fund is not advisable as it would reduce funds vital in keeping Clayton's streets in top notch condition (currently tied for second place in the entire Bay Area). Conversely, should the annual assessment be lowered by City Council action (under a public policy theory that plentiful reserves should become a pseudo rebate to taxpayers), the lowered street light rate is then locked in and cannot return to its higher rate in the next or subsequent years without an affirmative two-thirds vote of the property owners. It is further noted the reserve position of this fund does not incorporate an amortization program for replacement of aging or deteriorated wooden street light poles.

H. Stormwater Fund – No. 216

This account manages collection and use of Stormwater Equivalent Runoff Units (ERU) levied locally to assist the City in compliance with unfunded State-mandated regulations through our National Pollution Discharge Elimination System (NPDES) Permit. Case law has now confirmed (previously challenged and lost by southern California cities) Regional Water Quality Control Boards do indeed have authority to levy unfunded mandates against pollutant dischargers (cities and counties) by virtue of the federal Clean Water Act and the California Porter-Cologne Water Quality Control Act.

By previous Council action long ago, this real property tax levy was maximized at its allowable cap in year 2000, which is projected to net the City $74,109 for local use in FY 2021/22. In reality, the assessment generates higher gross revenues ($126,306), however the following purposes snag portions of the City's local levy before ever touching our local coffers:

Contra Costa [Cities] Clean Water Program	$	34,397	
Commercial Building Inspections by Sanitary Dist.		8,000	
County Auditor-Controller Administrative Fee		3,800	
Reserve Fund for the Clean Water Program		3,000	
Flood Control District Management Expense		3,000	
Total Revenue Offsets:	$	52,197	41.32%

In addition the City must pay an annual NPDES Regional Discharger Fee to the State projected to be approximately $9,000, further dipping into the annual local assessment levied by the City.

The City's 5-year Stormwater Permit (MRP) is issued by the San Francisco Regional Water Quality Control Board. Public agencies, including Clayton, are now under requirements to elevate enforcement, monitoring measures, and treatment projects each year to ensure cleaner stormwaters. This permit, called MRP 2.0, was issued in 2016. The permit contains additional and enhanced requirements for cities such as: managing litter that can get into its drainage and creeks from private and public properties; PCB and Mercury pollutant testing/monitoring; maintenance and enforcement activities; "green infrastructure" which would set forth standards for cities to redirect existing storm drainage water from streets, sidewalks and parking lots and buildings into landscape areas; and enhanced Integrated Pest Management (IPM) policies, practices and mandatory training and certifications. These additional permit terms will continue to impact the Stormwater fund's reserves. As other cities in the state are experiencing similar funding constraints, State legislation (SB 231) did allow for consideration by the voters through a Prop 218 process to address some Stormwater improvements; however the legislation did not fully rectify the needs of local cities as it related to the permit mandates. The next permit (MRP 3.0) is planned for issuance for use beginning in FY 2022/23 and will likely contain even more unfunded mandates.

MRP 2.0 required information on the latest Green Infrastructure (GI) requirements to be disclosed to elected officials and the public each year by June 30, 2017 along with additional reporting thereafter. MRP 2.0 defines GI as "*Infrastructure that uses vegetation, soils, and natural processes to manage water and create healthier urban environments…, green infrastructure refers to stormwater management systems that mimic nature by soaking up and storing water.*" GI is designed to capture and reduce existing PCB including background levels, and Mercury. The second objective of GI is to recharge runoff into the ground creating more filtering and more natural infiltration into creeks and waterways. The permit mandates the retrofitting of existing impervious surfaces with Green Infrastructure be evaluated, analyzed, planned for, costed, and reported upon.

The GI mandate has two main elements to be implemented:

- Preparation of a Green Infrastructure Plan for the inclusion of bioswale/landscape planter (LID) drainage design into existing storm drain infrastructure, including streets, roads, storm drains, etc.

- Identification of early opportunities for implementation of Green Infrastructure Projects Green Infrastructure Plan

The Green Infrastructure Plan requirements and deadlines are:

- Prepare a framework or workplan to be approved by the Permittee's City

Manager or governing body, and submit it to the SF Regional Water Board with its FY 2016/17 Annual Report. This was completed in October 2018.

- Prepare a Green Infrastructure Plan and show estimated costs/budget for a GI projects and submit it to the SF Regional Water Board with the 2019 Annual Report.

The permit requires the Annual Report include: a review of current infrastructure (capital improvement) projects; preparation of a list of infrastructure projects planned for implementation with potential for GI measures; and an annual review, update, and submission of the list. Specifically, this list must include: *"a summary of how each public infrastructure project with green infrastructure potential will include green infrastructure measures to the maximum extent practical during the permit term. For any public infrastructure project where implementation of green infrastructure measures is not practicable, submit a brief description for the project and the reasons green infrastructure measures were impracticable to implement."*

The purpose of the GI Plan is to identify opportunities and projects, and include and incorporate them into its planned Capital Improvement Plan (CIP). Each public agency's Plan is intended to serve as an implementation and reporting tool, to set goals for reducing over the long term, the adverse water quality impacts of existing and new urban runoff on receiving waters.

City staff reviewed and compiled an initial list of its City Council approved CIP budget projects and submitted it with its FY 2015/16 Annual Report, and has updated it thereafter as needed in its Annual Report filings. During FY 2019/20 a City staff working group consisting of the Stormwater Manager/Assistant to the City Manager, City Engineer, and Community Development Director, along with outside consultants prepared Clayton's draft GI Plan. This work effort was funded by a City Council earmark of $50,000 of FY 2016/17 General Fund annual excess monies. In April 2019 the City Council authorized a consultant contract to prepare this plan, which was filed with the Annual Report as required in the permit in October 2019. [Of the $50,000 allocated only $18,685 was utilized, the residual ($31,315) was placed in the Rainy Day Fund 110 for future allocation].

Cities are also tasked with reviewing, and updating as necessary, their standard engineering designs and planning policies/ordinances to incorporate GI. The Contra Costa Clean Water Program (CCCWP) is currently working on guidance to the cities for reviewing capital improvement programs and projects, identifying GI potential, advancing planning and design of potential green infrastructure features, and documenting decisions regarding implementation of green infrastructure.

As noted previously, the current permit contains mandated trash reduction requirements which are met through the implementation of the full trash capture

devices. The City has installed and maintains twenty-five (25) devices in its four (4) designated trash management areas. Through this effort we have been able to achieve a 100% reduction in trash load baseline, and thereby permit compliance. The City of Clayton is one of only a few Bay Area cities to have already achieved this goal. However, recent refinements by the SF Regional Water Board to this requirement may mandate the installation and maintenance of additional full trash capture devices to remain in compliance.

The new permit also requires the use of GIS for database mapping and public viewing availability. The Clean Water Program has begun the establishment of a cloud-based GIS mapping program as a group funded effort for all Contra Costa cities. Each city will have its own section for stormwater mapping with the ability to have additional data layers as it desires. Therefore no additional City funds are needed at this time for the GIS program.

Such permit conditions necessitate ever-increasing expenditures (for reports, studies, documentation, monitoring and projects) which will eventually consume current levy revenues. However, no new funds exist to help address these state mandates. Initial staff analyses reveal an additional $225,000 to $515,000 in annual costs could someday impact the City's fiscal operations for current and future state-mandated stormwater purpose alone. Only a Proposition 218 voter approval action can increase the levied rates. The failure of the Clean Water Coalition's Proposition 218 ballot in FY 2012/13 to raise levy revenues turned aside a potential $93,700 for use in meeting state unfunded mandates for cleaner stormwaters. Since the City reached its parcel levy cap twenty-one (21) years ago there have been an astounding 512 additional permit requirements mandated by the SF Regional Water Board, with no increase in revenue to offset the associated costs, resulting in an erosion of the Stormwater Fund's reserves.

In the FY 2021/22 budget, the City's stormwater costs under the permit regulations exceed available revenues by approximately $28,860. Fortunately, the proposed FY 2021/22 budget projects the Stormwater Fund will begin next year with a positive reserve balance of **$29,308**, which is sufficient to cover anticipated unavoidable operating deficit. The depletion of the Stormwater Fund's reserve balance over past several years is a direct result of added permit requirements imposed by the Regional Board in 1996 (referred to as "C-3 amendments"), MRP 1.0 (issued in 2010), and the current MRP 2.0 (issued in November 2015). All of these were state-imposed unfunded mandates, and the forthcoming MRP 3.0 will only exacerbate this fund's fiscal crisis.

Total budgeted FY 2021/22 labor-related expenditures are $44,133, including contracted seasonal labor of $6,000, are necessary for the City's maintenance of the municipal storm drain system including annual debris clearance of creeks and drainage ways as well as proactive measures for the prevention of pollutants into these waters, which ultimately emerge into the San Francisco – Oakland Bay. Educational materials and supplies are also part of the Stormwater Fund's budget, along with our membership in the Contra Costa County Clean Water Program. Recoverable expenses include the portion of staff

time when working on clean water issues, programs, while Regional Water Quality Control Board directives target specific programs (i.e. "diaper" inserts in storm drain inlets) and local enforcement (i.e. fines). City administrative staff (Assistant to the City Manager) expends an inordinate portion of time (approximately one-third or more) engaged in the management, administration and implementation of this federal and state mandated program for cleaner runoff waters. As such, the proposed budgeted transfer of $41,966 to the City's General Fund to partially offset this incurred staff time as well as administrative and fiscal support costs is both reasonable and essential.

Total FY 2021/22 street sweeping costs are estimated at $55,900 to cover monthly street sweeping services. Street sweeping services are paid through this fund as a program component of cleaner stormwater from street gutters. To clarify a common misconception, public streets and gutters are swept monthly to mitigate roadway pollutants from entering the storm drain system, not for street aesthetics or as the substitute broom for an abutting property owner's sweeping/clearance of leaves and debris from the front and/or side yard curbs of one's property. Offsetting revenue for this street sweeping is tendered by real property owners through their trash bills which is projected to be an equal and offsetting $55,900.

Annual expenditures are incorporated into the proposed budget for required contracted services including: $2,000 for engineering services, $1,720 estimated for other professional services (i.e. bioswale inspections, etc.), and $1,200 for contracted services for building/grounds maintenance (i.e. drainage insert cleaning, emergency tree removal, clearing, etc.). As needed contracted engineering services will assist in providing the City's response to state-mandates for performing additional drainage/GI analysis, evaluation and annual reporting of our mapped "trash management areas", and PCB analysis. The City Council has addressed the stormwater impact caused by new private construction activities and newer private developments through the requirement of self-supporting mechanisms and has implemented cost recovery through the establishment of fees for homeowners association and benefit assessment districts. Accordingly, new development generally has minimal to no net budgetary impact on either the Stormwater fund or the City's General Fund.

As noted previously, the Stormwater fund is projected to open FY 2021/22 with approximately $29,308 in reserves, and projects a year-end fund balance of $448 on June 30, 2022 an eye-opening (but not surprising) 98% loss in reserves. At this rate, as feared, the Stormwater fund will become depleted in FY 2022/23, with the only sources of discretionary funds to patch the mandated gap being an annual budgeted operational subsidy from the Rainy Day Fund 110 or General Fund. Absent a new or increased funding source, the first course of action would likely result in either a reduction of permit compliance potentially resulting in non- compliance and triggering SF Regional Board action of fines of up to $10,000 per day and/or other legal actions/financial penalties, or reduction in other non-mandated city services.

I. Measure J Fund – No. 220

This restricted-use special revenue fund tracks the receipt and expenditure of revenues from the ½ cent sales tax levy approved by County voters in 1988 (Measure C) to provide regional and local transportation and street improvements, a growth management process, and a regional planning process to address quality of life issues. One of the program components of the Measure is its "Return to Local Source" monies wherein cities fully complying with the Measure's Growth Management Program (GMP) Checklist are eligible to receive an annual allocation of monies for local streets and roads maintenance. Disbursement of these monies hinges on a city earning and maintaining a certified Housing Element (either by the California Department of Housing and Community Development [HCD] or via self-certification), and filing a biennial Compliance Checklist. The Contra Costa Transportation Authority (CCTA), cities, and the Contra Costa County were successful in 2004 in obtaining voter approval of Measure J, which extended the authorization of the current sales tax in the County for an additional 25 years beyond Measure C's expiration on March 31, 2009. Accordingly, Measure J is now in effect.

A letter to the City from HCD dated December 11, 2014 stated *"The Department is pleased to find the adopted housing element in full compliance with State housing element law"*. This letter effectively covers the City's compliance with housing element requirements for eight (8) years from the date of issuance. In addition, with CCTA's acceptance of the City's most recent Compliance Checklist covering calendar years 2016 and 2017, the City is eligible to receive its full Measure J Local Streets Maintenance (LSM) or "Return to Local Source" funds for FY 2018/19 and FY 2019/20. The next biennial CCTA Compliance Checklist is scheduled to be presented to the City Council for approval sometime in the near future covering calendar years 2018 and 2019. For FY 2021/22 the City projects to receive "Return to Local Source" funds in an amount totaling $239,204. This revenue, along with future Measure J revenue would be available for future eligible CIP transportation projects.

In addition to this funding, on October 7, 2014 the City signed a cooperative agreement with CCTA and its member cities to receive Program 28a grant funding for Sub-regional Transportation Needs. The co-operative agreement stipulated funds will be allocated starting in January 2015, and then each November until 2034 using a 50/50 population and road miles split formula. In FY 2021/22 the City is estimated to receive an additional $31,072 per the co-operative agreement, which will also be available for future eligible projects.

During FY 2021/22 ongoing operational and support costs are $35,076, and a minor residual from prior funding of $5,914. It is projected the Measure J fund will end FY 2021/22 with a positive reserve balance of **$240,014**. Typically it takes two to three years of collected funds from these sources to have sufficient revenue to undertake larger repaving eligible project(s).

J. Restricted Grants Fund – No. 230

This fund is the repository for grants and other subvention funding restricted by law or the underlying grant agreement for specific purposes. The following is a summary of the City's more significant activities funded by the Grants Fund:

1. SLESF Grant Program

   The Supplemental Law Enforcement Services Funds (SLESF) grant [previously referred to as the Citizen's Option for Public Safety or "COPS" grant] is funded by a portion of the formerly-local Vehicle License Fees (VLF) and is passed through from the State to Contra Costa County, and then to the City of Clayton. This revenue is distributed from the County to the City on a monthly basis in varying increments based on sales tax allocations from the state. SLESF/COPS funds are allocated among cities and counties and special districts that provide law enforcement services in proportion to population, except that a) county populations are the populations in unincorporated areas; and b) each agency is to be allocated a minimum of $100,000. Pursuant to state legislation the use of these funds is restricted to "front-line law enforcement purposes." Although previously required, pursuant to a letter from the California State Controller's Office dated August 17, 2012, annual reporting on the use of these funds is no longer necessary.

   Throughout the course of the year, the City receives monthly installments of SLESF funding from the County Auditor-Controller's Office based on County pool sales tax figures. Once the City receives its statutory minimum of $100,000, monthly installments cease for the remainder of the fiscal year. Following the close of the fiscal year, the State Controller's Office calculates the growth in VLF (redirected by the State from city general funds in 2011) above and beyond the base allocation. Any growth in VLF revenues is allocated to participating local agencies essentially on a per capita basis. For the City's purposes, the growth allocation is received so long after the fiscal year end that it is reported on a cash basis in the fiscal year it is received. In FY 2020/21 the City received $156,727, excluding interest earnings. These funds were used to fund the 11th officer plus overtime and other related eligible public safety costs, with a $40,950 fund balance to begin in FY 2021/22.

   The proposed FY 2021/22 budget projects the City will receive SLESF funding of $156,000, adding to the fund balance the total available funding for FY 2021/22 will be 196,950. This revenue will be utilized to continue underwriting a portion of the costs associated with the City's 11th sworn police officer working patrol in the community as well as to cover costs associated with maintaining the state-mandated secure technology line for the Police Department and other related eligible public safety costs. In addition to the $85,436, to defray these recurring ongoing costs of for the 11th officer, $112,687 of the SLESF grant is budgeted for other eligible expenses such as police supplies, training and computer replacement and state required

secure data line costs. After proposed grant appropriations of $112,836, the SLESF grant is projected to close FY 2020-21 with a positive balance of **$827**.

2. Other Grant Funds

Beyond the SLESF grant monies, the Grants Fund expects receipt of $14,100 in annual revenue from the City's cable communications franchise company (Comcast) for restricted use in Public, Education & Government (PEG) broadcast services and equipment. Computer and IT costs paid from the General Fund are eligible to be paid from the PEG grant and were budgeted in FY 2020/21 and continue to be in FY 2021/22. Additionally, $15,800 is budgeted for the City's share of the PEG broadcast channel on which our City broadcasts taped meetings of the Clayton City Council and displays other public/community information. Even after reallocation of these former General Fund expenditures, the PEG grant is projected to close FY 2021/22 with a positive balance of **$141,058.**

Finally, the FY 2021/22 proposed budget projects the City will receive an allocation of $5,000 for the annual CalRecycle Beverage Container Recycling grant, which is used to offset City staff time associated with eligible recycling and litter abatement projects mandated by the State.

Added in FY 2021/22 are new line items for Housing Element Update Expense (transfer grant funds totaling $85,000 (REAP and LEAP) to the CIP for this project work since it will cover multiple years; and for revenues: REAP ($20,000 Housing Element Costs); LEAP ($65,000 Housing Element Costs); SB2 ($160,000 Accessory Dwelling Unit plans); and American Rescue Plan funds, which will be brought forward to the City Council at a later date during FY 2021/22 for options on use.

In the aggregate, the Restricted Grants Fund is projected to close FY 2021/22 with a positive reserve balance of **$417,847**.

K. Development Impact Fees Fund – No. 304

This restricted-use special revenue fund accounts for the impact fees the City has collected from new development within the community. Revenues are private development driven and restricted for use based on the purpose of the impact fee. In recent years, minor development impact fees collected have pertained to relatively small two to six lot developments or accessory dwelling units. Since no new development occurred there were no additional development impact fees received in FY 2021/22, and none projected for FY 2021/22 at this time. Additionally, recent State legislation no longer allows for the collection of these fees for accessory dwelling units. The sole revenue source budgeted in FY 2021/22 is from interest earnings projected to total $8,000, which is allocated on a quarterly basis to each respective impact fee account.

New community development may result in the collection of additional fees, and trigger the necessity to plan new projects to mitigate the increased city costs associated with development expansion. That being said, it is reasonably possible amendments may be

required during FY 2021/22 to appropriately reflect new projects to address the demands of more development. Although $49,838 was budgeted in 2019/20 to utilize unspent Childcare Fee reserves for eligible purposes, and not expended, and a $12,012 in expense during FY 2019/20 for review of the open space development impact fee, however a lack of Community Development Director prevented any activity.

Following analysis by the City's future Community Development Director, any proposed uses of these funds for a project would be recommended to the City Council for action in the future. Accordingly, given no new fees are budgeted to be collected in FY 2021/22, the proposed budget projects an increase in fund balance of **$8,000** due to interest earnings, resulting in a positive ending reserve balance of **$570,978**.

L. Successor Housing Agency – Fund No. 616

This restricted-use special revenue fund was created as a result of the dissolution of the City's former redevelopment agency (RDA) pursuant to state law (AB1x 26). Through the adoption of Resolution 03-2012 the City Council elected to retain the affordable housing assets of the former RDA in accordance with Section 34176 of the California Health and Safety Code.

All monies in the former RDA's Low and Moderate Income (LMI) Housing Fund were transferred on the dissolution date (February 1, 2012) to the City's Successor Housing Agency Fund. In accordance with the law, the Successor Housing Agency is separate and distinct from all other funds and accounts of the City, to hold, administer and spend the monies originating from the former RDA's LMI Housing Fund to perform housing functions consistent with the Dissolution Act.

On April 24, 2015, the California Department of Finance (DOF) issued its Final Determination Letter approving the Low-Moderate Fund Due Diligence Review Report. This report, performed by an independent accountant in accordance with the law (AB 1484), was also approved via Resolution by the Oversight Board to the Successor Agency and authorized payment to be remitted to the County Auditor-Controller's Office totaling $3,679,225, representing the "unencumbered balance" of Low-Moderate RDA funds. In accordance with the order letter from the DOF, this payment was remitted shortly thereafter on May 1, 2015. Furthermore, on December 30, 2015, the City received its Finding of Completion from the DOF, formally concluding the AB 1484 RDA dissolution and audit process.

With the demise of the City's LMI housing fund by the State pursuant to AB1484, the City's housing functions have now been largely reduced to loan transactions initiated by residents of existing low to moderate income housing units within the City's current inventory. In FY 2021/22 this fund is projected to incur expenditures totaling $20,000 for special legal services (legal advice on housing compliance matters is out of the scope of services covered the City's legal retainer) as well as for the completion of a nexus study to implement an affordable housing in-lieu fee necessary to facilitate the inclusionary housing ordinance

adopted by the City Council pursuant to new State law. Reflected in proposed appropriations, this fund also reimburses the General Fund for actual time spent by staff on LMI housing-related programs. Total revenues for FY 2021/22 are projected to come in at $133,400, comprised primarily to a $111,400 loan repayment on the Diamond Terrace note, maturing in FY 2030/31, plus interest earnings allocation of $22,000. At the close of FY 2021/22, it is projected the Successor Housing Agency will report a restricted fund balance of $5,173,800.

PROPRIETARY FUNDS

The City Council has established certain funds meeting the criteria of "proprietary funds." There are two types of proprietary funds: internal service and enterprise funds. Internal service funds are used to report activities providing goods or services to other funds or departments on a cost-reimbursement basis. The City maintains three (3) internal service funds to account for the City-wide shared costs associated with self-insurance and capital equipment replacement activities. Enterprise funds are used to report any activity for which a fee is charged to external users for goods or services. The City maintains one (1) enterprise fund to account for the Endeavor Hall facility rental activities. The following section provides a discussion of the fiscal status of each of these proprietary funds.

A. Self-Insurance Fund – No. 501

This internal-service fund manages the fiscal obligations of the City's self-insured program for our retention deductible ($5,000 per claim) on initial claims filed against the City for general liability and workers' compensation as well as deductibles for property, auto, and other insured losses incurred by the City. Pursuant to our membership in the Municipal Pooling Authority of Northern California ("MPA"; a municipal self-insured/pooled risk excess coverage joint powers authority [JPA]), our City is responsible for payment of the first $5,000 in expense and/or damage on each filed claim. This fund also handles other periodic legal expenses to defend the City's interest in related cases. A recurring expense incurred by this fund is the annual premium (approximately $1,300) to cover an Employee Assistance Program (EAP), a shared public entity consortium for City employee good-health counseling and wellness services benefiting our permanent organization.

Since there is no recurring or reliable replenishing source of revenue for this fund, the City Council must periodically authorize one-time transfers of General Fund reserves or Rainy Day Fund (Fund 110) to replenish the internal service fund's reserve balance. The most recent source of such funding was made in FY 2013/14, when the City Council authorized a transfer of $54,154 from General Fund annual excess supported by the audited FY 2011/12 financial statements. This transfer assisted in replenishing losses arising from legal expenses on the Oakhurst Hillside litigation cases beginning in FY 2008/09. With total proposed FY 2021/22 expenditures of $6,300, this fund is projected to utilize $5,900 in reserves and close the fiscal year with a positive net position of **$21,708**. The option to make "replenishment" transfers from the General Fund Reserve or Rainy Day Fund into the Self-Insurance Fund can be considered at a future time if needed by the City Council, no request by staff is proposed at this time.

B. Capital Equipment Replacement Fund – No. 502

This fund serves to track the depreciation and finance the replacement of City-owned vehicles, computers and other capital equipment used in operations, generally in excess of $5,000, which is the minimum threshold per the City's capital asset policy. The Capital Equipment Replacement Fund (CERF) is projected to open FY 2021/22 with a positive reserve balance of $682,992, of which $243,139 is the fund's cash position available to finance the purchase of replacement assets. The remainder of this fund's net position pertains to equity resulting from the fund's non-liquid net investment in capital assets (i.e. fixed asset book value).

Ideally, though often not feasible, the CERF would annually recover its depreciation expense in the form of internal service fund service charges to the various departments using CERF assets in their respective operations. During previous challenging budgetary years, the General Fund had to cut back or even eliminate CERF funding altogether in an effort to stabilize the annual operating budget. These challenging budgetary years, paired with departments doing their best to stretch the useful lives of assets, has resulted in a current active fleet that is much depreciated. This hybrid "pay as you go" asset replacement strategy has left the CERF in an unavoidably under-funded position. With the June 30, 2020 comprehensive annual financial report (CAFR) reporting total CERF accumulated depreciation of $1,185,949 and a total cash position available to finance the replacement of fixed assets was only $185,929 this represents a total funded position of only 15.7%, which is the same struggle encountered by many of our neighboring public agencies.

Using the current annual depreciation expense presented in the City's latest audited CAFR, CERF depreciation expense is projected to be $70,000 for FY 2021/22. The FY 2020/21 proposed CERF budget includes total revenues of $115,200, of which $111,900 (97.1%) is attributable to CERF charges. FY 2021/22 CERF charges are derived from the following sources: $60,000 from the General Fund's Police Department, $10,000 from General Fund's Maintenance Department, $4,500 from HUTA Gas Tax Fund, $30,000 from Landscape Maintenance District, $2,700 from The Grove Park, $4,700 from the Stormwater fund.

On an annual basis the Police and Public Works Departments communicate their capital equipment replacement needs to the City Manager and Finance Director. Based on an analysis of funds available as well as the most up-to-date CERF depreciation schedule, the urgency as well as prioritization of asset replacements is considered. The proposed FY 2021/22 CERF budget incorporates plans to purchase two replacement Ford Police Explorer SUV patrol response unit at an estimated cost of $135,000. Furthermore, the proposed budget includes appropriations for the Maintenance Department to purchase a new mower for large filed areas at a cost of $30,000, and a new mower deck for existing equipment for $3,000. At the conclusion of FY 2021/22, following the purchase of these assets offset by CERF charges, interest earnings and proceeds from the surplus and sale of old vehicles, it is projected the CERF will have a positive net position of $560,192, of which **$190,339** pertains to cash reserves available to finance the purchase of replacement assets.

C. Pension Rate Stabilization Fund– No. 503

In FY 2017/18, given the growing apprehension surrounding CalPERS unfunded pension liabilities and consideration of the ever-growing list of factors beyond the City's control that can significantly and adversely impact the annual employer pension contribution obligations, the City Council established the Pension Rate Stabilization Fund. The Pension Rate Stabilization Fund is an internal service fund designed to help smooth major fluctuations in annual pension contribution costs driven by market factors and actuarial changes. In recent years, the City's operating budget had to overcome the burden of large hikes in employer pension contributions due to fluctuations in its unfunded liability caused by CalPERS investment returns falling short of the actuarially assumed discount rate. As it appeared these hikes would continue into the foreseeable future, the City's Pension Rate Stabilization Fund was established to act as a hedging tool to stabilize future General Fund operating budgets.

As summarized in the General Fund Reserves section previously, the City Council has three times now authorized the transfer of General Fund annual excess reserves to the newly created Pension Rate Stabilization Fund as seed monies. The last time being at the close of FY 2018/19 General Fund excess reserves of $268,000 were transferred to this fund. By the close of FY 2021/22, when incorporating projected interest earnings, this fund is anticipated to close with a positive reserve balance of **$293,531**.

While staff will continue to work on absorbing the employer pension contribution requirements within a balanced annual operating budget, unpredictability associated with future pension contributions makes this policy goal increasingly difficult. As illustrated in the Public Employees Retirement System section of the Budget Message, staff projects an upward, not downward, trend in employer pension contribution requirements over the next several years following CalPERS' reduction to the long-term actuarially-assumed discount rate and other funding policy changes. The establishment of the City's Pension Rate Stabilization Fund will greatly aid the City's mission to maintain and sustain current public services to the community.

In addition to the three sources of seed monies described previously, as a stand-alone fund separate and distinct from the City's General Fund, our Pension Rate Stabilization Fund generates interest earnings from its share in the City's Investment Pool. Beyond ongoing allocations of interest earnings, future revenue sources could come from one-time transfers of Rainy Day Funds (Fund 110), General Fund Reserves as authorized by the City Council or budgeted charges to the City's various governmental funds utilizing City staff.

Contributions to this fund have no direct impact on City's unfunded pension liability, as that is only achieved by direct contributions to a CalPERS-administered irrevocable trust, which is not being recommended at this time. However, much like the City's Capital Equipment Replacement Fund (CERF) and the Self Insurance Fund, this fund is a useful tool to help mitigate the risk of fluctuations in future pension contribution requirements to the City's ongoing General Fund operating budget.

D. Endeavor Hall (Enterprise) Fund – No. 702

This fund was established in the FY 2002/03 adopted budget to track specific revenues and expenses related to the million dollar historic Endeavor Hall renovation project. More residents and local organizations continue to discover Endeavor Hall's historical charm for hosting special occasions and meetings. Additionally, the Clayton Theatre Company used the Hall for its 8th consecutive year of theatrical productions. Facility-use rental fees for FY 2020/21 had a deficit of $2,443 due to refund of FY 2019/20 rental fee that was processed in FY 2020/21, due to the COVID-19 pandemic. Rental income is projected about half of actuals from 2019/20, at a modest $10,000. During FY 2020/21 the building front stairs/porch, rear stairs/porch and gates replaced apx. $19,350. Operational expenditures (excluding depreciation), are projected to come in at $37,532. This results in a projected FY 2021/22 operational deficit of **$27,532**. When including depreciation, this shortfall increases to $65,032. This structural deficit is result of several factors, largely beyond of the control of staff alone. On the expenditure side, increases in unavoidable fixed costs as well as maintenance costs necessary to maintain the facility in prime rental condition have been outpacing the rental revenue stream.

For FY 2021/22, minimal City staff labor costs of $14,442 are projected for upkeep of the facility and staffing evening and weekend events as needed. Maintenance time is necessary for landscaping and gardening to ensure the facilities grounds have annual color plants sufficient to keep it desirable for the rental community. Naturally, when vandalism occurs on the building and grounds, extra expenses are incurred to make the necessary repairs. Furthermore, periodic staff time is necessary for the maintenance and upkeep of on-site equipment and fixtures. Total proposed (non-labor) operational and maintenance expenses in FY 2021/22 are budgeted at $23,090, including one-time repairs/replacements of stairs and gates. Depreciation expense in this fund is projected to remain consistent at $37,500 in FY 2021/22.

Most recently, during FY 2015/16 action was taken by the City Council to earmark $25,863 in General Fund FY 2014/15 excess reserves for much needed facility repairs and replacements at Endeavor Hall. Specific activities funded by this action included: repainting of the exterior and interior walls, refinishing the oak wood flooring, and resealing the concrete walkway. During FY 2020/21 $19,500 was used to replace the front and rear stairs/parch and gates. These improvements to the facility are a prime example of the periodic financial support needed from the General Fund for capital improvements/replacements as Endeavor Hall operations are not self-sustaining.

Ultimately, although the fund is projected to close FY 2021/22 with a total fund net position of $852,678, a closer look at the components of fund equity reveals the positive position is caused by the fund's large net investment in capital assets (i.e. fixed asset book value) estimated to be $998,175 as of June 30, 2022. This exceeds total net position due to a negative net unrestricted position expected be **$86,536** at June 30, 2021. This negative position is reflective of the unavoidable structural deficit this fund has found itself in since its establishment. Increasing rental fees to solve this issue may only further discourage

potential renters, worsening the already challenging rental position this fund finds itself in as described previously. As past rental experiences generate positive word of mouth promotion and expand the customer base, staff is hopeful Endeavor Hall operations will eventually become self-sustaining. Staff will continue to monitor this issue and provide updates to the City Council periodically as it has in past annual and mid-year budget as well as CAFR presentations.

FIDUCIARY FUNDS

Tracked by the City and included herein for reference, fiduciary funds of the City are not typically considered part of the budget of the primary government since the City essentially serves as a fiscal conduit (fiscal agent) for legally separate entities. Legally separate entities reported under this category include several benefit assessment districts and Mello-Roos community facility districts. No underlying debt obligation of the City is assumed in administering the fiscal transactions of these funds. With secured sources of income, these funds are not held hostage to the volatility of general governmental purpose revenues or state government shenanigans. Fiduciary funds often operate with negative cash flow balances and therefore can have interest charges applied for temporary reliance on the use of pooled reserves to underwrite their annual operations.

A. High Street Bridge Benefit Assessment District– Fund No. 217

In 1998 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. This annual assessment is levied against specified private property parcel owners within the High Street Bridge Benefit Assessment District in order to repay construction-related financing and for future maintenance of the bridge. The High Street Bridge debt is repaid over thirty (30) years with its ultimate maturity in FY 2028/29. The fund will continue to assess annual levies against covered parcels within the district until the underlying long-term debt owed to the Successor Agency to the former Redevelopment Agency is fulfilled. After incorporating any pre-payments by district members, the outstanding principal of the loan will be approximately $9,842 as of June 30, 2020. In FY 2020/21 the total budgeted assessment of $1,754 will cover debt service payments and contribute to the annual bridge maintenance reserve ($300 per year). This fund is projected to close FY 2021/22 with a positive reserve balance of **$7,834**, of which $6,600 (92%) is restricted for future bridge maintenance of the district.

B. Oak Street Bridge Benefit Assessment District – Fund No. 218

In 1999 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. This annual assessment is levied against specified private property parcel owners within the Oak Street Bridge Benefit Assessment District in order to repay construction-related financing and for future maintenance of the bridge. Five years ago in FY 2016/17 this fund contributed $12,000 to the City's Arterial Rehabilitation Project (CIP 10437A) to perform street re-pavement improvements needed in the District. In FY 2017/18, the district incurred $4,396 for urgent pavement repairs on Oak Ct. No bridge or road maintenance is scheduled for FY 2021/22 in an effort to rebuild district maintenance reserves considering the maintenance projects already completed in recent years.

The Oak Street Bridge debt was repaid over twenty (20) years and was fully paid off in FY 2018/19. Despite the maturity of the debt, a minimal annual district levy is still necessary for bridge maintenance purposes as outlined in the district's establishing documents. After the inclusion of projected interest earnings and the continuing annual assessment for bridge maintenance purposes of $1,760 (total), this fund is projected to close FY 2021/22 with a positive reserve balance of **$24,152**.

C. Lydia Lane Sewer Benefit Assessment District – Fund No. 222

In 2002 the City Council ordered the formation of the Lydia Lane Sewer Benefit Assessment District along south Lydia Lane for the purpose of funding the construction of municipal sewer main line lateral connections to specified homes within the District plus an associated street overlay. The project was funded by the private property parcel owners since they "opted out" of inclusion in the original Project Area of the since-dissolved Redevelopment Agency (RDA). As a result of opting out of inclusion, they were ineligible to receive RDA funds to address public health and safety blight for the installation of a municipal sewer line to eliminate their private septic tank systems. The project was completed in 2003 with bonds issued by the City for repayment by the district over a thirty (30) year life maturing in FY 2032/33. This annual assessment is levied against specified private property parcel owners within the Lydia Lane Sewer Benefit Assessment District in order to repay construction-related financing and to address ongoing operational and administrative costs. This fund will continue to assess annual levies against covered parcels within the district until the underlying long-term obligation due to private bondholders is fulfilled. Parcel assessments are projected to produce $16,900 in FY 2021/22. Debt service payments for FY 2021/22 total $18,300 or 81% of the District's annual expenses. From the current fund balance $1,400 will be used to cover the residual needed for FY21/22 debt service payment after assessments. The principal balance of the bonds will be $143,325 as of June 30, 2021. This fund is projected to close FY 2021/22 with a positive reserve balance of **$73,493** for future sewer system maintenance in the district. Of this reserve balance, $12,500 (17%) pertains to the bond reserve fund, held by the trustee and restricted for debt service per the bond indenture.

D. Oak Street Sewer Benefit Assessment District – Fund No. 223

In 2002 the City Council ordered the formation of the Oak Street Sewer Assessment Division for the purpose of funding the construction of municipal sewer main line lateral connections to specified homes within the District. This neighborhood sewer project was completed in 2004. Under its mission to eliminate public health and safety concerns, the former Clayton Redevelopment Agency (RDA) paid for half (50%) of the project and the adjacent real property owners agreed to annual parcel assessments for the balance of the capital project. This annual assessment is levied against specified private property parcel owners within the Oak Street Sewer Benefit Assessment District in order to repay construction-related financing. The Oak Street Sewer debt is repaid over twenty five (25) years with its ultimate maturity in FY 2027/28. This fund will continue to assess annual levies against covered parcels within the district until the underlying debt owed to the Successor Agency of the

RDA is fulfilled. After incorporating any pre-payments by district members, the outstanding principal on the debt was $60,909 as of June 30, 2020.

Annual parcel assessments are projected to produce $11,309 in district revenue in FY 2021/22. Debt service payments for FY 2021/22 total $9,764 or 87% of the district's proposed appropriations. The fund is projected close FY 2021/22 with a modest reserve balance of **$95**.

E. Diablo Estates Benefit Assessment District – Fund No. 231

In 2012 at the request of the developer of the Diablo Estates subdivision, the City Council formed the Diablo Estates Benefit Assessment District. The purpose of the District is to generate funds for the maintenance of various improvements constructed as part of the development to solely benefit the real property owners within the district. The duties specified in the original Engineer's Report included the maintenance of landscaping and irrigation, weed abatement, storm drainage facilities, and private street lighting, which are funded by an annual assessment levied against the twenty five (25) lot residential subdivision. The fund functions essentially as a depository account from which the City contracts with and pays for a property management company to actually perform and execute the subdivision maintenance and infrastructure repairs.

In FY 2021/22 the assessment revenue is projected to be approximately $93,712, which incorporates the April 2020 to April 2021 consumer price index inflationary increase of 3.8%. Total proposed appropriations of the district are $71,049 for FY 2021/22, of which the expense pertains to costs associated with a contracted property management services firm, estimated at $54,390. The fund is projected to close FY 2021/22 with a positive reserve balance of approximately **$227,055** primarily retained for future infrastructure replacements in the District.

F. Clayton Financing Authority – Fund No. 405

On December 4, 1990, the City Council of Clayton, California adopted Resolution No. 120-90, which created the Clayton Financing Authority (CFA) through a joint exercise of powers agreement. Consistent with most local financing authorities, the joint powers agreement established the City Council as the Board of Directors of the CFA. The CFA was initially established to allow redevelopment tax allocation bonds to be sold at a more favorable negotiation basis versus a public basis. The CFA is registered with the State of California Controller's Office and is subject to the laws pertaining to special districts. As a legally separate public entity from the City, the CFA is required to file an Annual Report with the State of California in accordance with *California Government Code* Section 26909.

Arising from matters associated with the Oakhurst Development Project, the CFA held title to a one acre parcel located at the southwest corner of the Clayton Road-Oakhurst Drive-Center Street intersection. In October 2006, the CFA sold the real property for

$800,815 to a commercial developer (Endashiian, Inc.), which ultimately led to the construction and opening of the former Longs Drug Store at this location (currently a CVS/Pharmacy). A small portion of these monies was used in the 2008 park renovations at Clayton Community Park for tot lot and picnic facility improvements. In addition, during FY 2012/13, the CFA Board of Directors authorized the use of a portion of these discretionary funds to help finance the City's 2013 Neighborhood Street Project (CIP No. 10417).

During FY 2017/18, the replacement of the city hall HVAC system became a top priority as three of the five condensing units had failed and were rendered inoperable. This system failure resulted in a total cooling capacity of only 40% for the three-story building. Furthermore, the city hall boiler had completely failed eliminating all heating capacity of the HVAC unit essential for a productive office workplace. Acknowledging the importance of a functioning HVAC during the hot summer months and cold winter months for a productive office work environment, on July 18, 2017 the CFA Board authorized $170,126 of this project to be financed with CFA fund reserves. No appropriations have been made in since FY 2017/18.

No appropriations are currently included in the FY 2021/22 CFA proposed budget. After projected interest earnings of $9,200, it is anticipated this fund will close FY 2021/22 with a positive reserve balance of **$608,688**.

G. "Middle School" Community Facilities District No. 1990-1 – Fund No. 420

As its name implies, this fund manages the annual collection of the real property Mello-Roos special parcel tax that helped finance the construction of the Diablo View Middle School, a 2017 California Gold Ribbon School. During FY 2007/08 the outstanding debt of the district was refunded to obtain a lower interest rate on the remaining principal (see Fund No. 422). The reduced interest rate savings achieved with the May 2007 refinancing are passed along to the rate payers over the remaining life of the bond. This was a City-initiated transaction which resulted in lower annual payments for the assessed real property owners of this district (Oakhurst Development properties). The savings vary by size of parcel however generally result in $300 to $500 in cumulative total savings from 2007/08 through 2022/23. The remainder of budgeted expenses of the district covers required debt administration costs.

Professional bond trustee administration fees are incurred annually pursuant to the bond indenture necessary for managing the retirement of the district's debt as well as monitoring bond covenants. In FY 2021/22 debt service payments on the 1997 local obligations are estimated to total approximately $439,827 after the application of an estimated debt service credit of $38,849 applying savings resulting from the bond refunding. Without the application of the debt service credit, total regular scheduled debt service on the 1997 local obligations would be $478,676 in FY 2021/22.

Consistent with the prior year, in FY 2021/22 the projected special parcel tax revenue of approximately $385,784 is less than expenditures as it incorporates a levy reduction credit of approximately $95,057 ($38,849 debt service credit and $56,208 district reserves). This levy reduction has been implemented annually to gradually apply savings resulting from the bond refunding towards minimizing the burden of taxpayers. When compared to the prior year district special tax levy, FY 2020/21 reflects a levy reduction of $6,319 to be shared amongst the district tax payers. The district is projected to close FY 2021/22 with a positive reserve balance of **$113,107**.

H. CFA 2007 Refunding Bonds Agency Fund – Fund No. 422

In 1997 the Clayton Financing Authority (CFA) issued $7.16 million in Special Tax Bonds to provide financing assistance in completing the construction of the Diablo View Middle School (see Fund No. 420). In May 2007 the CFA's Board of Directors (City Council) determined it was financially advantageous to the Oakhurst Development real property owners for the CFA to refinance the outstanding debt to achieve savings in annual debt payments. Upon its issuance the refunding action captured a savings of $600,000 to the Middle School Community Facilities District 1990 - 1 (CFD 1990-1) saving individual property taxpayers approximately $20 - $51 per year. Bond interest rates fell from the range of 5.25% - 5.90% down to 3.5% - 4.2%. As the CFA is the owner of the 1997 local obligations, the 2007 Refunding Bonds are ultimately secured by the annual Mello-Roos special parcel tax levy from the Middle School Benefit Assessment District (CFD 1990-1) and the corresponding annual payment on the
1997 local obligations.

Debt service on the 2007 refunding bonds is budgeted to be $414,965 in FY 2021/22. Payments received pertaining to the 1997 local obligations from CFD 1990-1 will be sufficient to meet the required debt service on the 2007 bonds. Consistent with the prior year, this fund is projected to utilize reserves in order to apply a debt service credit to the FY 2021/22 CFD 1990-1 special parcel tax levy. A systematic and gradual utilization of reserves arising from the bond refunding savings is planned through the maturity of the 2007 refunding bonds in FY 2022/23. The fund is projected to close FY 2021/22 with a positive reserve balance of **$509,484**, of which $252,000 (49%) pertains to the 2007 bonds' reserve fund held with the bond trustee and restricted for future debt service per the bond indenture.

I. Successor Agency – Fund No. 615

On June 28, 2011 the California State Legislature adopted two pieces of legislation – AB 1X 26 and AB 1X 27 (the Bill) – which eliminated redevelopment agencies (RDAs) and provided cities with the opportunity to preserve one's RDA if they agreed to make certain payments to the County Auditor-Controller's Office (ACO). On behalf of cities and redevelopment agencies throughout the State, the League of California Cities and California Redevelopment Association requested a stay on the implementation of both pieces of legislation and filed a lawsuit with the California Supreme Court challenging both pieces of legislation. The stay was rejected and on December 29, 2011, the

Supreme Court validated AB 1X 26 and overturned AB 1X 27. Further, the Supreme Court indicated that all RDAs in the State of California were to be dissolved and cease operations as a legal entity as of February 1, 2012. On January 11, 2012, the City Council elected to become the Successor Agency to the former RDA in accordance with AB IX 26 as part of City Resolution 03-2012. As a result of the restrictions placed on the assets and liabilities of the former RDA, the balances were transferred to a private purpose trust fund (Fund No. 615) on February 1, 2012.

Under the new law, successor agencies in the State of California are prohibited from entering into new projects, obligations, or commitments. Subject to the control of a newly established Oversight Board, remaining assets can only be used to pay enforceable obligations in existence at the date of dissolution. Commencing FY 2011/12, Successor Agencies are only allocated tax increment revenue in an amount necessary to finance the estimated annual installment payments on enforceable obligations of the former RDA until all such enforceable obligations have been paid in full and all assets have been liquidated. On an annual basis, in accordance with the law, the Successor Agency prepares a Recognized Obligation Payment Schedule (ROPS) outlining all of the funding requirements for upcoming fiscal year. The ROPS must be approved by the County-Wide Oversight Board via Resolution and thereafter be immediately submitted to the California Department of Finance (DOF) for review and approval. After a scrutinizing review by the DOF and its subsequent approval, funding for the obligations on the ROPS is received from the ACO in January and June each year. In FY 2015/16, following the DOF's approval of the All Other Funds Due Diligence Review pursuant to AB 1484, the DOF ordered the Successor Agency to first use any existing cash reserves before receiving additional ROPS funding for enforceable obligations. Pursuant to this action, the Successor Agency has and will continue to use remaining bond proceeds for the payment of interest on the 2014 Refunding Tax Allocation Bonds (2014 TABs) and trustee fees.

For FY 2021/22, the Successor Agency anticipates total expenses of $642,676, of which 56% pertains to annual debt service on the 2014 TABs. In the DOF's determination letter approving the 2021/22 ROPS dated March 26, 2021, the fourth installment of the Supplemental Educational Revenue Augmentation Fund (SERAF) loan was approved for repayment to the Clayton Successor Housing Agency, which was fully repaid in FY 2020/21. Through the ROPS process described previously, it is projected the Successor Agency will receive Redevelopment Property Tax Trust Fund (RPTTF) revenues totaling $666,754 in FY 2021/22. At the close of FY 2021/22, it is expected the Successor Agency will close with a positive reserve balance of approximately **$574,572**, which is nearly entirely restricted to ROPS obligations in the six month ROPS cycle ending December 31, 2022 (ROPS 2022-23A cycle). This positive reserve balance results from the timing of payments, as the first of two annual ROPS payments is received in June of each year, immediately prior to the fiscal year for which funds are restricted.

CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET

With the demise of former Clayton Redevelopment Agency tax increment for capital improvement projects, the City now has limited financial capacity to undertake significant capital improvement projects beyond street and traffic improvements where limited restricted-use funding is available. Accordingly, in recent years CIP projects have been primarily funded by HUTA gas taxes, RMRA gas taxes, and Measure J, as well as local, state and federal grant programs as they become available.

FY 2021/22 Capital Improvement Program Activity

1. Pine Hollow Road Upgrades (CIP 10379)

   Included as an unfunded project in many of the past Capital Improvement Program cycles, this project's original scope of widening the north side of Pine Hollow Road with the addition of new curb, gutter, and sidewalk between Pine Hollow Estates and the westerly city limit was funded in Fiscal Year 2018/2019 with available savings from a Measure J grant. Prior City leadership then expanded the initial scope of the project to include the entire length of Pine Hollow Road from the westerly city limit line to Mitchell Canyon Road as an alternate entry into the City. The City of Clayton and the City of Concord entered into a joint application for a complete streets study grant through Caltrans to study Pine Hollow Road in both jurisdictions to create a coordinated complete street improvement project. Project work will include new curb, gutter, and sidewalk as well as complete streets design for bicycle traffic and green storm water infrastructure and the installation of a city entryway sign on the southern city limit of Pine Hollow Road. The total estimated cost for this project is currently at $1,091,819 but may be revised due to the complete streets facilities to be incorporated.

   The City of Clayton and the City of Concord were successful in garnering the Caltrans/MTC study grant for the Pine Hollow Corridor Improvements Feasibility Study. It is anticipated this project will complete the study and planning phase in Fiscal Year 2021/22 with a complete set of bid specifications by the close of the fiscal year (Fiscal Year 2021/22). The feasibility study process includes a steering committee and a technical committee involvement. The project is not expected to enter into the construction phase until Fiscal Year 2022/23, when additional funding is expected to become available. For FY 2021/22 the estimated budgeted ending balance is **$311,219.**

2. ADA Compliance Program (CIP 10394A)

   Each fiscal year the City has a policy to set aside $6,000 of its annual HUTA gas tax revenues to build up sufficient reserves to perform handicap ramp corner curb cuts on public sidewalks. In addition to installing these ADA ramps where none exist, federal standards on ramp specifications were modified in July 2008 requiring revamping of existing ramps when street or sidewalk projects are installed in the adjacent area. These monies may also be used to repaint and remark existing ADA public parking spaces to current standards. This particular project fund is utilized by the City to annually accumulate income and build

reserves for future ADA project costs. The City's HUTA Gas Tax Fund (No. 201) transferred $6,000 to this CIP account during FY 2020/21, and will transfer another $6,000 in FY 2021/22. After interest earnings, the reserve balance of this project is estimated to be **$33,994** by the close of FY 2021/22.

3. Utility Undergrounding Project (CIP 10397)

Each year, PG&E is required by the Public Utilities Commission (PUC) to set aside funds for the undergrounding of overhead utility lines. The money set aside is distributed by PG&E to local agencies on a proportional basis. Since the cost of undergrounding is so tremendous (minimum of $1,000,000 for approximately 300 feet), this project was created to accept and accumulate these funds until enough is available to undertake a project.

Typically, PG&E will allocate approximately $20,500 to the City's Rule 20A project account annually. In addition to the annual allocation, the City is authorized to make a five (5) year advance borrowing. Recent changes and changes to the work credit process has now been approved by the PUC. The City can no longer borrow a 5-year credit advance after December 31, 2022. The City of Clayton has **$423,116** available work credits including the 2022 allocation. Utilities can no longer allocate work credits after December 2022.

4. 2020 Neighborhood Pavement Preservation Project (Capital Improvement Program No. 10449)

The objective of the 2020 Neighborhood Pavement Preservation Project is to elevate all of the neighborhood streets to a Pavement Condition Index (PCI) of 80 or greater, with a PCI score of 100 being equivalent to a brand new street. This project has been designed to accomplish said street maintenance and rehabilitation on streets where State or Federal transportation funds are not currently available. This project is funded by various sources with proposed funding being derived from gas tax monies, Measure J local streets maintenance "return to source" funds, Measure J Co-op funds.

The three cities of Clayton, Martinez, and Pittsburg had similar projects and so it was decided that the cities would join and bid the project together with Martinez as the lead agency. For economic and schedule reasons the project was split and bid as two projects; an asphalt paving project and a concrete curb ramp project. The paving and ramp work in each city was detailed as separate alternates and the two projects were advertised and bids were received by the City of Martinez in April. The Clayton paving project low bid was $898,877.20 and the Clayton curb ramp project low bid was $288,738. The bids were analyzed and a lowest responsible bidder was determined for each project. Subsequently the City of Martinez chose not proceed with a joint project award. The Clayton City Engineer has contacted both the paving and curb ramp projects contractors and each has agreed to hold their unit prices for the City of Clayton to proceed with the award of both projects as City of Clayton capital projects. For FY 2021/22 the estimated beginning fund balance is **$736,175.**

5. Clayton Community Park Lower Field Rehabilitation (CIP 10440)
   This project is complete.

6. North Valley Playground Rehabilitation (CIP No. 10442)
   The playground rehabilitation was completed in FY 2020/21. An ADA parking space and sidewalk ramp on the southwest side of the Park are still to be installed. This project will be installed as a change order to the Urban Ramp project that was recently bid for the City of Clayton by the City of Martinez and Clayton will take it over. FY 2021/22 there is projected estimated fund balance including interest of **$57,715.**

7. School Intersections Enhancement Project (CIP No. 10448)
   Project includes design and installation of operational enhancements to the intersections of Clayton Road and Marsh Creek Road adjacent to Diablo View Middle School, and Mitchell Canyon Rd. and Pine Hollow Road. These are the two public schools located within the City of Clayton. There is some work at the Middle School to occur in FY 2021/22. Funding was from Measure J LSM return to source and Measure J Co-op local revenues.

8. Downtown Pedestrian Improvement (CIP No. 10450)
   On June 21, 2017 the City of Clayton was awarded a grant of $252,000 for pedestrian safety improvements in the town center through the Measure J Transportation for Livable Communities program, administered by Contra Costa Transportation Authority (CCTA). Thereafter on October 17, 2017 the City Council approved a Master Cooperative Funding Agreement with the CCTA outlining the roles and responsibilities of the City and CCTA. The scope of this project entails the installation of two raised and lighted crosswalks at Oak and Center Streets in the downtown area as well as a table top lighted intersection at Old Marsh Creek Road and Main Street. Due to COVID -19 pandemic and resulting economic contraction, this grant was delayed by CCTA. It is expected that funds might be available in late FY 2021/22.

9. Housing Element Update
   The City is required by State law to update its Housing Element after finalization of the Regional Housing Needs Assessment (REHNA) by the State Housing Community Development (HCD). This project is funded by $85,000 in State grant funds and $330,000 from the Rainy Day Fund 110. Since the project take more than one year it is being established and tracked in the CIP. After anticipated expenses for FY 2021/22 of $311,250 there is a is projected estimated fund balance for future year use to continue this project work of **$103,750.**

PUBLIC EMPLOYEES RETIREMENT PENSION SYSTEM

A Brief History

Eleven years after its incorporation as a municipality in 1964, the City of Clayton joined the California Public Employees Retirement System (CalPERS) to establish a pension system for its public employees (June 1975). At that time, it contracted for a retirement system plan of 2% at age 55 for its sworn law enforcement officers and 2% at age 60 for its general (miscellaneous) employees. Each enrolled plan was the least costly "defined benefit" plan offered by CalPERS. For the next 40 years and continuing today, permanent employees of the City are members of CalPERS for retirement pension purposes. The City organization does not belong to Social Security; therefore, its employees rely on this public pension system as the primary retirement program.

A plan change occurred in 1997 when the City moved its law enforcement employees from the CalPERS 2% at age 55 Plan to a 2% at age 50 Plan; miscellaneous employees were kept on the 2% at age 60 Plan. Presumably at that time the City elevated the retirement benefits of its Police Department in order to attract and retain quality sworn personnel in the competitive public sector market. In early 2001 the retirement plans were again modified (through the collective bargaining process) to the existing "Classic" contracts of 3% at age 55 for Public Safety (sworn law enforcement) and 2% at age 55 for the Miscellaneous Unit (civilian). CalPERS also initiated unilateral action to eliminate small-employer public agency members from consideration as independent agencies and "pooled" them together to share some of the pension risk. These new pooled plans (in effect today) are referred to as *Multiple-Employer "Cost-Sharing" Defined Benefit Plans*. Although cost sharing plans are designed to bundle employer pension expenses of several employer plans that provide identical benefits, plans that had super- or under-funded statuses carried forward their positive or negative balances into the new plan in what is referred to as a "Side-Fund". Thus, this CalPERS action caused several of the small employers (including Clayton) to report separate side-fund "unfunded liabilities" which the City of Clayton has been reducing over time within its annual employer contribution pension rates as analyzed in greater detail later.

In 2008, coinciding with the abrupt downturn in the national and local economies and the wave of retiring Baby Boomers (born 1946 - 1964), the press and the public waged a vigorous debate concerning the amount and scope of unfunded liabilities of governments [taxpayers] for the CalPERS defined benefit retirement plan. Public pension policies have been modified, reformed and threatened over the course of this examination and it continues today in the form of state legislation reform bills, statewide initiatives and court cases. Resulting from this, the State of California legislature enacted the Public Employee Pension Reform Act (PEPRA) effective January 2013 creating a new defined benefit pension tier for any newly-enrolled CalPERS-covered employees.

However, even in advance of PEPRA and most other public agencies, the City of Clayton established a 2nd Tier Plan effective January 2011 for all new "Classic" hires. To further mitigate its unfunded liability exposure, the Clayton City Council took action in March

2012 to prohibit all future local elected officials (e.g., city council members) from becoming members of the CalPERS pension plan.

In regards to action taken to address the reasonableness of actuarial assumptions, the 2016 Annual Review of Funding Levels and Risks published by CalPERS on September 20, 2016 concluded economic conditions at that time increased the risk associated with achieving a 7.5% rate of return over the medium term (10 years or so). With this in mind, action was taken by the CalPERS Board to re-address the viability of the actuarially assumed discount rate for future years with the goal of increasing funded status of pension plans. Accordingly, on December 21, 2016 the CalPERS Board voted to lower its discount rate from 7.5% to 7.0% over a three-year timeframe with the hope the incremental lowering of the rate would give employers more time to prepare for the changes in contribution costs. The first year of pension contribution increases resulting from lowering the discount rate was FY 2018/19.

Various Pension Plan Groups and Composition

As a consequence of the actions taken as described previously the City of Clayton now has three (3) separate CalPERS pension plan tiers for its employees for both the Public Safety and Miscellaneous employee groups:

1. Tier I "Classic" – This plan covers existing City employees hired prior to January 2011. No future employee of the City can ever enroll into the Tier I Plan and accordingly this pool of existing employees will shrink in number as these employees move to other employment or retire from the City. The benefit formula for Public Safety Tier I members is 3% @ 55 and the benefit formula for Miscellaneous Tier I members is 2% @ 55.

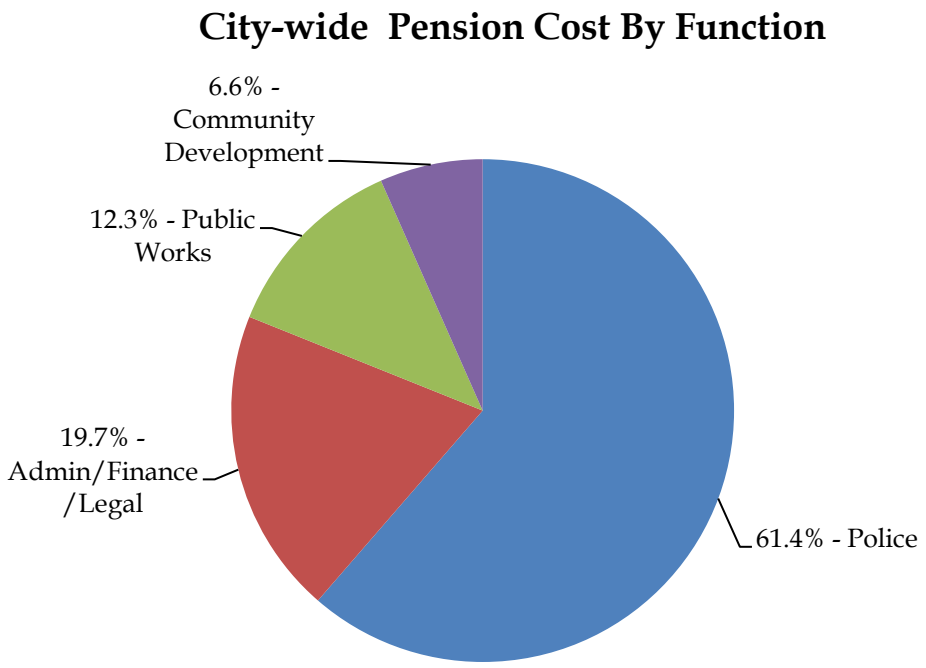
   Previously, the City made the required employee contributions on behalf of all Tier I employees, which is defined as "Employer Paid Member Contributions" (EPMC) by CalPERS. As part of three-year Police Officers Association (POA) labor agreement approved on July 7, 2015, the previous 9% EPMC for Public Safety Tier I members has now been entirely phased out, with members of this group paying the full required employee contribution rate. While beneficial for future pension obligations, this phase-out did come at a cost and was offset by a negotiated 4% annual cost of living adjustment for all sworn officers for the three-year period ending June 30, 2018. In accordance with labor agreements currently in place and assuming status quo terms, the proposed budget for FY 2021/22 assumes the City will continue to make the full 7% EPMC for all Miscellaneous Tier I Plan Members, which comprises two full-time employees and one part-time employee. To add some perspective, this small group of Tier I Miscellaneous employees represents less than one quarter (25%) of the entire unrepresented Miscellaneous employee group of sixteen (16) permanent employees.

Commencing FY 2018/19, as part of the current three (3) year labor agreement with the POA, Tier I Public Safety members of the POA were required to help contribute towards the escalating normal cost employer rate. Referred to as "cost-sharing", these member-paid employer contribution sharing rates were 0.5%, 1.25%, and 2.25% for FY 2018/19, FY 2019/20, and FY 2020/21, respectively. In FY 2021/22, net of any member-paid employer contributions, employer contribution rates for Tier I employees will be 20.64% and 10.34% for Public Safety and Miscellaneous Plan Members, respectively.

2. Tier II "Classic" – This plan covers City employees hired during the timeframe January 2011 through December 2012, plus any new hire of the City that comes from an employer previously enrolled in a CalPERS pension system (without a break in service longer than six months). The benefit formula for Public Safety Tier II members is 2% @ 50 and the benefit formula for Miscellaneous Tier II members is 2% @ 60. There is no EPMC provision, making employees responsible for the entire employee pension contribution rate, which is 9% for Public Safety plan members and 7% for Miscellaneous Plan members. In FY 2021/22 employer contribution rates for Tier II employees will be 18.19% and 8.65% for Public Safety and Miscellaneous Plan members, respectively.

3. Tier III "PEPRA" – This plan automatically covers any new employee of the City not previously a member of CalPERS or with a break in service longer than six months. The benefit formula for Public Safety Tier III members is 2.7% @ 57 and the benefit formula for Miscellaneous Tier III members is 2% @ 62. Under PEPRA law, members are required to pay at least 50% of the normal cost of benefits, essentially splitting the pension contribution rate requirement with some exceptions. In FY 2021/22 employer contribution rates for Tier III employees will be 13.13% and 7.59% for Public Safety and Miscellaneous Plan Members, respectively.

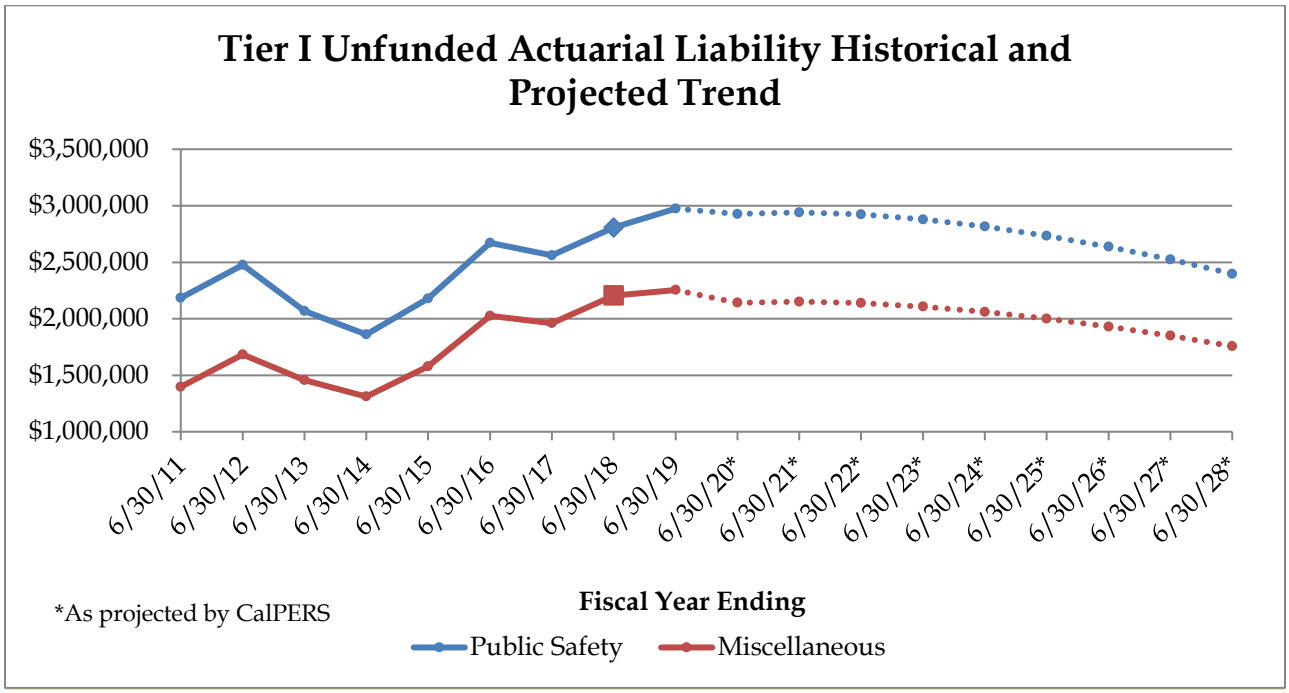
The following chart summarizes the organization-wide spread of the City's pension contributions projected for FY 2021/22:



As depicted in the pie chart above, the Police Department makes up over fifty percent of the budgeted employer pension contributions. This statistic is generally reflective of the Police Department's share of the City's permanent workforce.

Status of the City's Unfunded Actuarial Liability

An unfunded actuarial liability (UAL) is the difference between the estimated current liability to pay future benefits and the current market value of assets accumulated to pay those benefits. If assets are greater, a plan is overfunded and if the liability is greater, a plan is underfunded, creating an unfunded liability. The unfunded liability is an estimated figure changing with each actuarial valuation pursuant to changes in market value of assets, investment earnings and actual results of the plan as compared to actuarial assumptions. Unfunded liabilities are not amounts that are actually due today but are estimates of what pension actuaries believe will be needed to pay future benefits. The funding policies established by CalPERS are intended to provide for full funding of the pension plan by the time employees retire. The following is a line chart summarizing the City's UALs for both the Public Safety Tier I and Miscellaneous Tier I employee plans over the past seven (7) years (since CalPERS began publishing this information in the actuarial reports) and CalPERS' estimates for the next ten (10) fiscal years:



As depicted in the chart above, when considering the current funded status of the City's pension plan's, the most recently issued actuarial reports (annual valuation report as of June 30, 2019/contributions for FY2021/22) reflect increases to both the Safety and Miscellaneous Tier I Plan UALs. As of the June 30, 2019 valuation, the Safety Tier I Plan UAL increased by approximately 6 % to $2,973,781 reflecting a funded status of 74.6%. Similarly, the Miscellaneous Tier I Plan UAL also increased, by 2.4% to $2,253,949, reflecting a funded status of 74.1%.

CalPERS reported an 4.7% investment return in FY 2019/20, which is lower than the assumed 7.0% discount rate benchmark. This will mean further negative impacts to the City in the future as the employer contribution will be increased in order to make up for lack of investment returns.

Prospectively, arising from policies adopted by the City, the state legislature, and CalPERS, gradual reductions are predicted for the City's UALs. These gradual reductions incorporate CalPERS policies to amortize annual plan investment gains and losses over thirty (30) year periods well as its five (5) year ramp up and down phases to smooth the volatility these annual conditions can have on employer pension contribution requirements. Consequently, the latest actuarial valuation reports project employer UAL pension contributions for the two "Classic" Tier I plans to gradually increase until reaching their ceiling in FY 2020/21, after which they steadily reduce until both plan UALs are fully paid off in FY 2043/44 (under present value calculations and CalPERS methodologies).

Impacts of Statutory Pension Reform – Short and Long-term

Since the adoption of PEPRA and due to measures taken by the City Council in 2011 to create second retirement tiers, noteworthy savings were realized by the City in the three year timeframe from FY 2012/13 to FY 2014/15. Ultimately, these savings were realized

by the City through the gradual attrition of several Tier I "Classic" employees with those positions subsequently filled by less expensive Tier II and PEPRA enrolled employees. However, commencing in FY 2015/16, in an aggressive and deliberate measure to recapture these savings realized by participating agencies, CalPERS began billing for the unfunded portion of the City's Tier I pension liabilities as a fixed dollar amount as opposed to the "percentage of payroll" method used in all prior years leading up to FY 2015/16. Therefore, to understand and better prepare for fluctuations in employer pension costs, a city must monitor both the percentage of payroll (or "Normal Cost") rate as well as the relatively new fixed dollar UAL contribution components.

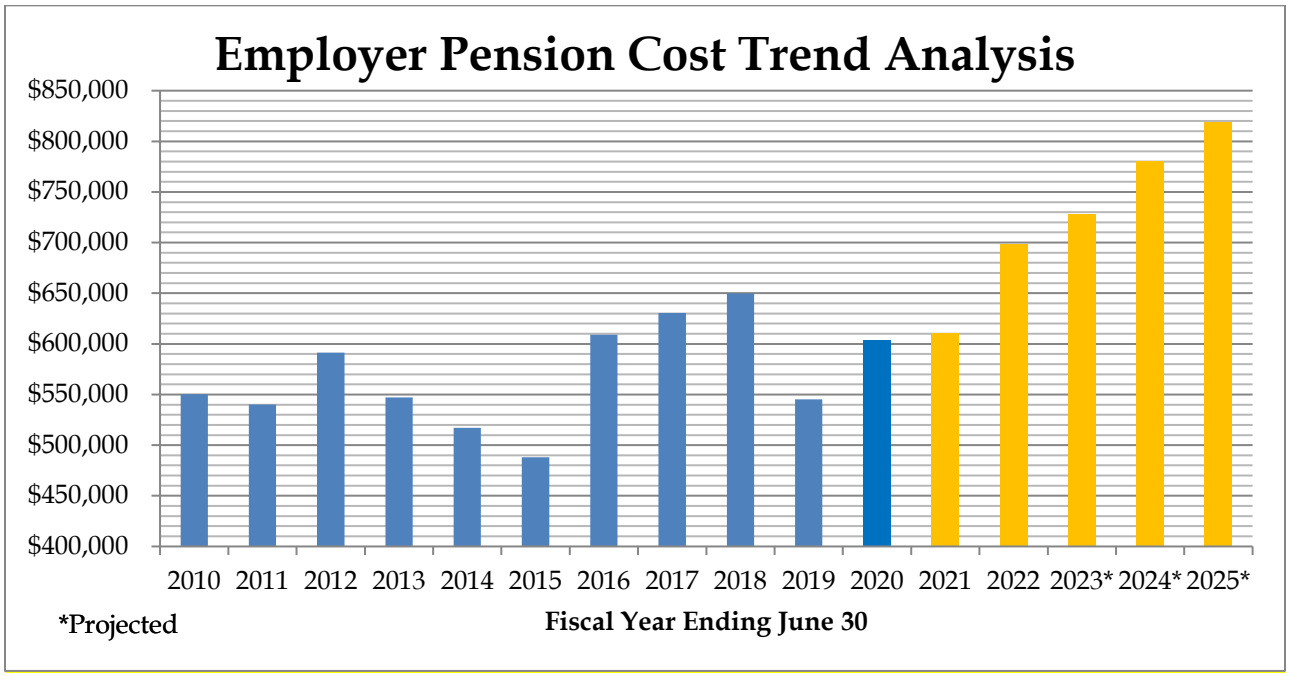
The latest CalPERS actuarial reports for the year ended June 30, 2019 establish the City's normal cost contribution rates as well as the fixed dollar UAL contribution requirements for the upcoming fiscal year. The City's FY 2021/22 contribution requirements relative to the prior year (FY 2020/21) are as follows:

	FY 2020/21		**FY 2021/22**	
Pension Tier	**Normal Cost Rate**	**Lump Sum UAL Pmt.**	**Normal Cost**	**Lump Sum UAL Pmt.**
Safety Classic	18.335%*	$179,115	20.64%*	$221,614
Safety Tier II	18.152%	$1,328	18.19%	$1,789
Safety PEPRA	13.044%	$2,795	13.13%	$4,804
Miscellaneous Classic	17.484%**	$130,340	10.34%**	$161,823
Miscellaneous Tier II	8.794%	$1,634	8.65%	$2,453
Miscellaneous PEPRA	7.732%	$2,329	7.59%	$2,844

*Excludes negotiated member-paid employer contribution portions.

**Includes employer-paid member contribution (EPMC) of 7.0%.

Changes in legislation, employee workforce attrition, and volatility of CalPERS estimates (i.e., investment returns), make it challenging to predict future pension costs as well as the status of the UAL with absolute certainty. However, the following chart provides a summary of historical City-wide employer pension contributions over the past ten (10) years as well as a projection for the current fiscal year still underway (FY 2020/21) and the following five future years thereafter using employment and actuarial information known at this time. As noted previously, the unpredictability of workforce and market factors makes these future year projections subject to change prospectively.



The steady decline in required employer pension contributions from FY 2011/12 to FY 2014/15 was caused by the gradual attrition of the City's Tier I employees (i.e., retirement, employment separation to pursue employment at another agency, etc.) and filling those vacancies with less expensive Tier II and Tier III "PEPRA" employees. Thereafter, the spike in FY 2015/16 and subsequent two (2) years is caused by CalPERS' implementation of fixed dollar UAL billings to supplement normal cost percentage-of-payroll contribution rates.

The chart also incorporates the impact of the CalPERS Board voting to decrease the discount rate in December 2016 impacting employer pension contribution assumptions from FY 2018/19 and onward. Pension costs are projected to rise with actuarially assumed wage growth as well as CalPERS' policy to (eventually) achieve "fully funded" status through calculated annual UAL payment increases.

The drop shown in FY2018/19 reflected the City paying off the "side fund" that was described earlier; thus reducing the annual pension cost to just the normal cost plus the standard UAL requirement.

In all, the total amount of monies in the proposed budget projected to be required to pay CalPERS retirement contributions in FY 2021/22 is approximately $698,494 across all City funds, representing an increase of $88,064 or 14.43%. The significant increase in FY2021/22, coming after a year where there was very little increase demonstrates the volatility of the CalPERS requirements. In part this is due as well to changes in staff that affect base payroll amounts and PERS calculations.

Of the total amount of $698,494, a total of $395,327 pertains to CalPERS fixed dollar billings to address the UAL. This means for every one dollar spent on employer pension

contributions, 57¢ is used to address the buildup of the unfunded liability reported by CalPERS actuaries and not to address future retirement benefits of the current workforce.

Summary of Pension Analysis

The purpose of this information published annually is not to marginalize the seriousness of the unfunded pension plan debate, but to provide transparency and context to a story often sensationalized by the media. Acknowledging the importance of addressing the City's exposure to the growth of unfunded pension liabilities, several actions outlined in detail previously have been taken by the City Council, CalPERS, and the state legislature. These actions were designed to address the issue in the long-run, without causing immediate and detrimental set-backs to the City's current ability to provide public services. Considering the already scarce local resources available, it is encouraging to see the City appears headed in the right fiscal direction on this matter. Nevertheless, prudent and regular monitoring of the City's progress will be essential to achieving sustainable and sensible budgets well into the future.

BUDGET SCHEDULES
2021/22

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General Fund
Revenues
2021/22

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CITY OF CLAYTON PROPOSED GENERAL FUND REVENUE BUDGET
2020-21 BUDGETED VS 2021-2022 PROPOSED BUDGETED REVENUE

Description	Account Number	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected Revenue	2021/22 Proposed Revenue	Change from 2020/21 Amended Budget (%)
Secured Property Taxes:							
Property Taxes In-Lieu of VLF	4100	1,056,219	1,088,343	1,093,525	1,093,525	1,137,266	4.0%
Property Taxes - Secured	4101	930,155	957,300	963,266	963,266	992,164	3.0%
RPTTF Distribution	4108	416,917	396,780	396,780	448,375	464,424	17.0%
Total Secured Property Taxes		**2,403,291**	**2,442,423**	**2,453,571**	**2,505,166**	**2,593,854**	5.7%
Property Taxes - Unsecured	4102	41,498	41,000	41,000	39,521	40,000	-2.4%
Property Taxes - Unitary Tax	4103	14,763	14,800	15,048	15,048	15,349	2.0%
Property Taxes - Supplemental	4104	31,841	25,200	2,274	2,274	2,300	1.1%
Property Taxes - Other	4106	9,198	9,100	9,100	9,100	9,100	0.0%
Sales and Use Tax	4301	512,868	467,527	535,597	549,760	585,965	9.4%
Real Property Transfer Tax	4502	87,220	77,581	80,000	100,000	112,000	40.0%
Business Licenses	5101	140,620	149,926	149,926	149,926	150,000	0.0%
CCC Building Permit Remit Fees	5103	52,147	60,215	60,215	80,000	80,000	32.9%
Engineering Service Fees	5106	6,750	5,457	5,457	5,457	5,457	0.0%
Public Safety Allocation	5201	89,302	97,111	97,111	93,002	103,531	6.6%
Abandoned Veh Abate (AVA)	5202	5,416	5,524	5,524	5,524	5,600	1.4%
Motor Vehicle In-Lieu	5203	9,223	6,000	6,000	8,315	8,320	38.7%
Other In-Lieu of Taxes	5205	167,677	170,969	171,029	171,029	174,389	2.0%
POST Reimbursements	5214	8,797	-	3,000	6,000	6,000	100.0%
State Mandated Cost Reimbursement	5217	-	-	2,620	2,620	-	-100.0%
Planning Permits/Fees	5301	12,529	11,115	9,600	11,115	11,115	15.8%
Police Permits/Fees	5302	18,848	20,000	20,000	20,000	20,000	0.0%
City Hall Rental Fees	5303	896	200	200	-	200	0.0%
Planning Service Charges	5304	48,924	33,824	48,000	48,000	48,000	0.0%
Well Water Usage Charge	5306	22,154	24,000	24,000	6,000	6,000	-75.0%
Misc. City Services	5319	92	750	100	100	100	0.0%
Fiduciary Funds Administration	5322	271,270	271,471	271,471	271,471	272,151	0.3%
Franchises - Comcast Cable	5401	204,404	204,400	204,400	204,400	204,400	0.0%
Franchises - Garbage Fees	5402	216,118	200,000	200,000	216,000	216,000	8.0%
Franchises - PG&E	5403	128,692	129,000	129,000	139,858	140,000	8.5%
Franchises - Equilon Pipe	5404	16,570	16,752	17,006	17,006	17,193	1.1%
AT&T Mobility Franchise Fees	5405	108	100	100	100	100	0.0%
Fines and Forfeitures	5501	32,613	30,600	30,600	32,800	32,800	7.2%
Interest	5601	110,175	100,000	90,000	90,000	86,000	-4.4%
Park Use Fee	5602	14,914	16,000	4,000	11,630	14,000	250.0%
Meeting Room Fee	5603	3,151	2,800	1,000	-	3,000	200.0%
Inv. Premium/Discount	5605	144	-	-	-	-	
Unrealized Inv. Gain/Loss	5606	113,883	-	-	-	-	
Cattle Grazing Lease Rent	5608	10,341	10,526	10,526	10,526	10,710	1.7%
Cell Tower Lease Rent	5609	41,952	36,980	36,980	36,492	37,587	1.6%
Clayton Community Gymnasium Rent	5613	26,400	18,600	8,000	8,000	18,600	132.5%
Reimbursements/Refunds	5701	6,113	7,250	1,000	1,000	1,000	0.0%
CCLF Contributions	5703	2,000	-	-	-	-	
Other Revenues	5790	8,142	4,000	8,000	8,000	8,000	0.0%
Overhead Cost Recovery	5791	14,534	12,000	8,000	11,000	11,000	37.5%
Tfr From Grants Fd for Eligible Recycling	6019				14,814	10,000	
Admin Expense Recovery:							
Measure J Fund	6002	4,830	4,890	4,890	4,890	5,076	3.8%
HUTA Gas Tax Fund	6004	8,060	8,150	8,150	8,150	8,460	3.8%
Neighborhood Street Lights Fund	6005	12,390	12,530	12,530	12,530	13,006	3.8%
GHAD Fund	6006	7,780	7,870	7,870	7,870	8,169	3.8%
Landscape Maintenance CFD Fund	6007	38,760	39,190	39,190	39,190	40,679	3.8%
The Grove Park CFD Fund	6011	7,880	7,970	7,970	7,970	8,273	3.8%
Stormwater Assessment Fund	6016	39,990	40,430	40,430	40,430	41,966	3.8%
Total Revenues		**5,025,268**	**4,844,231**	**4,880,485**	**5,022,084**	**5,185,450**	6.2%

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General Fund Expenditures 2021/22

CITY OF CLAYTON GENERAL FUND EXPENDITURE AND FUND BALANCE SUMMARY
FISCAL YEAR 2021-22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020-21 Amended Budget	2020/21 Projected Actual	2021/22 Proposed Budget	Change from 2020/21 Amended Budget
7111	Salaries/Regular	1,839,568	2,018,612	1,982,608	2,016,190	2,118,998	6.9%
7112	Temporary Help	2,040	5,626	5,626	5,626	5,100	-9.3%
7113	Overtime	121,218	110,500	110,500	105,318	103,000	-6.8%
7115	Council/Commission Comp	32,160	35,400	35,400	35,400	35,400	0.0%
7116	Part-time Salaries	4,254	6,125	6,125	6,125	6,125	0.0%
7218	LTD/STD Insurance	14,082	19,985	19,985	18,588	18,164	-9.1%
7219	Deferred Compensation Retirement	2,700	2,700	2,700	2,700	7,500	177.8%
7220	PERS Retirement - Normal Cost	207,055	254,900	254,900	254,446	266,691	4.6%
7221	PERS Retirement - Unfunded Liability	309,651	288,772	288,772	288,299	357,417	23.8%
7231	Workers Comp Insurance	100,690	93,544	93,544	93,330	73,451	-21.5%
7232	Unemployment Insurance	9,021	11,537	11,537	11,504	12,123	5.1%
7233	FICA Taxes	34,853	33,231	33,231	33,900	35,235	6.0%
7241	Auto Allowance/Mileage	11,395	17,520	17,520	17,520	18,480	5.5%
7242	Uniform Allowance	8,550	9,000	9,000	9,000	9,000	0.0%
7246	Benefit Insurance	243,794	270,545	270,545	269,667	311,457	15.1%
7247	OPEB Expense	14,578	15,100	15,100	15,100	15,100	0.0%
7301	Recruitment/Pre-employment	37,084	6,500	6,500	3,500	35,500	446.2%
7307	Irrigation Supplies	-	4,000	4,000	5,000	5,000	25.0%
7311	General Supplies	30,690	36,000	39,000	31,100	36,300	-6.9%
7312	Office supplies	11,458	13,000	13,000	9,000	13,000	0.0%
7313	Small Tools and Equipment	-	-	-	-	-	
7314	Postage	2,552	4,600	4,600	3,100	4,600	0.0%
7321	Printing and Binding	1,771	1,800	1,800	1,800	1,800	0.0%
7323	Books/Periodicals	-	450	450	600	600	33.3%
7324	Dues and Subscriptions	25,014	29,588	29,588	29,788	30,388	2.7%
7325	EBRCSA system user fee	10,800	10,800	10,800	10,800	10,800	0.0%
7331	Rentals/Leases	13,670	16,938	16,938	16,438	16,438	-3.0%
7332	Telecommunications	32,972	36,810	36,810	38,877	39,975	8.6%
7335	Gas & Electric Serv.	98,541	102,800	102,800	102,100	107,100	4.2%
7338	Water Service	128,201	157,220	157,220	154,820	157,000	-0.1%
7341	Buildings & Grounds Mtn	59,597	34,950	34,950	30,539	40,050	14.6%
7342	Machinery/ Equip Maint.	2,345	4,000	4,000	5,160	8,750	118.8%
7343	Vehicle Maintenance	39,834	41,700	41,700	28,500	34,500	-17.3%
7344	Vehicle Gas, Oil, and Supplies	39,769	45,500	45,500	42,600	45,100	-0.9%
7345	Office Equip. Maint. & Repairs	2,245	3,200	3,200	3,200	3,200	0.0%
7346	HVAC Mtn & Repairs	20,526	18,400	18,400	39,536	20,500	11.4%
7351	Insurance Premiums	112,269	113,000	113,000	124,274	145,349	28.6%
7362	City Promotional Activity	4,019	4,500	4,500	4,500	4,500	0.0%
7363	Business Expense	71	450	450	450	450	0.0%
7364	Employee Recognition	2,764	1,700	1,700	1,700	1,700	0.0%
7365	Volunteer Appreciation	-	-	-	-	-	
7371	Travel	112	600	600	600	600	0.0%
7372	Conference	1,399	4,425	4,425	4,425	4,425	0.0%
7373	Education and Training	11,476	20,500	25,500	25,500	25,500	0.0%
7380	Recording Fees	-	500	500	500	500	0.0%
7381	Property Tax Admin Cost	8,539	9,300	9,300	9,300	9,300	0.0%
7382	Election Services	(508)	-	-	-	-	
7384	Legal Notices	415	2,000	2,000	3,000	2,000	0.0%
7389	Miscellaneous Expense	363	-	-	-	-	
7408	Crossing Guard Services	8,564	14,000	14,000	4,200	28,000	100.0%

CITY OF CLAYTON GENERAL FUND EXPENDITURE AND FUND BALANCE SUMMARY
FISCAL YEAR 2021-22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020-21 Amended Budget	2020/21 Projected Actual	2021/22 Proposed Budget	Change from 2020/21 Amended Budget
7410	Professional Engineering Services	123,103	122,400	122,400	122,400	127,051	3.8%
7411	Legal Services Retainer	107,179	102,000	102,000	114,647	116,400	14.1%
7412	Engineering Inspection	-	500	500	-	500	0.0%
7413	Special Legal Services	25,116	16,000	16,000	31,000	16,000	0.0%
7414	Auditing Services	38,474	39,350	39,350	30,000	39,350	0.0%
7415	Computer Services	42,455	-	-	-	-	
7417	Janitorial Services	45,887	55,500	55,500	32,142	49,100	-11.5%
7419	Other Prof. Services	41,148	35,100	44,600	44,600	44,140	-1.0%
7420	Merchant Fees	4,827	5,110	5,110	5,110	5,110	0.0%
7423	Extra & Sunday Operating Hours	6,999	12,554	12,554	12,554	-	-100.0%
7424	Dispatch Services	279,073	293,100	293,100	293,100	307,755	5.0%
7425	Lab Fees	5,714	15,000	15,000	5,000	10,000	-33.3%
7426	Jail Booking Fee	-	5,500	5,500	2,250	5,500	0.0%
7427	Cal ID Services	13,005	13,000	13,000	13,000	13,000	0.0%
7429	Animal Control Services	76,975	80,364	80,364	86,724	89,407	11.3%
7433	Integrated Justice System (ACCJIN-ARIES)	11,094	12,000	12,000	12,000	12,000	0.0%
7435	Contract Seasonal Labor	10,961	19,000	19,000	12,000	16,000	-15.8%
7438	Parking Enforcement - Regency Drive	16,384	-	3,750	3,750	-	-100.0%
7440	Tree Trimming Services	5,064	15,000	15,000	15,000	22,000	46.7%
7486	CERF Charges/Depreciation	70,000	70,000	118,694	118,694	70,000	-41.0%
NEW	Dog Park Operating Costs	-	-	-	-	8,000	
8111	Transfer - Close out Fund 219 Stormwater District Assessment Fd	2,550					
Total Operational Expenditures		**4,588,169**	**4,843,806**	**4,877,747**	**4,871,593**	**5,177,482**	6.1%
Total Revenues		**5,025,268**	**4,844,231**	**4,880,485**	**5,022,084**	**5,185,450**	6.2%
Operational Excess (Deficit)		437,099	425	2,738	150,491	7,968	191.0%
Capital Outlay & Other One Time Expenditures Earmarked from prior fiscal years' excess by City Council							
7419	Professional Services	13,872	44,867	44,867	44,867	-	
7485	Capital Outlay - Machinery, Veh & Equip.	-	-	-	-	-	
8111	Transfer to CIP Fd - Green Infrstr Plan	18,802	-	-	-		
8125	Transfer to Pension Stablilization Fund	-	-	-	-	-	
NEW	Transfer to Rainy Day Fund - Remaining Green Infrastructure Allocation	-	31,315	31,315	31,198	-	
NEW	Transfer to Rainy Day Fund - 6/30/20 Adjusted Operating Surplus	-	-	290,592	290,592	-	
NEW	Transfer to Rainy Day Fund - 6/30/19 Operational Excess	-	333,300	333,300	333,300	-	
Net Increase/(Decrease) in Fund Balance		**404,425**	**(409,057)**	**(697,336)**	**(549,466)**	**7,968**	
Beginning Fund Balance		**5,760,145**	**5,880,118**	**5,880,118**	**6,164,570**	**5,615,104**	
Ending Fund Balance		6,164,570	5,471,061	5,182,782	5,615,104	5,623,072	

City Council
Department 01

Department Description

The five member City Council is the elected policy-making body for the City of Clayton. Members of the City Council are elected to four year overlapping terms at General Municipal elections held in November of even numbered years. The City Council receives a monthly stipend of $470 for their services. The Mayor and Vice Mayor are selected annually by the Council from amongst its membership in December each year.

Services funded:

- Hold regular, twice monthly City Council meetings on Tuesday evenings, and special meetings on an as-needed basis; includes closed sessions as permitted by law.
- Set policy goals and objectives for all City service functions.
- Members serve on various ad-hoc subcommittees and inter-governmental boards to represent the community on critical local and regional issues.
- Appoint citizens to City boards and commissions, and advisory committees.
- Coordinate, attend and participate in community events such as the 4th of July Parade and the Concerts in The Grove park.
- Video City Council meetings for playback on the City Cable Channel 24 for public viewing.
- General Municipal Election costs and expenses every even-numbered year through contract with the County Elections Office.
- Hires the City Manager and the City Attorney, and appoints the City Treasurer

City of Clayton
Legislative Department 01
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7115	City Council Comp	28,200	28,200	28,200	28,200	28,200
7220	PERS Retirement - Normal Cost	478	479	479	479	-
7221	PERS Retirement - Unfunded Liability	4,046	2,767	2,767	2,767	-
7231	Workers Comp Insurance	1,410	1,272	1,272	1,272	956
7232	Unemployment Insurance	1,159	1,748	1,748	1,748	1,748
7233	FICA Taxes	1,808	1,458	1,458	1,458	2,157
7321	Printing and Binding	104	300	300	300	300
7324	Dues and Subscriptions	13,464	13,660	13,660	13,660	13,660
7362	City Promotional Activity	4,019	4,500	4,500	4,500	4,500
7363	Business Meeting Expense	55	250	250	250	250
7372	Conferences/Meetings	674	1,700	1,700	1,700	1,700
7382	Election Services	(508)	-		-	-
7413	Legal Services	-	-		-	-
7419	Other Prof. Services	10,259	10,000	12,210	12,210	10,000
	Total Operating Expenditures	**65,168**	**66,334**	**68,544**	**68,544**	**63,471**

Administration/ Finance/ Legal
Department 02

Department Description

City Manager

The City Manager functions as the chief executive officer of the municipal organization responsible for managing all departments of the City and carrying out City Council adopted policy. The department is comprised of three (3) full-time professional staff members (City Manager; Assistant to the City Manager; HR Manager/City Clerk).

Services funded:

- Provide leadership to professional staff and municipal employees.
- Advise and recommend policies to the City Council; receive and implement policy directions from the City Council.
- Act as lead negotiator for real property transactions and labor negotiations.
- Oversee the day to day operations of the City.
- Respond to general public inquiries.
- Research and analysis of municipal issues and special projects as assigned.
- Oversee and negotiate various franchise agreements.
- Prepare and distribute agenda packets and minutes.
- Administer contracts, coordinate staffing, and prepare administrative forms and permits for the City's large community and special events.
- Manage consultant contracts and lease agreements.
- Maintain and update the City's website.
- Coordinate all human resource functions responsible for recruitment, employee benefits, risk management, OSHA compliance, and workers' compensation administration.
- Oversee a citywide training plan for OSHA compliance and safety program.
- Research and respond to inquiries by citizens and press in compliance with the Public Records Act.
- Contract with Contra Costa County for municipal elections.
- Process general liability and workers' compensation claims filed against the City.
- Provide notary services.
- Coordinate the self-insured risk management tasks of the organization.

Finance

The City's Finance Department has one full time professional and utilizes two permanent part-time employees. The department is responsible for the City's budgetary, financial/accounting, treasury/investment, business licenses, and facilities rentals functions. The Department also includes the appointed City Treasurer (citizen), who provides auditing and investment oversight.

Services funded:

- Preparation and monitoring of annual budget
- Preparation of annually audited comprehensive annual financial report
- Manage general ledger and budgetary financial records
- Manage investments in accordance with City investment policy and California Government Code.
- Maintaining compliance with State of California, Contra Costa County and other regulatory agency financial reporting requirements.
- Management and preparation of Successor Agency Recognized Obligation Payment Schedule (ROPS) process.
- Administer and maintain records for the following operational cycles: payroll, employee benefits, cash receipts and disbursements.
- Administer business licenses.
- Manage rental of City-owned facilities and parks (Endeavor Hall, Library Meeting Room, Clayton Community Park, The Grove Park).

City Attorney

The City Attorney is selected and appointed by the City Council. Although this is the primary department the contracted City Attorney conducts work in, retainer time is also charged to other City departments where time is spent.

Services funded:

- Attend City Council meetings as the City's legal counsel.
- Draft and Review ordinances, resolutions, contracts, and other legal documents.
- Provide legal opinions and advise on matters of interest or concern to the City Council and City Staff
- Advice regarding land use issues.
- Oversee litigation involving the City.
- Assist the Council and staff in limiting litigation exposure and containing liability costs.
- Advise the City on changes to and impacts of state and federal laws, and case laws.

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City of Clayton
Admin / Finance / Legal Department 02
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular	579,141	598,449	611,139	649,538	622,698
7112	Temporary Salaries	-	-	-	-	-
7218	LTD/STD Insurance	4,104	5,756	5,756	5,756	5,191
7219	Deferred Compensation Retirement	-	-	-	-	4,800
7220	PERS Retirement - Normal Cost	41,798	58,957	58,957	58,957	60,278
7221	PERS Retirement - Unfunded Liability	87,768	58,664	58,664	58,664	77,368
7231	Workers Comp Insurance	30,600	27,002	27,002	27,002	21,107
7232	Unemployment Insurance	3,207	2,604	2,604	2,604	2,604
7233	FICA Taxes	13,148	8,678	8,678	9,418	9,029
7241	Auto Allowance/Mileage	6,955	8,940	8,940	8,940	9,540
7246	Benefit Insurance	59,050	75,776	75,776	75,776	88,388
7301	Recruitment/Pre-employment	-	-	-	-	-
7324	Dues and Subscriptions	874	2,278	2,278	2,278	2,278
7332	Telecommunications	6,159	6,860	6,860	6,860	6,860
7371	Travel	85	100	100	100	100
7372	Conferences/Meetings	725	1,225	1,225	1,225	1,225
7373	Education and Training	18	1,500	6,500	6,500	6,500
7389	Miscellaneous	351	-	-	-	-
7411	Legal Services Retainer	62,451	56,100	56,100	75,432	73,332
7413	Special Legal Services	16,812	6,000	6,000	6,000	6,000
7414	Auditing and Financial Reporting Services	38,474	39,350	39,350	30,000	39,350
7415	Computer/IT Services	10,862	-	-	-	-
7419	Other Prof. Services	3,923	10,300	17,590	17,590	19,340
7481	Bank Service Charge	12	-	-	-	-
	Total Operating Expenditures	**966,517**	**968,539**	**993,519**	**1,042,640**	**1,055,988**
	Capital Outlay & Other One Time Expendiures					
7485	Capital Outlay	-	-	-		
8111 (00)	Transfer to Pension Stabilization Fund	-	-	-		
	Total Capital Outlay & Other One Time Exp.	-	-	-	-	-
	Total Expenditures	**966,517**	**968,539**	**993,519**	**1,042,640**	**1,055,988**

Public Works
Department 03

Department Description

This department maintains City owned buildings and grounds; and provides maintenance for all non-special district facilities and land. The core employee unit of six (6) permanent employees consists of one Maintenance Supervisor, a Senior Maintenance Worker and four Maintenance Workers. Labor is augmented by temporary seasonal workers. Although the General Fund's Public Works department serves as the "base" department for these maintenance employees, their direct labor costs are shared with various two other departments of the General Fund as well as five other restricted-use special purposes funds based on actual hours worked.

Services funded:

- Provide routine maintenance for City building and grounds.
- Provide landscaping maintenance for all neighborhood parks in the City (Lydia Lane, North Valley Park, Westwood, Stranahan and El Molino, and proposed beginning FY21/22 existing Dog Park).
- Contract janitorial services for City facilities and buildings.
- Tree trimming services contract supervision.
- Ensure fire inspection compliance of City owned buildings and facilities.
- HVAC system repairs contract supervision.
- Ensure compliance with elevator safety and inspection services.
- Pest extermination services contract supervision.
- Janitorial services contract supervision.

City of Clayton
Public Works Department 03
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular	26,092	26,687	26,687	26,687	27,738
7112	Temporary Help	348	1,238	1,238	1,238	1,122
7113	Overtime	734	5,000	5,000	818	1,000
7218	LTD/STD Insurance	277	267	267	267	240
7220	PERS Retirement - Normal Cost	2,836	2,507	2,507	2,507	2,563
7221	PERS Retirement - Unfunded Liability	3,722	2,615	2,615	2,615	3,446
7231	Workers Comp Insurance	1,280	1,527	1,527	1,527	1,053
7232	Unemployment Insurance	99	211	211	211	340
7233	FICA Taxes	178	554	554	554	503
7246	Benefit Insurance	10,106	4,852	4,852	4,852	5,018
7301	Recruitment/Pre-employment	922	500	500	-	500
7311	General Supplies	7,839	7,000	10,000	8,100	10,000
7331	Rentals/Leases	794		-	-	-
7332	Telecommunications	4,227	4,350	4,350	4,817	4,915
7335	Gas & Electric Serv.	42,836	47,000	47,000	45,000	47,000
7338	Water Service	18,628	20,400	20,400	18,000	20,000
7341	Buildings & Grounds Mtn	39,339	18,350	18,350	9,371	15,250
7342	Machinery/ Equip Maint.	1,595	2,000	2,000	4,160	1,750
7343	Vehicle Maintenance	2,035	2,000	2,000	1,000	1,500
7344	Vehicle Gas, Oil, and Supplies	980	1,500	1,500	1,000	1,100
7346	HVAC Mtn & Repairs	12,018	10,000	10,000	32,136	12,000
7373	Education and Training	953	2,000	2,000	2,000	2,000
7411	Legal Services Retainer	855	2,550	2,550	1,000	1,164
7417	Janitorial Services	10,648	9,000	9,000	12,462	12,500
7419	Other Prof. Services	-	-	-	-	-
7429	Animal/Pest Control Services	1,637	1,500	1,500	1,482	2,760
7435	Contract Seasonal Labor	-	1,000	1,000	1,000	3,000
7440	Tree Trimming Services	-	5,000	5,000	5,000	5,000
7486	CERF Charges/Depreciation	10,000	10,000	10,000	10,000	10,000
NEW	Dog Park Operating Costs	-	-	-	-	8,000
	Total Operating Expenditures	**200,978**	**189,608**	**192,608**	**197,804**	**201,462**

Community Development
Department 04

Department Description

The Community Development Department is responsible for the general administration, development processing, zoning administration, architectural review, subdivision processing, Municipal Code and Zoning enforcement, General Plan administration, environmental review, housing, and special planning studies for the City, including associated staff support for the City Council and the Planning Commission. The Department provides guidance in the physical development of the City while protecting and maintaining the quality of its physical environment. The Department facilitates public participation and community involvement in planning issues. The Department consistently seeks to enhance the community's safety, welfare, economic opportunities and quality of life through land use controls. It consists of a Community Development Director, a part-time Assistant Planner and a part-time Code Enforcement Officer.

Services funded:

Long Range Planning and Special Studies Program

- Prepare and update *Town Center Specific Plan,* and the *Marsh Creek Road Specific Plan*, and state-mandated General Plan which includes the Housing Element.
- Prepare studies to update City policies in response to changes in State law, resource availability, and community goals.
- Facilitate public participation and community involvement in planning issues.
- Participate in development and review of regional studies prepared by ABAG, Contra Costa Transportation Authority, and TRANSPAC.
- Support City Council and City Manager in addressing regional governance and planning issues.

Development and Design Review Program

- Review, analyze, and provide recommendations on land development and design proposals by private property owners and governmental agencies.
- Provide support to City Council, Planning Commission, and City Manager.
- Reviews land development plans for compliance with City zoning requirements.
- Coordinate and oversee contract with County Building Inspection Department on building permits for construction projects.

- Administer environmental review process in compliance with the California Environmental Quality Act (CEQA).

Ordinance Information and Code Enforcement Program

- Provide zoning information and permit services at the City Hall public counter.
- Investigate and enforce zoning and land use complaints.
- Prepare amendments of zoning ordinance and zoning map.

Housing Program

- Administer the low-and moderate-income housing programs of the City.
- Ensure low-and moderate-income units remain available to qualified applicants upon sale of units.
- Lead update to the City's Housing Element.

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City of Clayton
Community Dev Department 04
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular	140,067	199,645	199,645	199,645	199,274
7112	Temporary Salaries	-	-	-	-	-
7113	Overtime	1,006	1,500	1,500	1,500	-
7115	Planning Commission Comp	3,960	7,200	7,200	7,200	7,200
7218	LTD/STD Insurance	872	2,000	2,000	2,000	1,728
7220	PERS Retirement - Normal Cost	11,999	21,837	21,837	21,837	21,554
7221	PERS Retirement - Unfunded Liability	27,434	19,568	19,568	19,568	24,759
7231	Workers Comp Insurance	9,600	9,076	9,076	9,076	6,755
7232	Unemployment Insurance	574	868	868	868	868
7233	FICA Taxes	1,695	2,917	2,917	2,917	2,889
7241	Auto Allowance/Mileage	-	4,140	4,140	4,140	4,140
7246	Benefit Insurance	12,541	31,460	31,460	31,460	37,619
7323	Books/Periodicals	-	200	200	200	200
7324	Dues and Subscriptions	-	950	950	950	950
7332	Telecommunications	649	700	700	700	700
7371	Travel	8	500	500	500	500
7372	Conferences/Meetings	-	1,500	1,500	1,500	1,500
7373	Education and Training	-	2,000	2,000	2,000	2,000
7380	Recording Fees	-	500	500	500	500
7384	Legal Notices	415	2,000	2,000	3,000	2,000
7411	Legal Services Retainer	26,396	30,600	30,600	5,155	23,280
7413	Special Legal Services	395	5,000	5,000	5,000	5,000
7419	Other Professional Services	16,516	-	-	-	-
	Total Operating Expenditures	254,127	**344,161**	**344,161**	**319,716**	**343,416**
	Capital Outlay & Other One Time Expenditures					
7419	Prof. Svc. - Open Space Studies	4,510			-	-
7485	Capital Outlay	-			-	-
	Total Capital Outlay & One Time Expenditures	**4,510**	**-**	**-**	**-**	**-**
	Total Expenditures	**258,637**	**344,161**	**344,161**	**319,716**	**343,416**

General Services
Department 05

Department Description

This department functions as the internal support service fund for expenses which aid the efficient and effective operation of the City organization. It has no assigned employees or revenue-generating capability.

Services funded:

- City-wide risk management (Clayton was one of the original members of the Municipal Pooling Authority of Northern California [MPA] Joint Powers Authority [JPA] for self-insured and risk pooled programs of general liability, workers compensation, and employee wellness).
- Copier and postage machine services for all departments.
- Office supplies for administration and general City functions.
- Information technology support for all departments as needed.
- Property tax administration fees levied by the (billed by County).
- Payroll and benefits administration software functions.
- Internet services for all departments.
- Provides funding for Other Post-Employment Benefits (OPEB) required of the City through contract with CalPERS medical insurance coverage.

City of Clayton
General Services Department 05
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7232	Unemployment Insurance	-	-	-	-	-
7247	OPEB Expense	14,578	15,100	15,100	15,100	15,100
7301	Recruitment/Pre-employment	32,499	1,000	1,000	500	30,000
7312	Office Supplies	8,872	8,000	8,000	4,000	8,000
7314	Postage	2,425	4,500	4,500	3,000	4,500
7321	Printing and Binding	1,667	1,500	1,500	1,500	1,500
7331	Rentals/Leases	12,876	16,438	16,438	16,438	16,438
7332	Telecommunications	4,633	5,000	5,000	5,000	5,000
7351	Insurance Premiums	112,269	113,000	113,000	124,274	145,349
7364	Employee Recognition	2,690	1,500	1,500	1,500	1,500
7381	Property Tax Admin Cost	8,539	9,300	9,300	9,300	9,300
7415	Computer/IT Services	31,593	-	-	-	-
7419	Other Prof. Services	8,346	10,800	10,800	10,800	10,800
7420	Merchant Fees	4,827	5,110	5,110	5,110	5,110
	Total Operating Expenditures	**245,814**	**191,248**	**191,248**	**196,522**	**252,597**
	Capital Outlay & Other One Time Expenditures					
7419	Prof. Svc. - Digital Img. & Searchable Muni Code	2,851	33,542	33,542	33,542	-
	Total Expenditures	**248,665**	**224,790**	**224,790**	**230,064**	**252,597**

Police Department
Department 06

Department Description

The Clayton Police Department has a present authorized strength of 11 full-time sworn members (includes the Chief), two civilians as well as volunteers in police services ("VIPS"), community emergency response team ("CERT"), and cadet programs. The Department is a generalist law enforcement agency with duties that include all aspects of local law enforcement. Sworn positions currently work on a 4-10/3-12 plan and may be assigned to specialized assignments such as field training officer, traffic accident investigator, bicycle patrol, and motorcycle patrol. The Department's employees take pride in their jobs and the community they serve and strive to perform their duties in a professional but sensitive, friendly, and positive manner. It subscribes to a community-oriented policing philosophy.

Services funded:

- Provide traffic enforcement and collision investigation throughout the City and on the trails system.
- Investigate crimes and submit to the District Attorney for prosecution.
- Represent the City in meetings with community groups, civic organizations, and inter-agencies concerned with law enforcement problems and policies.
- Event services for various City sponsored events such as the 4th of July Parade, Concerts in The Grove, and many community sponsored events such as the Clayton Art and Wine and Oktoberfest.
- Facilitate the VIPS and CERT programs to serve the community.
- Participation in the East Bay Regional Interoperability Communications system.
- Oversee contracted animal control services through Contra Costa County.
- Oversee contracted police dispatch services and police records management through the City of Concord.

City of Clayton
Police Department 06
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular	1,032,834	1,132,832	1,084,138	1,084,138	1,205,892
7112	Temporary Help	-	-	-	-	-
7113	Overtime	117,482	100,000	100,000	100,000	100,000
7116	Part-time Salaries	4,254	6,125	6,125	6,125	6,125
7218	LTD/STD Insurance	8,147	11,351	11,351	10,000	10,455
7219	Deferred Compensation Retirement	2,700	2,700	2,700	2,700	2,700
7220	PERS Retirement - Normal Cost	144,465	165,391	165,391	165,391	176,439
7221	PERS Retirement - Unfunded Liability	177,449	199,180	199,180	199,180	243,966
7231	Workers Comp Insurance	54,800	51,390	51,390	51,390	41,082
7232	Unemployment Insurance	3,635	5,588	5,588	5,588	5,588
7233	FICA Taxes	16,732	18,345	18,345	18,345	19,404
7241	Auto Allowance/Mileage	4,440	4,440	4,440	4,440	4,800
7242	Uniform Allowance	8,550	9,000	9,000	9,000	9,000
7246	Benefit Insurance	151,844	147,367	147,367	147,367	168,962
7301	Recruitment/Pre-employment	3,663	5,000	5,000	3,000	5,000
7311	General Supplies	19,028	17,000	17,000	17,000	17,000
7312	Office Supplies	2,586	5,000	5,000	5,000	5,000
7313	Small Tools & Equipment	-	-	-	-	-
7314	Postage	127	100	100	100	100
7323	Books and Periodicals	-	250	250	400	400
7324	Dues and Subscriptions	9,718	10,000	10,000	10,200	10,200
7325	EBRCSA system user fee	10,800	10,800	10,800	10,800	10,800
7332	Telecommunications	15,178	17,400	17,400	19,000	20,000
7342	Machinery/ Equip Maint.	750	2,000	2,000	1,000	2,000
7343	Vehicle Maintenance	33,392	35,000	35,000	25,000	30,000
7344	Vehicle Gas, Oil, and Supplies	36,624	40,000	40,000	38,000	40,000
7345	Office Equip. Maint. & Repairs	2,245	3,200	3,200	3,200	3,200
7363	Business Meeting Expense	16	200	200	200	200
7364	Employee Recognition	74	200	200	200	200
7365	Volunteer Appreciation	-	-	-	-	-
7371	Travel	19		-	-	-
7373	Education and Training	10,505	15,000	15,000	15,000	15,000
7408	Crossing Guard Services	8,564	14,000	14,000	4,200	28,000
7411	Legal Services Retainer	11,222	10,200	10,200	20,000	11,640
7413	Special Legal Services	7,909	5,000	5,000	20,000	5,000
7417	Janitorial Services	3,000	3,000	3,000	4,000	3,000
7419	Other Prof. Services	2,104	4,000	4,000	4,000	4,000
7424	Dispatch Services	279,073	293,100	293,100	293,100	307,755
7425	Lab Fees	5,714	15,000	15,000	5,000	10,000
7426	Jail Booking Fee	-	5,500	5,500	2,250	5,500
7427	Cal ID Services	13,005	13,000	13,000	13,000	13,000
7429	Animal/Pest Control Services	72,986	76,264	76,264	76,264	75,627
7433	Integrated Justice System (ACCJIN + ARIES)	11,094	12,000	12,000	12,000	12,000
7438	Parking Enforcement - Regency Drive	16,384		3,750	3,750	-
7486	CERF Charges/Depreciation	60,000	60,000	108,694	108,694	60,000
	Total Operating Expenditures	**2,363,112**	**2,525,923**	**2,529,673**	**2,518,022**	**2,689,035**
	Capital Outlay & Other One Time Expenditures					
7485	Capital Outlay	-	-	-		
7419	Professional Services - DOJ Data Connect	-	-	-		
	Total Capital Outlay & Other One Time Exp.	-	-	-	-	-
	Total Expenditures	**2,363,112**	**2,525,923**	**2,529,673**	**2,518,022**	**2,689,035**

Library
Department 07

Department Description

The operation of the Clayton Community Library was the original model for other cities and is looked to as the example in County - City partnerships. While staffing of the Library is run by the County Library System, the City owns and maintains the building and grounds surrounding the Library at City expense. Beginning in FY 2021/22, the County will be providing 40 base hour of library service, this is an increase from their prior 35 hours of base library service.

Services funded:

- General maintenance of library facility and parking lot.
- Ensure fire inspection compliance of library facility.
- HVAC system repairs contract supervision.
- Pest extermination services contract supervision.
- Tree trimming services contract supervision.
- Janitorial services contract supervision.

City of Clayton
Library Department 07
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular	7,526	7,625	7,625	2,800	7,925
7112	Temporary Help	-	-	-	-	-
7113	Overtime	-	-	-	-	-
7218	LTD/STD Insurance	89	76	76	30	69
7220	PERS Retirement - Normal Cost	700	716	716	262	732
7221	PERS Retirement - Unfunded Liability	1,210	747	747	274	985
7231	Workers Comp Insurance	400	344	344	130	269
7232	Unemployment Insurance	39	52	52	19	52
7233	FICA Taxes	119	111	111	40	115
7246	Benefit Insurance	1,365	1,386	1,386	508	1,434
7311	General Supplies	-		-	-	-
7332	Telecommunications	2,126	2,500	2,500	2,500	2,500
7335	Gas & Electric Serv.	54,098	54,000	54,000	55,000	58,000
7338	Water Service	2,178	2,120	2,120	2,120	2,300
7341	Buildings & Grounds Maintenance	10,927	14,100	14,100	10,668	14,300
7343	Vehicle Maintenance	638	700	700	100	500
7344	Vehicle Gas, Oil, and Supplies	306	500	500	100	500
7346	HVAC Mtn & Repairs	8,508	8,400	8,400	7,400	8,500
7417	Janitorial Services	21,478	30,000	30,000	5,637	20,000
7423	Extra & Sunday Operating Hours	6,999	12,554	12,554	12,554	-
7429	Animal/Pest Control Services	1,536	1,900	1,900	1,900	2,000
7435	Contract Seasonal Labor	-	-	-	-	2,000
7440	Tree Trimming Services	2,364	2,000	2,000	2,000	5,000
	Total Operating Expenditures	**122,606**	**139,831**	**139,831**	**104,042**	**127,181**

Engineering
Department 08

Department Description

The Department's duties can be divided into three basic categories: administrative, capital improvements, and land development. The City contracts with Harris & Associates for the performance of these services as the City Engineer.

Services funded:

Administrative

- Administer the City's encroachment permit program as well as the Geological Hazard Abatement District and various special Assessment Districts.
- Coordinate with the Maintenance Department regarding maintenance, operations and the repair of public transportation facilities (e.g. streets; sidewalks).
- Enforcement and continuous update of the City's Standard Plans and Specifications for design and construction.
- Represent the City's interests in regional transportation and funding issues.
- Response to flood zone information requests.
- Serve as the City Engineer.

Capital Improvements

- Administer the City's Capital Improvements Program, including coordination with the City Manager; evaluation and prioritization of Capital Improvement Projects; procurement of funds; right-of-way and land acquisition; and administration of the public bidding process.
- Administer the City's Pavement Management System.
- Supervision of the design and construction of all street and infrastructure projects, including sanitary sewer and storm drainage systems, local roads and traffic lights.

Land Development

- Coordinate with the Planning Department in the review and approval process for all land development projects.
- Plan check and review of construction plans, collection of fees, and construction inspection for all private development and improvements thereto.

City of Clayton
Engineering Department 08
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular					-
7112	Temporary Salaries					-
7218	LTD/STD Insurance					-
7219	Deferred Compensation Retirement					-
7220	PERS Retirement - Normal Cost					-
7221	PERS Retirement - Unfunded Liability					-
7231	Workers Comp Insurance					-
7232	Unemployment Insurance					-
7233	FICA Taxes					-
7241	Auto Allowance/Mileage					-
7246	Benefit Insurance					-
7324	Dues and Subscriptions	958	2,700	2,700	2,700	3,300
7410	Professional Engineering Services	123,103	122,400	122,400	122,400	127,051
7411	Legal Services Retainer	6,255	2,550	2,550	13,060	6,984
7412	Engineering Inspections	-	500	500	-	500
	Total Operating Expenditures	**130,316**	**128,150**	**128,150**	**138,160**	**137,835**
	Capital Outlay & Other One Time Expenditures					
7419	Prof. Svc. - Local Hazard Mitigation Plan	6,511	11,325	11,325	11,325	
7485	Capital Outlay					
8111	Transfer to CIP Fd - Green Infrastructure Plan	18,802	-	-	-	-
	Total Capital Outlay & Other One Time Exp.	**25,313**	**11,325**	**11,325**	**11,325**	**-**
	Total Expenditures	**155,629**	**139,475**	**139,475**	**149,485**	**137,835**

Community Park
Department 09

Department Description

In 2009 the Clayton Community Park was separated into its own department in order to capture the actual costs of maintaining this well used multi-sport and recreational public park.

Services funded:

- Mowing of the turf.
- Ball field turf and sports field grooming.
- Water irrigation supply to ball fields and surrounding vegetation
- Safety inspections of play equipment and apparatus.
- Trash removal and general park clean-up.
- Landscape pruning.
- Janitorial services contract supervision.
- Repairs to and maintenance of the irrigation system.
- Pest extermination services contract supervision.
- Tree trimming services contract supervision.
- All other general maintenance of park fields and facilities.

City of Clayton
Community Park Department 09
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular	53,908	53,374	53,374	53,374	55,477
7112	Temporary Help	1,692	4,388	4,388	4,388	3,978
7113	Overtime	1,996	4,000	4,000	3,000	2,000
7218	LTD/STD Insurance	593	535	535	535	481
7220	PERS Retirement - Normal Cost	4,779	5,013	5,013	5,013	5,125
7221	PERS Retirement - Unfunded Liability	8,022	5,231	5,231	5,231	6,893
7231	Workers Comp Insurance	2,600	2,933	2,933	2,933	2,229
7232	Unemployment Insurance	308	466	466	466	923
7233	FICA Taxes	1,173	1,168	1,168	1,168	1,138
7246	Benefit Insurance	8,888	9,704	9,704	9,704	10,036
7307	Irrigation Supplies	-	4,000	4,000	5,000	5,000
7311	General Supplies	3,823	12,000	12,000	6,000	9,300
7331	Rentals/Leases	-	500	500	-	-
7335	Gas & Electric Serv.	1,607	1,800	1,800	2,100	2,100
7338	Water Service	107,395	134,700	134,700	134,700	134,700
7341	Buildings/Grounds Maintenance	9,331	2,500	2,500	10,500	10,500
7342	Equipment Maintenance	-	-	-	-	5,000
7343	Vehicle Maintenance	3,769	4,000	4,000	2,400	2,500
7344	Vehicle Gas, Oil, and Supplies	1,859	3,500	3,500	3,500	3,500
7417	Janitorial Services	10,761	13,500	13,500	10,043	13,600
7429	Animal/Pest Control Services	816	700	700	7,078	9,020
7435	Contract Seasonal Labor	10,961	18,000	18,000	11,000	11,000
7440	Tree Trimming Services	2,700	8,000	8,000	8,000	12,000
	Total Operating Expenditures	**236,981**	**290,012**	**290,012**	**286,133**	**306,500**

Rainy Day Fund 110

Fund Description

This Fund was established in FY2020/21 to capture any annual surplus identified through the annual financial audit that the City Council wished to earmark for future allocation to one-time purposes. This allowed the Council and City staff to have a consolidated tracking mechanism for these amounts.

FY 2019/20, per the audited financial statement (CAFR), there was a net cash increase of $290,542 in the General Fund which the City Council transferred to the Rainy Day Fund at the Mid-Year Budget review. Also at the Mid-Year Review, the City Council authorized expenditures from the Fund for Election Services; Crossing Guard Services; additional janitorial costs associated with COVID-19; and an increase to help fund an additional replacement police vehicle to ensure that our police fleet is adequately up to date. Those actions brought the balance to $508,574.

Since the Mid-Year Review, the City Council has also authorized an appropriation of up to $330,000 for the completion of the City's required Update to the Housing Element. The current anticipated balance at the end of FY2021/22, including interest earnings, is **$181,475.**

It should be noted here that the Rainy Day Fund represents only a small portion of the City's total General Fund Reserves. Additional Reserve categories will be recommended by staff later in the fiscal year and then may be established by the City Council to further clarify desired uses of the funds.

City of Clayton
Rainy Day Fund Fund 110
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Completion of Prior City Manager Contractual Obligation	-	-	118,774	118,774	
7382	Election Services - November 2020 City Council Election	-	15,000	15,000	9,835	
7408	Crossing Guard Services - Additional (3rd) Crossing Guard at School	-	14,000	14,000	4,200	-
7417	Janitorial Service - Additional Covid 19 Costs		12,500	12,500	2,500	
NEW	Transfer to CERF Fund - New Police Vehicle	-	-	16,306	16,306	-
NEW	Transfer to CIP Fund - Housing Element Update					330,000
	Total Expenditures	**-**	**41,500**	**176,580**	**151,615**	**330,000**
5601	Interest	-	-	-	5,000	3,000
6001	Transfer from General Fund - 6/30/19 Operational Excess	-	333,300	333,300	333,300	
6001	Transfer from General Fund - Remaining Green Infrastructure Allocation	-	31,315	31,315	31,198	
6001	Transfer from General Fund - 6/30/20 Adjusted Operational Surplus	-	-	290,592	290,592	
	Total Revenue	**-**	**364,615**	**655,207**	**660,090**	**3,000**
	Increase (Decrease) in Fund Balance	**-**	**323,115**	**478,627**	**508,475**	**(327,000)**
	Beginning Fund Balance	**-**	**-**	**-**	**-**	**508,475**
	Ending Fund Balance	**-**	**323,115**	**478,627**	**508,475**	**181,475**

Special Revenue Funds 2021/22

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City of Clayton
HUTA Gas Tax Fund 201
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular	12,918	19,062	19,062	9,000	19,813
7112	Temporary Help	-	551	551	600	500
7113	Overtime	3,142	-	-	600	-
7218	LTD/STD Insurance	145	191	191	90	172
7220	PERS Retirement - Normal Cost	1,141	1,790	1,790	841	1,830
7221	PERS Retirement - Unfunded Liability	1,941	1,868	1,868	878	2,462
7231	Workers Comp Insurance	1,000	903	903	424	707
7232	Unemployment Insurance	54	143	143	67	200
7233	FICA Taxes	213	319	319	150	326
7246	Benefit Insurance	2,244	3,466	3,466	1,629	3,584
7311	General Supplies	420	-	-	1,600	1,000
7324	Dues & Subscriptions	-	3,000	3,000		-
7326	Pavement Repair Supplies	146	1,000	1,000	100	1,000
7327	Arterial Street Light Supplies	-	1,000	1,000	-	1,000
7335	Gas & Electric Serv.	48,864	54,000	54,000	48,000	48,000
7340	Traffic Safety Supplies	9,555	9,000	9,000	9,000	9,000
7343	Vehicle Maintenance	1,094	2,500	2,500	1,000	1,000
7344	Vehicle Gas, Oil, and Supplies	527	2,000	2,000	1,000	1,000
7349	Traffic Signal Maintenance	33,980	43,000	43,000	35,000	35,000
7350	Pavement and Sidewalk Repair/Maintenance	17,766	30,000	30,000	2,000	30,000
7381	Property Tax Admin Cost	300	400	400	400	400
7419	Other Prof. Services	33,649	21,300	21,300	21,300	25,000
7435	Contract Seasonal Labor	-	-	-	-	-
7450	Street Light Maintenance	3,338	4,000	4,000	3,500	4,000
7485	Capital Outlay - Machinery Vehicles & Equip.				13,347	-
7486	CERF Charges/Depreciation	4,500	4,500	4,500	4,500	4,500
8101	Fund Admin - Transfer to GF	8,060	8,150	8,150	8,150	8,460
8111	Transfer to CIP Fund	15,683	474,724	501,898	501,897	149,825
	Total Expenditures	**200,680**	**686,867**	**714,041**	**665,073**	**348,779**
4101	Property Taxes - Secured	37,525	38,300	38,300	39,203	39,900
4102	Property Taxes - Unsecured	1,287	1,200	1,200	1,237	1,200
4103	Property Taxes - Unitary Tax	494	500	500	501	500
4104	Property Taxes - Supplemental	995	900	900	71	300
4106	Property Taxes - Other	290	300	300	2	100
5209	State Gasoline 2105	59,443	66,743	62,158	59,012	64,178
5210	State Gasoline 2106	41,903	48,677	42,403	40,522	43,720
5211	State Gasoline 2107	75,058	83,936	78,897	74,834	81,622
5212	State Gasoline 2107.5	3,000	3,000	3,000	3,000	3,000
5216	State of CA Sec 2103 (Prop 42)	80,352	40,639	90,180	73,079	87,364
5219	State Gasoline Loan Repayments	13,101	-	-	-	-
5601	Interest	6,946	3,000	3,000	4,000	3,000
5606	Unrealized Inv. Gain/Loss	7,878	-	-	-	-
5790	Other Revenues	-				
	Total Revenue	**328,272**	**287,195**	**320,838**	**295,461**	**324,884**
	Increase (Decrease) in Fund Balance	**127,592**	**(399,672)**	**(393,203)**	**(369,612)**	**(23,895)**
	Beginning Fund Balance (Deficit)	**267,695**	**400,057**	**400,057**	**395,287**	**25,675**
	Ending Fund Balance	**395,287**	**385**	**6,854**	**25,675**	**1,780**

City of Clayton
RMRA Gas Tax Fund 202
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
8111	Transfer to CIP Fund	-	359,147	359,147	359,147	445,000
Total Expenditures		**-**	**359,147**	**359,147**	**359,147**	**445,000**
5218	State Gasoline 2030 (RMRA)	219,588	178,271	207,959	194,329	217,787
5601	Interest	5,837	1,000	4,200	4,200	4,200
5606	Unrealized Inv. Gain/Loss	7,429	-	-	-	-
Total Revenue		**232,854**	**179,271**	**212,159**	**198,529**	**221,987**
Increase (Decrease) in Fund Balance		**232,854**	**(179,876)**	**(146,988)**	**(160,618)**	**(223,013)**
Beginning Fund Balance		**195,645**	**381,037**	**381,037**	**428,499**	**267,881**
Ending Fund Balance		**428,499**	**201,161**	**234,049**	**267,881**	**44,868**

City of Clayton
Landscape Maintenance District Fund 210 (CFD 2007-1)
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular	218,753	228,746	228,746	245,000	237,756
7112	Temporary Help	3,757	22,793	22,793	12,000	20,665
7113	Overtime	1,075	2,000	2,000	2,700	2,000
7218	LTD/STD Insurance	2,379	2,292	2,292	2,455	2,061
7220	PERS Retirement - Normal Cost	19,565	21,486	21,486	23,012	21,966
7221	PERS Retirement - Unfunded Liability	32,190	22,418	22,418	24,010	29,540
7231	Workers Comp Insurance	15,715	12,199	12,199	13,066	9,587
7232	Unemployment Insurance	1,291	2,090	2,090	2,240	4,464
7233	FICA Taxes	3,694	5,089	5,089	5,450	5,057
7246	Benefit Insurance	33,613	41,588	41,588	44,543	43,013
7301	Recruitment/Pre-employment	-	-	-	250	250
7306	Trail Fixture Repairs/Replacement	54	175,000	175,000	-	320,000
7307	Irrigation Supplies and Materials	10,869	-	-	-	10,000
7308	Weed Abatement Supplies and Materials	10,003	-	-	-	20,000
7309	Plant Nutrition Supplies and Materials	1,177	-	-	-	10,000
7311	General Supplies	5,808	45,000	45,000	12,900	14,300
7316	Replacement Plants (Shrubs, Trees, etc.)	-	20,000	20,000	3,000	20,000
7335	Gas & Electric Service	28,672	34,400	34,400	30,000	50,000
7338	Water Service	233,372	242,800	242,800	220,000	240,000
7340	Traffic Safety Supplies	2,817	-	-	1,000	1,000
7341	Buildings/Grounds Maintenance	13,243	17,000	17,000	37,728	36,910
7342	Machinery/Equipment Maint.	7,867	17,000	17,000	14,912	21,050
7343	Vehicle Maintenance	16,480	24,000	24,000	12,000	15,000
7344	Vehicle Gas, Oil, and Supplies	7,957	18,000	18,000	12,500	14,000
7381	Property Tax Admin Cost	3,740	4,000	4,000	4,000	4,100
7382	Election Services	-	-	-	-	-
7389	Miscellaneous	-	-	-	-	-
7411	Professional Services Retainer (Legal)	-	-	-	-	-
7419	Other Prof. Services	5,934	7,000	7,000	6,906	7,100
7429	Animal/Pest Control Services	608	5,000	5,000	5,203	15,000
7435	Contract Seasonal Labor	85,413	160,000	160,000	106,100	160,000
7440	Tree Trimming Services	62,738	100,000	100,000	100,000	300,000
7445	Weed Abatement Services	172,429	166,586	166,586	153,586	201,230
7486	CERF Charges/Depreciation	30,000	30,000	30,000	30,000	30,000
7520	Project/Program costs	291,958	222,000	222,000	68,006	204,500
7615	Property Taxes	2,961	3,000	3,000	3,000	3,030
8101	Fund Admin - Transfer to GF	38,760	39,190	39,190	39,190	40,679
8111	Transfer to CIP Fund	-	-	-	-	-
8113	Transfer to Stormwater Fund	1,090	1,130	1,130	1,130	1,130
	Total Expenditures	**1,365,982**	**1,691,807**	**1,691,807**	**1,235,887**	**2,115,388**
4604	Clayton LMD Special Parcel Tax	1,156,944	1,168,107	1,168,107	1,169,764	1,204,857
5601	Interest	22,510	24,000	24,000	16,000	15,000
5606	Unrealized Inv Gain/Loss	21,675	-	-	-	-
5702	Donations/Contributions	1,804	-	-		
	Total Revenue	**1,202,933**	**1,192,107**	**1,192,107**	**1,185,764**	**1,219,857**
	Increase (Decrease) in Fund Balance	**(163,049)**	**(499,700)**	**(499,700)**	**(50,123)**	**(895,531)**
	Beginning Fund Balance	**1,226,636**	**1,056,841**	**1,056,841**	**1,063,587**	**1,013,464**
	Ending Fund Balance	**1,063,587**	**557,141**	**557,141**	**1,013,464**	**117,933**

City of Clayton
The Grove Park Fund 211 (CFD 2006-1)
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular	18,713	15,250	15,250	19,680	15,850
7112	Temporary Help	1,760	5,625	5,625	1,860	5,100
7113	Overtime	1,662	2,000	2,000	300	2,000
7218	LTD/STD Insurance	208	153	153	217	137
7220	PERS Retirement - Normal Cost	1,667	1,432	1,432	2,033	1,464
7221	PERS Retirement - Unfunded Liability	2,805	1,495	1,495	2,123	1,969
7231	Workers Comp Insurance	1,000	1,220	1,220	1,732	965
7232	Unemployment Insurance	75	234	234	332	820
7233	FICA Taxes	302	680	680	966	649
7246	Benefit Insurance	3,074	2,773	2,773	3,938	2,868
7311	General Supplies	489	5,000	5,000	2,071	2,800
7331	Rentals/Leases	-	-	-	-	-
7335	Gas & Electric Serv.	1,793	1,980	1,980	1,980	2,000
7338	Water Service	20,505	28,000	28,000	18,000	22,000
7341	Buildings/Grounds Maintenance	2,991	6,300	6,300	3,504	7,800
7342	Machinery/Equipment Maint.	-	1,000	1,000	2,513	500
7343	Vehicle Maintenance	1,551	1,500	1,500	900	1,000
7344	Vehicle Gas, Oil, and Supplies	742	1,000	1,000	1,024	1,200
7381	Property Tax Admin Cost	3,744	4,000	4,000	3,744	3,744
7413	Special Legal Services	-	-	-	-	-
7417	Janitorial Services	10,369	14,000	14,000	11,616	13,000
7419	Other Prof. Services	4,822	4,920	4,920	4,952	5,020
7429	Animal/Pest Control Services	-	710	710	710	750
7435	Contract Seasonal Labor	6,498	9,000	9,000	2,000	7,000
7440	Tree Trimming Services	4,950	10,000	10,000	9,975	10,000
7484	Capital Outlay - Structures & Imp.	-	6,500	6,500	1,500	27,000
7485	Capital Outlay - Equipment & Machinery	-	-	-	-	70,000
7486	CERF Charges/Depreciation	2,700	2,700	2,700	2,700	2,700
7615	Property Taxes	527	560	560	533	560
8101	Fund Admin - Transfer to GF	7,880	7,970	7,970	7,970	8,273
	Total Expenditures	**100,827**	**136,002**	**136,002**	**108,873**	**217,169**
4613	Downtown Park Special Parcel Tax - O&M	115,090	119,230	119,230	116,608	120,796
4613	Downtown Park Special Parcel Tax - Capital	18,000	18,000	18,000	18,000	18,000
4613	Downtown Park Special Parcel Tax - Restricted	5,000	5,000	5,000	5,000	5,000
5601	Interest	7,206	6,400	6,400	6,400	6,400
5602	Park Use Fee	1,125	1,200	1,200	-	1,000
5606	Unrealized Inv Gain/Loss	7,523	-	-	-	-
5701	Reimbursement/Refunds	-	-	-	-	-
5702	Donations & Contributions	1,000	-	-	-	-
	Total Revenue	**154,944**	**149,830**	**149,830**	**146,008**	**151,196**
	Increase (Decrease) in Fund Balance	**54,117**	**13,828**	**13,828**	**37,135**	**(65,973)**
	Beginning Fund Balance	**352,339**	**393,102**	**393,102**	**406,456**	**443,591**
	Ending Fund Balance	**406,456**	**406,930**	**406,930**	**443,591**	**377,618**
	Ending Fund Balance Includes:					
	Unrestricted Reserve	228,254	183,545	183,545	237,389	218,416
	Asset Replacement Reserve	118,202	153,385	153,385	136,202	84,202
	Unallocated Stabilization Reserve	60,000	70,000	70,000	70,000	75,000
	Total Fund Balance	**406,456**	**406,930**	**406,930**	**443,591**	**377,618**

City of Clayton
Geological Hazard and Abatement District (GHAD) Fund 212
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7314	Postage	743	800	800	800	850
7350	Pavement Repairs/Maintenance	-	-	-	-	-
7351	Insurance Premiums	6,052	7,000	7,000	7,000	7,000
7381	Property Tax Admin Cost	1,038	1,090	1,090	1,038	1,550
7384	Legal Notices	-	100	100	100	100
7389	Misc. Expenses	-	300	300	300	300
7411	Legal Services Retainer	-	-	-	-	-
7412	Engineering Services	5,888	15,000	15,000	15,000	5,000
7413	Special Legal Services	-	1,500	1,500	1,500	1,000
7520	Project Costs	2,635	63,193	63,193	3,289	104,412
8101	Fund Admin - Transfer to GF	7,780	7,870	7,870	7,870	8,169
	Total Expenditures	**24,136**	**96,853**	**96,853**	**36,897**	**128,381**
4606	GHAD Assessment	41,064	43,250	43,250	42,778	44,894
5601	Interest	878	200	200	700	210
5606	Unrealized Inv. Gain/Loss	1,067	-	-	-	-
NEW	Transfer fom Presley GHAD Settlement Fund	-	-	-	-	20,084
	Total Revenue	**43,009**	**43,450**	**43,450**	**43,478**	**65,188**
	Increase (Decrease) in Fund Balance	**18,873**	**(53,403)**	**(53,403)**	**6,581**	**(63,193)**
	Beginning Fund Balance	**37,739**	**53,633**	**53,633**	**56,612**	**63,193**
	Ending Fund Balance	**56,612**	**230**	**230**	**63,193**	**-**

City of Clayton
Presley GHAD Settlement Fund 213
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7520	Project Costs	-	-	-	-	-
NEW	Transfer to GHAD Fund 212	-	-	-	-	20,084
	Total Expenditures	**-**	**-**	**-**	**-**	**20,084**
5601	Interest Income	2,181	2,200	2,200	1,800	1,800
5606	Unrealized Investment Gain/Loss GASB31	2,056	-	-	-	-
	Total Revenue	**4,237**	**2,200**	**2,200**	**1,800**	**1,800**
	Increase in Fund Balance	**4,237**	**2,200**	**2,200**	**1,800**	**(18,284)**
	Beginning Fund Balance	**107,916**	**110,116**	**110,116**	**112,153**	**113,953**
	Ending Fund Balance	**112,153**	**112,316**	**112,316**	**113,953**	**95,669**

City of Clayton
Neighborhood Street Light Assessment District Fund 214
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular					
7113	Overtime	1,074	-	-	6,000	-
7311	General Supplies	128	500	500	500	500
7335	Gas & Electric Serv.	112,852	131,500	131,500	116,000	127,600
7381	Property Tax Admin Cost	3,680	3,900	3,900	3,680	3,680
7389	Misc. Expenses	-	330	330	330	330
7412	Engineering/Inspection Service	1,421	1,000	1,000	1,000	1,000
7419	Other Prof. Services	220	250	250	250	250
7450	Street Light Maintenance	9,731	16,000	16,000	16,000	16,000
8101	Fund Admin - Transfer to GF	12,390	12,530	12,530	12,530	13,006
	Total Expenditures	**141,496**	**166,010**	**166,010**	**156,290**	**162,366**
4607	Neighborhood Street Light Assessment	125,991	125,991	125,991	125,991	125,991
5601	Interest	1,726	1,800	1,800	1,000	800
5606	Unrealized Inv. Gain/Loss	1,734	-	-	-	-
	Total Revenue	**129,451**	**127,791**	**127,791**	**126,991**	**126,791**
	Increase (Decrease) in Fund Balance	**(12,045)**	**(38,219)**	**(38,219)**	**(29,299)**	**(35,575)**
	Beginning Fund Balance	**96,552**	**75,222**	**75,222**	**84,507**	**55,207**
	Ending Fund Balance	**84,507**	**37,003**	**37,003**	**55,207**	**19,631**

City of Clayton
Stormwater Fund 216
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular	20,887	22,875	22,875	14,310	23,776
7112	Temporary Help	-	2,906	2,906	578	2,635
7113	Overtime	-	-	-	123	-
7218	LTD/STD Insurance	202	229	229	73	206
7220	PERS Retirement - Normal Cost	1,656	2,149	2,149	1,285	2,197
7221	PERS Retirement - Unfunded Liability	2,755	2,242	2,242	1,307	2,954
7231	Workers Comp Insurance	1,100	1,260	1,260	1,083	992
7232	Unemployment Insurance	13	224	224	224	526
7233	FICA Taxes	339	554	554	286	546
7246	Benefit Insurance	2,444	4,159	4,159	2,245	4,301
7311	General Supplies	123	4,000	4,000	4,137	1,000
7341	Building/Grounds Maintenance	1,200	15,200	15,200	22,764	1,200
7343	Vehicle Maintenance	1,827	2,000	2,000	2,000	2,000
7344	Vehicle Gas, Oil, and Supplies	818	2,000	2,000	2,000	2,000
7373	Education and Training	-	500	500	-	-
7389	Misc. Expenses	-	-	-	-	-
7409	Street Sweeping Services	54,000	55,900	55,900	55,900	55,900
7411	Professional Services Retainer (Legal)	-	-	-	-	-
7412	Engineering Services	-	2,000	2,000	2,000	2,000
7419	Other Prof. Services	220	1,720	1,720	1,720	1,720
7435	Contract Seasonal Labor	18,482	15,000	15,000	14,938	6,000
7481	State Regional Annual Discharge Fee	8,539	10,000	10,000	8,992	9,000
7486	CERF Charges/Depreciation	4,700	4,700	4,700	4,700	4,700
7520	Project/Program Costs - Outreach	-	500	500	-	-
8101	Fund Admin - Transfer to GF	39,990	40,430	40,430	40,430	41,966
	Total Expenditures	**159,295**	**190,548**	**190,548**	**181,095**	**165,619**
	Stormwater Assessment ERU Gross	126,062	126,306	126,306	126,306	126,306
	NPDES Group Program costs	(34,801)	(35,014)	(35,014)	(35,014)	(34,397)
	Commercial Insp by Central San	(4,293)	(8,000)	(8,000)	(8,000)	(8,000)
	Flood Control Dist Fiscal Mgmt Cost	(689)	(3,000)	(3,000)	(3,000)	(3,000)
	County Auditor/Controller Costs	(3,726)	(3,800)	(3,800)	(3,800)	(3,800)
	Mandatory Min. Reserve Withdrawl/(Deposit)	(3,000)	(3,000)	(3,000)	(3,000)	(3,000)
	Adjustment (Third Installment Timing)		-	-	-	-
4602	*Net Assessment Revenue*	79,553	73,492	73,492	73,492	74,109
4603	Stormwater O & M Annual Fee	5,048	5,020	5,020	5,020	5,020
5324	Street Sweeping Fees	58,317	55,900	55,900	55,900	55,900
5601	Interest	738	1,000	1,000	700	600
5606	Unrealized Inv. Gain/Loss	724	-	-	-	-
6007	Transfer from Landscape Maintenance Fund	1,090	1,130	1,130	1,130	1,130
	Total Revenue	**145,470**	**136,542**	**136,542**	**136,242**	**136,759**
	(Decrease) in Fund Balance	**(13,825)**	**(54,006)**	**(54,006)**	**(44,853)**	**(28,860)**
	Beginning Fund Balance	**87,986**	**55,339**	**55,339**	**74,161**	**29,308**
	Ending Fund Balance	**74,161**	**1,333**	**1,333**	**29,308**	**448**

City of Clayton
Measure J Fund 220
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7324	Dues and Subscriptions	1,207	2,000	2,000	2,000	2,000
7385	Transpac Fees	24,969	30,000	30,000	23,292	30,000
8101	Fund Admin - Transfer to GF	4,830	4,890	4,890	4,890	5,076
8111	Transfer to CIP Fund	-	319,153	319,153	319,153	-
	Total Expenditures	**31,006**	**356,043**	**356,043**	**349,335**	**37,076**
5223	Measure J Tax (Local Streets)	275,395	220,100	220,100	235,382	239,204
5225	Measure J Program 28a (Co-op)	-	22,086	22,086	30,576	31,072
5601	Interest Income	3,360	2,000	2,000	1,000	900
5606	Unrealized Inv. Gain/Loss	6,329	-	-	-	-
	Total Revenue	**285,084**	**244,186**	**244,186**	**266,958**	**271,176**
	Increase (Decrease) in Fund Balance	**254,078**	**(111,857)**	**(111,857)**	**(82,377)**	**234,100**
	Beginning Fund Balance (Deficit)	**(165,787)**	**111,857**	**111,857**	**88,291**	**5,914**
	Ending Fund Balance	**88,291**	**-**	**-**	**5,914**	**240,014**
	Fund Balance Restricted for:					
	Local Streets Maintenance Program	54,438	-	-	10,063	213,091
	Co-operative 28(a) Program	33,853	-	-	(4,149)	26,923
	Total Fund Balance	**88,291**	**-**	**-**	**5,914**	**240,014**

City of Clayton
Restricted Grants Fund 230
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular	70,906	79,362	79,362	167,342	83,436
7113	Overtime	7,573	25,000	25,000	3,000	-
7218	LTD/STD Insurance	3,412	795	795	795	723
7220	PERS Retirement - Normal Cost	9,242	10,412	10,412	10,412	11,015
7231	Workers Comp Insurance	3,700	3,581	3,581	3,581	2,828
7232	Unemployment Insurance	-	434	434	434	434
7233	FICA Taxes	1,064	1,513	1,513	1,513	1,210
7242	Uniform Allowance	900	900	900	900	900
7246	Benefit Insurance	122	116	116	116	107
7311	General Supplies	1,526	27,400	27,400	31,329	29,400
7312	Office Supplies	-	-	-	1,512	-
7313	Small Tools & Equipment	-	-	-	-	-
7324	Dues & Subscriptions	-	-	-	-	-
7331	Rentals/Leases	-	-	-	2,330	-
7332	Telecommunications	18,157	12,000	12,000	18,740	18,000
7342	Machinery/Equipment Maintenance	-	-	-	-	-
7371	Travel	-	-	-	-	-
7373	Education & Training	-	5,000	5,000	-	-
7411	Professional Services Retainer	-	-	-	-	-
7415	Computer/IT Support	14,029	40,700	40,700	86,394	40,700
7417	Janitorial Services	-	-	-	756	-
7419	Other Professional Services	23,040	22,170	22,170	24,661	16,070
7420	Administrative Costs	-	-	-	-	-
7424	Dispatch Services	-	-	-	-	-
7484	Capital Outlay - Structures & Improvements	-	-	-	-	-
7485	Capital Outlay - Equipment and Machinery	9,520	49,800	49,800	54,999	82,800
7520	Project/Program costs	-	15,821	15,821	-	-
8101	Transfer to GF for Eligible Recycling Costs	-	-	-	14,815	10,000
NEW	Transfer to CIP Fund - Housing Element Update	-	-	-	-	85,000
	Total Expenditures	**163,191**	**295,004**	**295,004**	**423,629**	**382,623**
5240	Recycling Grant	-	5,000	5,000	5,000	5,000
5250	PEG Fees	14,941	15,200	15,200	14,563	14,100
5260	SLESF - PD	155,948	100,000	100,000	156,727	156,000
5275	SSMP Reimbursement (Concord)	2,415	-	-	-	-
5285	FEMA Grant - Local Hazard Mitigation Plan	-	-	-	-	96,960
5286	CARES Act	-	-	-	139,979	-
NEW	American Rescue Plan	-	-	-	-	-
NEW	REAP Grant - Housing Element Update	-	-	-	-	20,000
NEW	LEAP Grant - Housing Element Update	-	-	-	-	65,000
NEW	SB 2 Grant - ADU	-	-	-	-	160,000
5601	Interest Income	7,509	7,100	7,100	5,151	4,220
5606	Unrealized Inv. Gain/Loss	6,922	-	-	-	-
	Total Revenue	**187,735**	**127,300**	**127,300**	**321,420**	**521,280**
	Increase (Decrease) in Fund Balance	**24,544**	**(167,704)**	**(167,704)**	**(102,209)**	**138,657**
	Beginning Fund Balance	**356,855**	**363,584**	**363,584**	**381,399**	**279,190**
	Ending Fund Balance	**381,399**	**195,880**	**195,880**	**279,190**	**417,847**

City of Clayton
Restricted Grants - American Rescue Plan - Project Number NEW
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular					
7113	Overtime					
7218	LTD/STD Insurance					
7220	PERS Retirement - Normal Cost					
7231	Workers Comp Insurance					
7232	Unemployment Insurance					
7233	FICA Taxes					
7242	Uniform Allowance					
7246	Benefit Insurance					
7311	General Supplies					
7312	Office Supplies					
7313	Small Tools & Equipment					
7324	Dues & Subscriptions					
7331	Rentals/Leases					
7332	Telecommunications					
7342	Machinery/Equipment Maintenance					
7371	Travel					
7373	Education & Training					
7411	Professional Services Retainer					
7415	Computer/IT Support					
7417	Janitorial Services					
7419	Other Professional Services					
7420	Administrative Costs					
7484	Capital Outlay - Structures & Improvements					
7485	Capital Outlay - Equipment and Machinery					
7520	Project/Program costs					
	Total Expenditures	**-**	**-**	**-**	**-**	**-**
NEW	American Rescue Plan					
5601	Interest Income					
	Total Revenue	**-**	**-**	**-**	**-**	**-**
	Increase (Decrease) in Fund Balance	**-**	**-**	**-**	**-**	**-**
	Beginning Fund Balance	**-**	**-**	**-**	**-**	**-**
	Ending Fund Balance	**-**	**-**	**-**	**-**	**-**

City of Clayton
Restricted Grants - CARES Act - Project Number CARES
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular				48,694	
7113	Overtime					
7218	LTD/STD Insurance					
7220	PERS Retirement - Normal Cost					
7231	Workers Comp Insurance					
7232	Unemployment Insurance					
7233	FICA Taxes					
7242	Uniform Allowance					
7246	Benefit Insurance					
7311	General Supplies				1,929	
7312	Office Supplies				1,512	
7313	Small Tools & Equipment					
7324	Dues & Subscriptions					
7331	Rentals/Leases				2,330	
7332	Telecommunications				740	
7342	Machinery/Equipment Maintenance					
7371	Travel					
7373	Education & Training					
7411	Professional Services Retainer					
7415	Computer/IT Support				45,694	
7417	Janitorial Services				756	
7419	Other Professional Services				8,591	
7420	Administrative Costs					
7484	Capital Outlay - Structures & Improvements					
7485	Capital Outlay - Equipment and Machinery				29,999	
7520	Project/Program costs					
	Total Expenditures	**-**	**-**	**-**	**140,245**	**-**
5286	CARES Act				139,979	-
5601	Interest Income				266	
	Total Revenue	**-**	**-**	**-**	**140,245**	**-**
	Increase (Decrease) in Fund Balance	**-**	**-**	**-**	**-**	**-**
	Beginning Fund Balance	**-**	**-**	**-**	**-**	**-**
	Ending Fund Balance	**-**	**-**	**-**	**-**	**-**

City of Clayton
Restricted Grants - Comcast PEG Grant - Project Number 5051
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular					
7113	Overtime					
7218	LTD/STD Insurance					
7220	PERS Retirement - Normal Cost					
7231	Workers Comp Insurance					
7232	Unemployment Insurance					
7233	FICA Taxes					
7242	Uniform Allowance					
7246	Benefit Insurance					
7311	General Supplies					
7312	Office Supplies					
7313	Small Tools & Equipment					
7324	Dues & Subscriptions					
7331	Rentals/Leases					
7332	Telecommunications		12,000	12,000	-	
7342	Machinery/Equipment Maintenance					
7371	Travel					
7373	Education & Training					
7411	Professional Services Retainer					
7415	Computer/IT Support	14,029	40,700	40,700	40,700	40,700
7417	Janitorial Services					
7419	Other Professional Services	4,375	6,100	6,100		
7420	Administrative Costs					
7484	Capital Outlay - Structures & Improvements					
7485	Capital Outlay - Equipment and Machinery	8,335	19,800	19,800	2,000	19,800
7520	Project/Program costs					
	Total Expenditures	**26,739**	**78,600**	**78,600**	**42,700**	**60,500**
5250	PEG Fees	14,941	15,200	15,200	14,563	14,100
5601	Interest Income	4,349			3,000	2,800
	Total Revenue	**19,290**	**15,200**	**15,200**	**17,563**	**16,900**
	Increase (Decrease) in Fund Balance	**(7,449)**	**(63,400)**	**(63,400)**	**(25,137)**	**(43,600)**
	Beginning Fund Balance	**217,244**	**214,864**	**214,864**	**209,795**	**184,658**
	Ending Fund Balance	**209,795**	**151,464**	**151,464**	**184,658**	**141,058**

City of Clayton
Restricted Grants - Comcast Technology Grant - Project Number 5050
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular					
7113	Overtime					
7218	LTD/STD Insurance					
7220	PERS Retirement - Normal Cost					
7231	Workers Comp Insurance					
7232	Unemployment Insurance					
7233	FICA Taxes					
7242	Uniform Allowance					
7246	Benefit Insurance					
7311	General Supplies					
7312	Office Supplies					
7313	Small Tools & Equipment					
7324	Dues & Subscriptions					
7331	Rentals/Leases					
7332	Telecommunications					
7342	Machinery/Equipment Maintenance					
7371	Travel					
7373	Education & Training					
7411	Professional Services Retainer					
7415	Computer/IT Support					
7417	Janitorial Services					
7419	Other Professional Services					
7420	Administrative Costs					
7484	Capital Outlay - Structures & Improvements					
7485	Capital Outlay - Equipment and Machinery		30,000	30,000	5,000	30,000
7520	Project/Program costs					
	Total Expenditures	**-**	**30,000**	**30,000**	**5,000**	**30,000**
5601	Interest Income	854			520	420
	Total Revenue	**854**	**-**	**-**	**520**	**420**
	Increase (Decrease) in Fund Balance	**854**	**(30,000)**	**(30,000)**	**(4,480)**	**(29,580)**
	Beginning Fund Balance	**40,435**	**32,435**	**32,435**	**41,289**	**36,809**
	Ending Fund Balance	**41,289**	**2,435**	**2,435**	**36,809**	**7,229**

City of Clayton
Restricted Grants - FEMA Local Hazard Mitigation Plan - Project Number NEW
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular					
7113	Overtime					
7218	LTD/STD Insurance					
7220	PERS Retirement - Normal Cost					
7231	Workers Comp Insurance					
7232	Unemployment Insurance					
7233	FICA Taxes					
7242	Uniform Allowance					
7246	Benefit Insurance					
7311	General Supplies					
7312	Office Supplies					
7313	Small Tools & Equipment					
7324	Dues & Subscriptions					
7331	Rentals/Leases					
7332	Telecommunications					
7342	Machinery/Equipment Maintenance					
7371	Travel					
7373	Education & Training					
7411	Professional Services Retainer					
7415	Computer/IT Support					
7417	Janitorial Services					
7419	Other Professional Services					
7420	Administrative Costs					
7424	Dispatch Services					
7484	Capital Outlay - Structures & Improvements					
7485	Capital Outlay - Equipment and Machinery					
7520	Project/Program costs					
	Total Expenditures	**-**	**-**	**-**	**-**	**-**
5285	FEMA Grant - Local Hazard Mitigation Plan	-	-	-	-	96,960
5601	Interest Income					
	Total Revenue	**-**	**-**	**-**	**-**	**96,960**
	Increase (Decrease) in Fund Balance	**-**	**-**	**-**	**-**	**96,960**
	Beginning Fund Balance	**-**	**-**	**-**	**-**	**-**
	Ending Fund Balance	**-**	**-**	**-**	**-**	**96,960**

City of Clayton
Restricted Grants - LEAP (HCD) - Housing Element - Project Number NEW
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular					
7113	Overtime					
7218	LTD/STD Insurance					
7220	PERS Retirement - Normal Cost					
7231	Workers Comp Insurance					
7232	Unemployment Insurance					
7233	FICA Taxes					
7242	Uniform Allowance					
7246	Benefit Insurance					
7311	General Supplies					
7312	Office Supplies					
7313	Small Tools & Equipment					
7324	Dues & Subscriptions					
7331	Rentals/Leases					
7332	Telecommunications					
7342	Machinery/Equipment Maintenance					
7371	Travel					
7373	Education & Training					
7411	Professional Services Retainer					
7415	Computer/IT Support					
7417	Janitorial Services					
7419	Other Professional Services					
7420	Administrative Costs					
7424	Dispatch Services					
7484	Capital Outlay - Structures & Improvements					
7485	Capital Outlay - Equipment and Machinery					
7520	Project/Program costs					
NEW	Transfer to CIP Fund - Housing Element Update					65,000
	Total Expenditures	**-**	**-**	**-**	**-**	**65,000**
NEW	LEAP Grant - Housing Element Update	-	-	-	-	65,000
5601	Interest Income					
	Total Revenue	**-**	**-**	**-**	**-**	**65,000**
	Increase (Decrease) in Fund Balance	**-**	**-**	**-**	**-**	**-**
	Beginning Fund Balance	**-**	**-**	**-**	**-**	**-**
	Ending Fund Balance	**-**	**-**	**-**	**-**	**-**

City of Clayton
Restricted Grants - REAP (OBAG/MTC) - Housing Element - Project Number NEW
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular					
7113	Overtime					
7218	LTD/STD Insurance					
7220	PERS Retirement - Normal Cost					
7231	Workers Comp Insurance					
7232	Unemployment Insurance					
7233	FICA Taxes					
7242	Uniform Allowance					
7246	Benefit Insurance					
7311	General Supplies					
7312	Office Supplies					
7313	Small Tools & Equipment					
7324	Dues & Subscriptions					
7331	Rentals/Leases					
7332	Telecommunications					
7342	Machinery/Equipment Maintenance					
7371	Travel					
7373	Education & Training					
7411	Professional Services Retainer					
7415	Computer/IT Support					
7417	Janitorial Services					
7419	Other Professional Services					
7420	Administrative Costs					
7424	Dispatch Services					
7484	Capital Outlay - Structures & Improvements					
7485	Capital Outlay - Equipment and Machinery					
7520	Project/Program costs					
NEW	Transfer to CIP Fund - Housing Element Update					20,000
	Total Expenditures	**-**	**-**	**-**	**-**	**20,000**
NEW	REAP Grant - Housing Element Update	-	-	-	-	20,000
5601	Interest Income					
	Total Revenue	**-**	**-**	**-**	**-**	**20,000**
	Increase (Decrease) in Fund Balance	**-**	**-**	**-**	**-**	**-**
	Beginning Fund Balance	**-**	**-**	**-**	**-**	**-**
	Ending Fund Balance	**-**	**-**	**-**	**-**	**-**

City of Clayton
Restricted Grants - Recycling Grant - Pre FY 2015 - Project Number 5054
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular					
7113	Overtime					
7218	LTD/STD Insurance					
7220	PERS Retirement - Normal Cost					
7231	Workers Comp Insurance					
7232	Unemployment Insurance					
7233	FICA Taxes					
7242	Uniform Allowance					
7246	Benefit Insurance					
7311	General Supplies	1,526				
7312	Office Supplies					
7313	Small Tools & Equipment					
7324	Dues & Subscriptions					
7331	Rentals/Leases					
7332	Telecommunications					
7342	Machinery/Equipment Maintenance					
7371	Travel					
7373	Education & Training					
7411	Professional Services Retainer					
7415	Computer/IT Support					
7417	Janitorial Services					
7419	Other Professional Services					
7420	Administrative Costs					
7424	Dispatch Services					
7484	Capital Outlay - Structures & Improvements					
7485	Capital Outlay - Equipment and Machinery					
7520	Project/Program costs		5,639	5,639		
8101	Transfer to GF for Eligible Recycling Costs				4,295	
	Total Expenditures	**1,526**	**5,639**	**5,639**	**4,295**	**-**
5240	Recycling Grant	-				
5601	Interest Income	87			34	
	Total Revenue	**87**	**-**	**-**	**34**	**-**
	Increase (Decrease) in Fund Balance	**(1,439)**	**(5,639)**	**(5,639)**	**(4,261)**	**-**
	Beginning Fund Balance	**5,700**	**5,700**	**5,700**	**4,261**	**-**
	Ending Fund Balance	**4,261**	**61**	**61**	**-**	**-**

City of Clayton
Restricted Grants - Recycling Grant - FY 2017 - Project Number 5054-FY17
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular					
7113	Overtime					
7218	LTD/STD Insurance					
7220	PERS Retirement - Normal Cost					
7231	Workers Comp Insurance					
7232	Unemployment Insurance					
7233	FICA Taxes					
7242	Uniform Allowance					
7246	Benefit Insurance					
7311	General Supplies					
7312	Office Supplies					
7313	Small Tools & Equipment					
7324	Dues & Subscriptions					
7331	Rentals/Leases					
7332	Telecommunications					
7342	Machinery/Equipment Maintenance					
7371	Travel					
7373	Education & Training					
7411	Professional Services Retainer					
7415	Computer/IT Support					
7417	Janitorial Services					
7419	Other Professional Services					
7420	Administrative Costs					
7424	Dispatch Services					
7484	Capital Outlay - Structures & Improvements					
7485	Capital Outlay - Equipment and Machinery					
7520	Project/Program costs		130	130		
8101	Transfer to GF for Eligible Recycling Costs					
	Total Expenditures	**-**	**130**	**130**	**-**	**-**
5240	Recycling Grant	(5,000)				
5601	Interest Income	(185)				
	Total Revenue	**(5,185)**	**-**	**-**	**-**	**-**
	Increase (Decrease) in Fund Balance	**(5,185)**	**(130)**	**(130)**	**-**	**-**
	Beginning Fund Balance	**5,185**	**185**	**185**	**-**	**-**
	Ending Fund Balance	**-**	**55**	**55**	**-**	**-**

City of Clayton
Restricted Grants - Recycling Grant - FY 2018 - Project Number 5054-FY18
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular					
7113	Overtime					
7218	LTD/STD Insurance					
7220	PERS Retirement - Normal Cost					
7231	Workers Comp Insurance					
7232	Unemployment Insurance					
7233	FICA Taxes					
7242	Uniform Allowance					
7246	Benefit Insurance					
7311	General Supplies					
7312	Office Supplies					
7313	Small Tools & Equipment					
7324	Dues & Subscriptions					
7331	Rentals/Leases					
7332	Telecommunications					
7342	Machinery/Equipment Maintenance					
7371	Travel					
7373	Education & Training					
7411	Professional Services Retainer					
7415	Computer/IT Support					
7417	Janitorial Services					
7419	Other Professional Services					
7420	Administrative Costs					
7424	Dispatch Services					
7484	Capital Outlay - Structures & Improvements					
7485	Capital Outlay - Equipment and Machinery					
7520	Project/Program costs		5,052	5,052		
8101	Transfer to GF for Eligible Recycling Costs				5,255	
	Total Expenditures	**-**	**5,052**	**5,052**	**5,255**	**-**
5240	Recycling Grant					
5601	Interest Income	108			41	
	Total Revenue	**108**	**-**	**-**	**41**	**-**
	Increase (Decrease) in Fund Balance	**108**	**(5,052)**	**(5,052)**	**(5,214)**	**-**
	Beginning Fund Balance	**5,106**	**5,106**	**5,106**	**5,214**	**-**
	Ending Fund Balance	**5,214**	**54**	**54**	**-**	**-**

City of Clayton
Restricted Grants - Recycling Grant - FY 2019 & 20 - Project Number 5054-FY19 & 20
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular					
7113	Overtime					
7218	LTD/STD Insurance					
7220	PERS Retirement - Normal Cost					
7231	Workers Comp Insurance					
7232	Unemployment Insurance					
7233	FICA Taxes					
7242	Uniform Allowance					
7246	Benefit Insurance					
7311	General Supplies					
7312	Office Supplies					
7313	Small Tools & Equipment					
7324	Dues & Subscriptions					
7331	Rentals/Leases					
7332	Telecommunications					
7342	Machinery/Equipment Maintenance					
7371	Travel					
7373	Education & Training					
7411	Professional Services Retainer					
7415	Computer/IT Support					
7417	Janitorial Services					
7419	Other Professional Services					
7420	Administrative Costs					
7424	Dispatch Services					
7484	Capital Outlay - Structures & Improvements					
7485	Capital Outlay - Equipment and Machinery					
7520	Project/Program costs					
8101	Transfer to GF for Eligible Recycling Costs				5,265	5,000
	Total Expenditures	**-**	**-**	**-**	**5,265**	**5,000**
5240	Recycling Grant	5,000				
5601	Interest Income	185			80	
	Total Revenue	**5,185**	**-**	**-**	**80**	**-**
	Increase (Decrease) in Fund Balance	**5,185**	**-**	**-**	**(5,185)**	**(5,000)**
	Beginning Fund Balance	**5,000**	**3,474**	**3,474**	**10,185**	**5,000**
	Ending Fund Balance	**10,185**	**3,474**	**3,474**	**5,000**	**-**

City of Clayton
Restricted Grants - Recycling Grant - FY 2021 - Project Number 5054-FY21
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular					
7113	Overtime					
7218	LTD/STD Insurance					
7220	PERS Retirement - Normal Cost					
7231	Workers Comp Insurance					
7232	Unemployment Insurance					
7233	FICA Taxes					
7242	Uniform Allowance					
7246	Benefit Insurance					
7311	General Supplies					
7312	Office Supplies					
7313	Small Tools & Equipment					
7324	Dues & Subscriptions					
7331	Rentals/Leases					
7332	Telecommunications					
7342	Machinery/Equipment Maintenance					
7371	Travel					
7373	Education & Training					
7411	Professional Services Retainer					
7415	Computer/IT Support					
7417	Janitorial Services					
7419	Other Professional Services					
7420	Administrative Costs					
7424	Dispatch Services					
7484	Capital Outlay - Structures & Improvements					
7485	Capital Outlay - Equipment and Machinery					
7520	Project/Program costs		5,000	5,000		
8101	Transfer to GF for Eligible Recycling Costs					5,000
	Total Expenditures	**-**	**5,000**	**5,000**	**-**	**5,000**
5240	Recycling Grant		5,000	5,000	5,000	
5601	Interest Income					
	Total Revenue	**-**	**5,000**	**5,000**	**5,000**	**-**
	Increase (Decrease) in Fund Balance	**-**	**-**	**-**	**5,000**	**(5,000)**
	Beginning Fund Balance	**-**	**-**	**-**	**-**	**5,000**
	Ending Fund Balance	**-**	**-**	**-**	**5,000**	**-**

City of Clayton
Restricted Grants - Recycling Grant - FY 2022 - Project Number 5054-FY22
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular					
7113	Overtime					
7218	LTD/STD Insurance					
7220	PERS Retirement - Normal Cost					
7231	Workers Comp Insurance					
7232	Unemployment Insurance					
7233	FICA Taxes					
7242	Uniform Allowance					
7246	Benefit Insurance					
7311	General Supplies					
7312	Office Supplies					
7313	Small Tools & Equipment					
7324	Dues & Subscriptions					
7331	Rentals/Leases					
7332	Telecommunications					
7342	Machinery/Equipment Maintenance					
7371	Travel					
7373	Education & Training					
7411	Professional Services Retainer					
7415	Computer/IT Support					
7417	Janitorial Services					
7419	Other Professional Services					
7420	Administrative Costs					
7424	Dispatch Services					
7484	Capital Outlay - Structures & Improvements					
7485	Capital Outlay - Equipment and Machinery					
7520	Project/Program costs					
8101	Transfer to GF for Eligible Recycling Costs					
	Total Expenditures	**-**	**-**	**-**	**-**	**-**
5240	Recycling Grant					5,000
5601	Interest Income					
	Total Revenue	**-**	**-**	**-**	**-**	**5,000**
	Increase (Decrease) in Fund Balance	**-**	**-**	**-**	**-**	**5,000**
	Beginning Fund Balance	**-**	**-**	**-**	**-**	**-**
	Ending Fund Balance	**-**	**-**	**-**	**-**	**5,000**

City of Clayton
Restricted Grants - SB 2 Grant (HCD) - Project Number NEW
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular					
7113	Overtime					
7218	LTD/STD Insurance					
7220	PERS Retirement - Normal Cost					
7231	Workers Comp Insurance					
7232	Unemployment Insurance					
7233	FICA Taxes					
7242	Uniform Allowance					
7246	Benefit Insurance					
7311	General Supplies					
7312	Office Supplies					
7313	Small Tools & Equipment					
7324	Dues & Subscriptions					
7331	Rentals/Leases					
7332	Telecommunications					
7342	Machinery/Equipment Maintenance					
7371	Travel					
7373	Education & Training					
7411	Professional Services Retainer					
7415	Computer/IT Support					
7417	Janitorial Services					
7419	Other Professional Services					
7420	Administrative Costs					
7424	Dispatch Services					
7484	Capital Outlay - Structures & Improvements					
7485	Capital Outlay - Equipment and Machinery					
7520	Project/Program costs					
	Total Expenditures	**-**	**-**	**-**	**-**	**-**
NEW	SB 2 Grant - ADU (HCD)	-	-	-	-	160,000
5601	Interest Income					
	Total Revenue	**-**	**-**	**-**	**-**	**160,000**
	Increase (Decrease) in Fund Balance	**-**	**-**	**-**	**-**	**160,000**
	Beginning Fund Balance	**-**	**-**	**-**	**-**	**-**
	Ending Fund Balance	**-**	**-**	**-**	**-**	**160,000**

City of Clayton
Restricted Grants - Sewer System Management Plan 2019 - Project Number 4026
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular					
7113	Overtime					
7218	LTD/STD Insurance					
7220	PERS Retirement - Normal Cost					
7231	Workers Comp Insurance					
7232	Unemployment Insurance					
7233	FICA Taxes					
7242	Uniform Allowance					
7246	Benefit Insurance					
7311	General Supplies					
7312	Office Supplies					
7313	Small Tools & Equipment					
7324	Dues & Subscriptions					
7331	Rentals/Leases					
7332	Telecommunications					
7342	Machinery/Equipment Maintenance					
7371	Travel					
7373	Education & Training					
7411	Professional Services Retainer					
7415	Computer/IT Support					
7417	Janitorial Services					
7419	Other Professional Services	2,415				
7420	Administrative Costs					
7424	Dispatch Services					
7484	Capital Outlay - Structures & Improvements					
7485	Capital Outlay - Equipment and Machinery					
7520	Project/Program costs					
	Total Expenditures	**2,415**	**-**	**-**	**-**	**-**
5275	SSMP Reimbursement - Concord	2,415				
5601	Interest Income	-				
	Total Revenue	**2,415**	**-**	**-**	**-**	**-**
	Increase (Decrease) in Fund Balance	**-**	**-**	**-**	**-**	**-**
	Beginning Fund Balance	**(380)**	**(380)**	**(380)**	**(380)**	**(380)**
	Ending Fund Balance	**(380)**	**(380)**	**(380)**	**(380)**	**(380)**

City of Clayton
Restricted Grants - Supplemental Law Enforcement Services Fund - Project Number 6020
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular	70,906	79,362	79,362	118,648	83,436
7113	Overtime	7,573	25,000	25,000	3,000	-
7218	LTD/STD Insurance	3,412	795	795	795	723
7220	PERS Retirement - Normal Cost	9,242	10,412	10,412	10,412	11,015
7231	Workers Comp Insurance	3,700	3,581	3,581	3,581	2,828
7232	Unemployment Insurance	-	434	434	434	434
7233	FICA Taxes	1,064	1,513	1,513	1,513	1,210
7242	Uniform Allowance	900	900	900	900	900
7246	Benefit Insurance	122	116	116	116	107
7311	General Supplies	-	27,400	27,400	29,400	29,400
7312	Office Supplies	-	-	-	-	-
7313	Small Tools & Equipment	-	-	-	-	-
7324	Dues & Subscriptions	-	-	-	-	-
7331	Rentals/Leases	-	-	-	-	
7332	Telecommunications	18,157	-	-	18,000	18,000
7342	Machinery/Equipment Maintenance	-	-	-	-	-
7371	Travel	-	-	-	-	-
7373	Education & Training	-	5,000	5,000	-	-
7411	Professional Services Retainer	-	-	-	-	-
7415	Computer/IT Support	-	-	-	-	-
7417	Janitorial Services	-	-	-	-	-
7419	Other Professional Services	16,250	16,070	16,070	16,070	16,070
7420	Administrative Costs	-	-	-	-	-
7424	Dispatch Services	-				
7484	Capital Outlay - Structures & Improvements	-	-	-	-	-
7485	Capital Outlay - Equipment and Machinery	1,185	-	-	18,000	33,000
7520	Project/Program costs	-	-	-	-	-
	Total Expenditures	**132,511**	**170,583**	**170,583**	**220,869**	**197,123**
5260	SLESF - PD	155,948	100,000	100,000	156,727	156,000
5601	Interest Income	2,111	-	-	1,210	1,000
	Total Revenue	**158,059**	**100,000**	**100,000**	**157,937**	**157,000**
	Increase (Decrease) in Fund Balance	**25,548**	**(70,583)**	**(70,583)**	**(62,932)**	**(40,123)**
	Beginning Fund Balance	**78,334**	**94,893**	**94,893**	**103,882**	**40,950**
	Ending Fund Balance	**103,882**	**24,310**	**24,310**	**40,950**	**827**

City of Clayton
Restricted Grants - MPA Loss Control Subsidy 2012-13 - Project Number 5026
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular					
7113	Overtime					
7218	LTD/STD Insurance					
7220	PERS Retirement - Normal Cost					
7231	Workers Comp Insurance					
7232	Unemployment Insurance					
7233	FICA Taxes					
7242	Uniform Allowance					
7246	Benefit Insurance					
7311	General Supplies					
7312	Office Supplies					
7313	Small Tools & Equipment					
7324	Dues & Subscriptions					
7331	Rentals/Leases					
7332	Telecommunications					
7342	Machinery/Equipment Maintenance					
7371	Travel					
7373	Education & Training					
7411	Professional Services Retainer					
7415	Computer/IT Support					
7417	Janitorial Services					
7419	Other Professional Services					
7420	Administrative Costs					
7424	Dispatch Services					
7484	Capital Outlay - Structures & Improvements					
7485	Capital Outlay - Equipment and Machinery					
7520	Project/Program costs					
	Total Expenditures	**-**	**-**	**-**	**-**	**-**
5601	Interest Income					
	Total Revenue	**-**	**-**	**-**	**-**	**-**
	Increase (Decrease) in Fund Balance	**-**	**-**	**-**	**-**	**-**
	Beginning Fund Balance	**1,000**	**-**	**-**	**1,000**	**1,000**
	Ending Fund Balance	**1,000**	**-**	**-**	**1,000**	**1,000**

City of Clayton
Restricted Grants - Unallocated Interest
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
		-	-	-	-	-
		-	-	-	-	-
	Total Expenses	**-**	**-**	**-**	**-**	**-**
5601	Interest Income	-	7,100	7,100	-	-
			-	-	-	-
			-	-	-	-
	Total Revenue	**-**	**7,100**	**7,100**	**-**	**-**
	Increase (Decrease) in Net Position	**-**	**7,100**	**7,100**	**-**	**-**
	Beginning Net Position	**-**	**7,076**	**7,076**	**-**	**-**
	Ending Net Position	**-**	**14,176**	**14,176**	**-**	**-**

City of Clayton
Restricted Grants - GASB 31 Investment
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
		-	-	-	-	-
		-	-	-	-	-
	Total Expenses	**-**	**-**	**-**	**-**	**-**
5006	Unrealized Investment Gain/Loss	6,922	-	-	-	-
			-	-	-	-
			-	-	-	-
	Total Revenue	**6,922**	**-**	**-**	**-**	**-**
	Increase (Decrease) in Net Position	**6,922**	**-**	**-**	**-**	**-**
	Beginning Net Position	**(769)**	**231**	**231**	**6,153**	**6,153**
	Ending Net Position	**6,153**	**231**	**231**	**6,153**	**6,153**

City of Clayton
Development Impact Fund 304
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7113	Overtime	-	-	-	-	-
7311	General Supplies	-	-	-	-	-
7313	Small Tools & Equipment	-	-	-	-	-
7485	Capital Outlay - Equipment & Machinery	-	-	-	-	-
7520	Projects	12,012	-	-	-	-
7612	Interest Expense	-	-	-	-	-
8111	Transfer to CIP Fund	-	-	-	-	-
	Total Expenditures	**12,012**	**-**	**-**	**-**	**-**
5307	Childcare Facility Fees	-	-	-	-	-
5312	Open Space In-Lieu Fee	-	-	-	-	-
5313	Parkland Dedication Fee	-	-	-	-	-
5314	Offsite Arterial Improvement Fees	-	-	-	-	-
5315	Tree Mitigation Fee	-			-	
5317	Fire Protection Fee	-	-	-	-	-
5323	Community Facilities Fees	-	-	-	-	-
5325	Police Impact Fee	-	-	-	-	-
5326	Habitat Conservation Fee	-	-	-	-	-
5601	Interest Income	11,216	12,000	12,000	8,500	8,000
5606	Unrealized Investment Gain/Loss GASB31	10,433	-	-	-	-
	Total Revenue	**21,649**	**12,000**	**12,000**	**8,500**	**8,000**
	Increase (Decrease) in Fund Balance	**9,637**	**12,000**	**12,000**	**8,500**	**8,000**
	Beginning Fund Balance	**544,841**	**545,103**	**545,103**	**554,478**	**562,978**
	Ending Fund Balance	**554,478**	**557,103**	**557,103**	**562,978**	**570,978**

City of Clayton
Successor Housing Agency Fund 616
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7389	Debt Forgiveness - Stranahan LMI Dec. Bal.	35,228	-	-	27,951	-
7411	Professional Services Retainer (Legal)	-	-	-	-	-
7413	Special Legal Services	-	10,000	10,000	-	5,000
7419	Other Professional Services	2,390	25,000	25,000	-	10,000
7420	Administrative Costs	-	10,000	10,000	-	5,000
	Total Expenditures	**37,618**	**45,000**	**45,000**	**27,951**	**20,000**
4110	Program Revenues (Loan Repayments)	101,400	106,400	106,400	106,400	111,400
5601	Interest	27,847	20,000	20,000	24,000	22,000
5606	Unrealized Inv. Gain/Loss	211,761	-	-	.	-
	Total Revenue	**341,008**	**126,400**	**126,400**	**130,400**	**133,400**
	Increase (Decrease) in Fund Balance	**303,390**	**81,400**	**81,400**	**102,449**	**113,400**
	Beginning Fund Balance	**4,654,561**	**4,741,106**	**4,741,106**	**4,957,951**	**5,060,400**
	Ending Fund Balance	**4,957,951**	**4,822,506**	**4,822,506**	**5,060,400**	**5,173,800**
	Ending Fund Balance Includes:					
	Restricted Fund Balance	4,957,951	4,822,506	4,822,506	5,060,400	5,173,800
	Total Fund Balance	**4,957,951**	**4,822,506**	**4,822,506**	**5,060,400**	**5,173,800**

Proprietary Funds
2021/22

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City of Clayton
Self Insurance Fund 501
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7220	PERS Retirement	-	-	-	-	-
7351	Insurance Premiums (EAP Plan)	2,222	1,300	1,300	1,300	1,300
7352	Insurance Claim Deductibles	1,088	5,000	5,000	5,000	5,000
7413	Special Legal Services	-	-	-	-	-
	Total Expenses	**3,310**	**6,300**	**6,300**	**6,300**	**6,300**
5601	Interest	678	400	400	500	400
5606	Unrealized Inv. Gain/Loss	610	-	-	-	-
5790	Other Revenues	-	-	-	-	-
6001	Transfers From General Fund	-	-	-	-	-
	Total Revenue	**1,288**	**400**	**400**	**500**	**400**
	Increase (Decrease) in Net Position	**(2,022)**	**(5,900)**	**(5,900)**	**(5,800)**	**(5,900)**
	Beginning Net Position	**35,430**	**29,830**	**29,830**	**33,408**	**27,608**
	Ending Net Position	**33,408**	**23,930**	**23,930**	**27,608**	**21,708**

City of Clayton
CERF Fund 502
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7390	Depreciation Expense	88,454	70,000	70,000	70,000	70,000
7485	Capital Outlay - Equipment and Machinery	-	104,284	104,284	106,784	168,000
7489	Loss on sale of assets	-	-	-	-	-
	Total Expenses	**88,454**	**174,284**	**174,284**	**176,784**	**238,000**
5328	CERF Charges to Depts	112,100	112,100	160,794	160,594	111,900
5601	Interest	3,339	2,400	2,400	2,400	2,300
5606	Unrealized Inv. Gain/Loss	3,426	-	-	-	-
5702	Donations/Contributions	-	-	-	-	
5801	Sale of Assets	5,760	1,000	1,000	1,000	1,000
6098	Capital Contributions	-	-	-	-	-
NEW	Transfer from Rainy Day Fund	-	-	16,306	16,306	-
	Total Revenue	**124,625**	**115,500**	**180,500**	**180,300**	**115,200**
	Increase (Decrease) in Net Position	**36,171**	**(58,784)**	**6,216**	**3,516**	**(122,800)**
	Beginning Net Position	**643,305**	**600,163**	**600,163**	**679,476**	**682,992**
	Ending Net Position	**679,476**	**541,379**	**606,379**	**682,992**	**560,192**

Fixed Asset Purchases:

1504	Machinery, Vehicles & Equipment	91,702	-	-	-	
	Total Other Outflows	**91,702**	**-**	**-**	**-**	**-**

Net Position Composed of:

Net Investment in Capital Assets	493,547	350,299	350,299	439,853	369,853
Unrestricted Net Position	185,929	191,080	191,080	243,139	190,339
Total Net Position	**679,476**	**541,379**	**541,379**	**682,992**	**560,192**

City of Clayton
Pension Rate Stabilization Fund 503
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7220	PERS Retirement - Normal Cost	-	-	-	-	-
7221	PERS Retirement - Unfunded Liability	-	-	-	-	-
	Total Expenses	**-**	**-**	**-**	**-**	**-**
5601	Interest	5,549	6,000	6,000	4,200	4,000
5606	Unrealized Inv. Gain/Loss	5,231	-	-	-	-
6001	Transfers From General Fund	-	-	-	-	-
	Total Revenue	**10,780**	**6,000**	**6,000**	**4,200**	**4,000**
	Increase (Decrease) in Net Position	**10,780**	**6,000**	**6,000**	**4,200**	**4,000**
	Beginning Net Position	**274,551**	**280,551**	**280,551**	**285,331**	**289,531**
	Ending Net Position	**285,331**	**286,551**	**286,551**	**289,531**	**293,531**

City of Clayton
Endeavor Hall Fund 702
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7111	Salaries/Regular	5,257	7,625	7,625	4,000	7,925
7113	Overtime	-	200	200	-	200
7116	Part-time salaries	1,414	2,262	2,262	-	2,262
7218	LTD/STD Insurance	54	76	76	40	69
7220	PERS Retirement - Normal Cost	432	716	716	376	732
7221	PERS Retirement - Unfunded Liability	732	747	747	392	985
7231	Workers Comp Insurance	400	455	455	239	352
7232	Unemployment Insurance	85	192	192	101	192
7233	FICA Taxes	81	287	287	151	291
7246	Benefit Insurance	833	1,386	1,386	727	1,434
7311	General Supplies	24	500	500	100	200
7332	Telecommunications	975	1,000	1,000	1,055	1,100
7335	Gas & Electric Serv.	2,659	3,400	3,400	1,800	3,000
7338	Water Service	4,685	1,900	1,900	4,300	4,500
7341	Buildings & Grounds Mtn	3,900	16,600	16,600	24,564	7,070
7343	Vehicle Maintenance	378	800	800	100	400
7344	Vehicle Gas, Oil, and Supplies	184	500	500	125	200
7346	HVAC Mtn & Repairs	1,553	1,700	1,700	1,500	1,500
7361	Advertising	-	500	500		-
7417	Janitorial Services	1,815	1,700	1,700	200	2,620
7429	Animal/Pest Control Services	1,428	1,510	1,510	1,500	1,500
7435	Contract Seasonal Labor	-	-	-	-	1,000
	Total Expenses Before Depreciation	**26,890**	**44,056**	**44,056**	**41,270**	**37,532**
5601	Interest Income	120	30	30	-	-
5607	Rental Income	24,702	30,000	30,000	(2,443)	10,000
	Total Revenue	**24,822**	**30,030**	**30,030**	**(2,443)**	**10,000**
	Increase (Decrease) in Net Position Before Depreciation	**(2,068)**	**(14,026)**	**(14,026)**	**(43,713)**	**(27,532)**
7390	Depreciation Expense	36,742	37,500	37,500	37,500	37,500
	(Decrease) in Net Position After Depreciation	**(38,810)**	**(51,526)**	**(51,526)**	**(81,213)**	**(65,032)**
	Beginning Net Position	**1,037,733**	**996,975**	**996,975**	**998,923**	**917,710**
	Ending Net Position	**998,923**	**945,449**	**945,449**	**917,710**	**852,678**
	Fixed Asset Purchases:					
1504	Improvements other than Building	-	-	-	-	-
	Total Other Outflows	**-**	**-**	**-**	**-**	**-**
	Net Position Composed of:					
	Net investment in capital assets	1,073,743	1,036,985	1,036,985	1,035,675	998,175
	Unrestricted net position resulting from:					
	Equity in Pooled Cash	210				
	Due to the General Fund	(69,252)	(86,536)	(86,536)	(112,965)	(140,497)
	Refundable Deposits Payable	(3,000)	(5,000)	(5,000)	(5,000)	(5,000)
	General accounts payable	(2,778)	-	-	-	-
	Total Net Position	**998,923**	**945,449**	**945,449**	**917,710**	**852,678**

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Fiduciary Funds
2021/22

City of Clayton
High Street Bridge Benefit Assessment District - Fund 217
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7611	Principal (RDA Successor Agency)	815	863	863	863	915
7612	Interest Payment	639	591	591	591	539
	Total Expenditures	**1,454**	**1,454**	**1,454**	**1,454**	**1,454**
4611	High Street Bridge Assessment	1,754	1,754	1,754	1,754	1,754
4650	Special Assessment Payoff	-	-	-	-	-
5601	Interest	136	53	53	90	90
5606	Unrealized Investment Gain/Loss	157	-	-	-	-
	Total Revenue	**2,047**	**1,807**	**1,807**	**1,844**	**1,844**
	Increase (Decrease) in Fund Balance	**593**	**353**	**353**	**390**	**390**
	Beginning Fund Balance	**6,461**	**6,814**	**6,814**	**7,054**	**7,444**
	Ending Fund Balance	**7,054**	**7,167**	**7,167**	**7,444**	**7,834**
	Fund Balance Includes:					
	Reserve for Bridge Maintenance	**6,000**	**6,300**	**6,300**	**6,300**	**6,600**

For financial reporting purposes, the High Street Bridge Assessment District Fund (No. 217) meets the definition of and is reported as an *Agency Fund*. In accordance with GASB Statement No. 34, no fund balance is reported for Agency Funds. For budgeting purposes, however, this fund is reported on a modified accrual basis to better reflect the cash position of the fund as well as debt service transactions which would otherwise be excluded from expenditures following GASB 34.

City of Clayton
Oak Street Bridge Benefit Assessment District - Fund 218
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7381	Property Tax Admin Cost	258	258	258	258	258
7420	Other Outside Services	-	-	-	-	-
7520	Projects	-	-	-	-	-
7611	Principal (General Fund)	-	-	-	-	-
7612	Interest Payment	-	-	-	-	-
	Total Expenditures	**258**	**258**	**258**	**258**	**258**
4611	Oak Street Bridge Assessment	6,150	1,760	1,760	1,760	1,760
5601	Interest Income	338	120	120	280	280
5606	Unrealized Investment Gain/Loss	381	-	-	-	-
5790	Other Revenue	-	-	-	-	-
	Total Revenue	**6,869**	**1,880**	**1,880**	**2,040**	**2,040**
	Increase (Decrease) in Fund Balance	**6,611**	**1,622**	**1,622**	**1,782**	**1,782**
	Beginning Fund Balance	**13,977**	**19,986**	**19,986**	**20,588**	**22,370**
	Ending Fund Balance	**20,588**	**21,608**	**21,608**	**22,370**	**24,152**
	Fund Balance Includes:					
	Reserve for Bridge Maintenance	**14,804**	**16,404**	**16,404**	**16,404**	**18,004**

For financial reporting purposes, the Oak Street Bridge Assessment District Fund (No. 218) meets the definition of and is reported as an *Agency Fund*. In accordance with GASB Statement No. 34, no fund balance is reported for Agency Funds. For budgeting purposes, however, this fund is reported on a modified accrual basis to better reflect the cash position of the fund as well as debt service transactions which would otherwise be excluded from expenditures following GASB 34.

City of Clayton
Lydia Lane Sewer Benefit Assessment District - Fund 222
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7381	Property Tax Admin Cost	264	264	264	264	264
7419	Other Professional Services	1,454	1,000	1,000	1,000	1,000
7420	Other Outside Services	2,400	2,400	2,400	2,400	2,400
7611	Principal	5,000	5,000	5,000	5,000	10,000
7612	Interest Payment	9,128	8,750	8,750	8,750	8,300
7613	Paying Agent Fees	500	500	500	500	500
	Total Expenditures	**18,746**	**17,914**	**17,914**	**17,914**	**22,464**
4612	Lydia Lane Sewer Assessment	16,900	16,900	16,900	16,900	16,900
5601	Interest	1,406	700	700	900	900
5606	Unrealized Investment Gain/Loss	1,265	-	-	-	-
	Total Revenue	**19,571**	**17,600**	**17,600**	**17,800**	**17,800**
	Increase (Decrease) in Fund Balance	**825**	**(314)**	**(314)**	**(114)**	**(4,664)**
	Beginning Fund Balance	**77,446**	**79,773**	**79,773**	**78,271**	**78,157**
	Ending Fund Balance	**78,271**	**79,459**	**79,459**	**78,157**	**73,493**
	Fund Balance Includes:					
	Bond Reserve Fund	**12,892**	**12,500**	**12,500**	**12,500**	**12,500**

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City of Clayton
Oak Street Sewer Benefit Assessment District - Fund 223
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7381	Property Tax Admin Cost	259	259	259	259	259
7420	Other Outside Services	1,240	1,241	1,241	1,241	1,241
7611	Principal	8,182	8,182	8,182	8,182	8,182
7612	Interest Payment	2,073	1,827	1,827	1,827	1,582
	Total Expenditures	**11,754**	**11,509**	**11,509**	**11,509**	**11,264**
4612	Oak Street Sewer Assessment	11,309	11,309	11,309	11,309	11,309
4650	Special Assessment Payoff	-	-	-	-	-
5601	Interest	133	80	80	50	50
5606	Unrealized Investment Gain/Loss	235	-	-	-	-
	Total Revenue	**11,677**	**11,389**	**11,389**	**11,359**	**11,359**
	Increase (Decrease) in Fund Balance	**(77)**	**(120)**	**(120)**	**(150)**	**95**
	Beginning Fund Balance	**2,282**	**1,856**	**1,856**	**2,205**	
	Ending Fund Balance	**2,205**	**1,736**	**1,736**	**2,055**	**95**

For financial reporting purposes, the Oak Street Sewer Assessment District Fund (No. 223) meets the definition of and is reported as an *Agency Fund*. In accordance with GASB Statement No. 34, no fund balance is reported for Agency Funds. For budgeting purposes, however, this fund is reported on a modified accrual basis to better reflect the cash position of the fund as well as debt service transactions which would otherwise be excluded from expenditures following GASB 34.

City of Clayton
Diablo Estates Benefit Assessment District - Fund 231
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7335	Gas & Electric Serv.	145	300	300	300	300
7338	Water Service	3,759	5,700	5,700	8,050	8,600
7381	Property Tax Admin Cost	270	270	270	270	270
7384	Legal Notices	-	100	100	100	100
7411	Legal Services Retainer	-	-	-	-	-
7413	Special Legal Services	-	-	-	-	-
7419	Other Prof. Services	54,235	59,390	59,390	59,390	59,390
7420	Administrative Costs	2,277	2,302	2,302	2,302	2,389
	Total Expenditures	**60,686**	**68,062**	**68,062**	**70,412**	**71,049**
4611	Fiduciary Fund Assessment	85,583	86,524	86,524	93,997	93,712
5601	Interest Income	3,102	1,200	1,200	2,400	2,400
5606	Unrealized Investment Gain/Loss	3,357	-	-	-	-
	Total Revenue	**92,042**	**87,724**	**87,724**	**96,397**	**96,112**
	Increase (Decrease) in Fund Balance	**31,356**	**19,662**	**19,662**	**25,985**	**25,063**
	Beginning Fund Balance	**144,651**	**163,802**	**163,802**	**176,007**	**201,992**
	Ending Fund Balance	**176,007**	**183,464**	**183,464**	**201,992**	**227,055**

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

City of Clayton
Clayton Financing Authority - Fund 405
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7482	Capital Contributions	-	-	-	-	-
	Total Expenditures	**-**	**-**	**-**	**-**	**-**
5601	Interest Income	11,484	12,600	12,600	9,200	9,200
5606	Unrealized Investment Gain/Loss	10,821	-	-	-	-
	Total Revenue	**22,305**	**12,600**	**12,600**	**9,200**	**9,200**
	Increase (Decrease) in Fund Balance	**22,305**	**12,600**	**12,600**	**9,200**	**9,200**
	Beginning Fund Balance	**567,983**	**580,583**	**580,583**	**590,288**	**599,488**
	Ending Fund Balance	**590,288**	**593,183**	**593,183**	**599,488**	**608,688**

For financial reporting purposes, the Clayton Financing Authority Fund (No. 405) meets the definition of and is reported as an *Agency Fund*. In accordance with GASB Statement No. 34, no fund balance is reported for Agency Funds. For budgeting purposes, however, this fund is reported on a modified accrual basis to better reflect the cash position of the fund as well as debt service transactions which would otherwise be excluded from expenditures following GASB 34.

City of Clayton
Middle School Community Facilities District 1990-1 - Fund 420
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7381	Property Tax Admin Cost	1,404	1,404	1,404	1,404	1,404
7419	Other Prof. Services	10,416	19,450	19,450	19,450	19,450
7420	Other Outside Services	17,630	17,830	17,830	17,830	18,510
7611	Principal	383,000	409,000	409,000	409,000	434,000
7612	Interest Expense	15,838	5,827	5,827	5,827	5,827
7613	Paying Agent Fees	786	1,000	1,000	787	1,000
7615	Property Taxes	603	650	650	603	650
	Total Expenditures	**429,677**	**455,161**	**455,161**	**454,901**	**480,841**
4609	Middle School CFD 1990-1 Parcel Tax	389,784	385,784	385,784	383,465	385,784
5601	Interest Income	8,346	2,000	2,000	4,600	4,600
5606	Unrealized Investment Gain/Loss	11,699	-	-	-	-
	Total Revenue	**409,829**	**387,784**	**387,784**	**388,065**	**390,384**
	Increase (Decrease) in Fund Balance	**(19,848)**	**(67,377)**	**(67,377)**	**(66,836)**	**(90,457)**
	Beginning Fund Balance	**290,248**	**241,480**	**241,480**	**270,400**	**203,564**
	Ending Fund Balance	**270,400**	**174,103**	**174,103**	**203,564**	**113,107**

For financial reporting purposes, the Middle School CFD 1990-1 Fund (No. 420) meets the definition of and is reported as an *Agency Fund*. In accordance with GASB Statement No. 34, no fund balance is reported for Agency Funds. For budgeting purposes, however, this fund is reported on a modified accrual basis to better reflect the cash position of the fund as well as debt service transactions which would otherwise be excluded from expenditures following GASB 34.

City of Clayton
Clayton Financing Authority 2007 Middle School Refunding Bonds - Fund 422
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7419	Other Prof. Services	6,206	7,050	7,050	7,050	7,050
2804	Principal Payment (CFA 2007)	360,000	375,000	375,000	375,000	395,000
7611	Principal Payment	-	-	-	-	-
7612	Interest Expense	50,525	50,525	50,525	35,625	19,965
7613	Paying Agent Fees	2,541	2,541	2,541	2,541	2,541
	Total Expenditures	**419,272**	**435,116**	**435,116**	**420,216**	**424,556**
5601	Interest Income	1,157	2,500	2,500	800	800
5606	Unrealized Investment Gain/Loss	(75)	-	-	-	-
5701	Reimbursements/Refunds (CFD 1990-1)	-	-	-	9,550	9,550
5815	Interest on Loans/Bonds	7,538	8,000	8,000	8,000	8,000
1251	Principal Payment (CFD 1990-1)	383,000	409,000	409,000	409,000	434,000
	Total Revenue	**391,620**	**419,500**	**419,500**	**427,350**	**452,350**
	Increase (Decrease) in Fund Balance	**(27,652)**	**(15,616)**	**(15,616)**	**7,134**	**27,794**
	Beginning Fund Balance	**502,208**	**486,720**	**486,720**	**474,556**	**481,690**
	Ending Fund Balance	**474,556**	**471,104**	**471,104**	**481,690**	**509,484**
	Restricted Portion of Fund Balance Includes:					
	CFD 1990-1 Special Tax Fund (Trustee)	103,133	103,000	103,000	103,000	83,000
	2007 CFA TAB Reserve Fund (Trustee)	252,138	252,000	252,000	252,000	252,000
	Total	**355,271**	**355,000**	**355,000**	**355,000**	**335,000**

For financial reporting purposes, the Clayton Financing Authority 2007 Middle School Refunding Bonds Fund (No. 422) meets the definition of and is reported as an *Agency Fund*. In accordance with GASB Statement No. 34, no fund balance is reported for Agency Funds. For budgeting purposes, however, this fund is reported on a modified accrual basis to better reflect the cash position of the fund as well as debt service transactions which would otherwise be excluded from expenditures following GASB 34.

City of Clayton

RDA Successor Agency Private Purpose Trust - Fund 615

Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7419	Other Professional Services	-	-	-	-	-
7420	Administrative Costs	250,000	250,000	250,000	250,000	250,000
7612	Interest Expense	45,068	39,446	39,446	39,446	30,476
7613	Paying Agent Fee	2,178	2,200	2,200	2,200	2,200
2105	Successor Housing Agency SERAF Loan	148,103	148,103	148,103	148,103	-
2802	2014 Refunding Bonds Payable	415,000	420,000	420,000	420,000	360,000
	Total Expenditures	**860,349**	**859,749**	**859,749**	**859,749**	**642,676**
4108	Redevelopment Property Tax Trust Fund Rev.	864,579	859,749	859,749	646,646	653,536
5601	Interest	5,130	2,000	2,000	3,500	2,000
5606	Unrealized Investment Gain/Loss	13,987	-	-	-	-
5790	Other Revenues	2,712	11,463	11,463	11,463	11,218
	Total Revenue	**886,408**	**873,212**	**873,212**	**661,609**	**666,754**
	Increase (Decrease) in Fund Balance	**26,059**	**13,463**	**13,463**	**(198,140)**	**24,078**
	Beginning Fund Balance	**722,575**	**701,656**	**701,656**	**748,634**	**550,494**
	Ending Fund Balance	**748,634**	**715,119**	**715,119**	**550,494**	**574,572**
	Restricted Portion of Fund Balance Includes:					
	Restricted Bond Proceeds	-	-		-	-

For financial reporting purposes, the RDA Successor Agency Fund (No. 615) is a Private Purpose Trust Fiduciary Fund, and is reported on a full accrual proprietary fund basis. For budgeting purposes, however, this fund is reported on a modified accrual basis to better reflect the cash position of the fund as well debt service and loan transactions, which would otherwise be excluded from expenditures/revenues following proprietary fund GAAP accounting.

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CAPITAL IMPROVEMENT PROGRAM BUDGET 2021/22

City of Clayton
Capital Projects Fund 303
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7311	Salaries/Regular	221				
7341	Buildings/Grounds Maintenance	-	-		-	-
7520	Project Expenses	2,600	-	-	2,628	-
7551	Project Costs - Planning/Design	15,923	100,000	100,000	190,000	300,000
7552	Project Costs - Construction/Execution	653,351	1,321,719	1,321,719	57,054	1,996,896
7553	Project Costs - Monitoring/Inspections	60,860	20,000	20,000	20,000	-
7554	Project Costs - Close-out/Punch List	26,727	-	-	475	-
8111	Transfer to CIP 10400 Downtown Ec Dev	-	4,681	4,681	4,729	-
8111	Transfer to CIP 10425 Collector St Rehab Proj.			2,767	2,767	
8111	Transfer to CIP 10400A Land Acquisition	-	-	-	64,889	-
8111	Transfer to CIP 10443 City Hall ADA Acc. Program	-	-		-	
NEW	Transfer to Rainy Day Fund	-	-		-	-
	Total Expenses	**759,682**	**1,446,400**	**1,449,167**	**342,542**	**2,296,896**
5230	Measure J Grant	-	627,000	627,000	-	252,000
5240	Cal Recycle Grant	-	83,000	66,611	(16,388)	-
5281	Federal Grant - Local Streets & Roads Shortfall	-	308,000	297,215	(10,785)	308,000
5601	Interest	26,705	28,880	28,880	24,920	22,500
5606	Unrealized Investment Gain/Loss	31,164	-	-	-	-
5805	Project Revenue	-	-	-	-	-
6001	Transfer from General Fund	18,802	-	-	-	-
6002	Transfer from Measure J Fund (LSM)	-	250,575	250,575	250,575	-
6002	Transfer from Measure J Fund Co-Op)	-	68,578	68,578	68,578	-
6003	Transfer from CIP 10400 Downtown Ec Dev	-	-	-	64,889	-
6003	Transfer From CIP 10436 - 2018 Neighborhood St			2,767	2,767	-
6003	Transfer from CIP 10445 Oak St Bungalows Demo	-	4,681	4,681	4,729	-
6003	Transfer from CIP Unallocated Interest	-	-	-	-	-
6004	Transfer from HUTA Gas Tax Fund	15,683	474,724	501,898	501,897	149,825
6031	Transfer from RMRA Gas Tax Fund	-	359,147	359,147	359,147	445,000
NEW	Transfer from Rainy Day Fund					330,000
NEW	Transfer from Grants Fund					85,000
6100	Intergovernmental Capital Contributions	518,628	-	-	27,375	-
NEW	FEMA Grant	-	-	-	-	200,000
	Total Revenue	**610,982**	**2,204,585**	**2,207,352**	**1,277,704**	**1,792,325**
	Increase (Decrease) in Net Position	**(148,700)**	**758,185**	**758,185**	**935,162**	**(504,571)**
	Beginning Net Position	**1,812,067**	**1,751,430**	**1,751,430**	**1,663,367**	**2,598,529**
	Ending Net Position	**1,663,367**	**2,509,615**	**2,509,615**	**2,598,529**	**2,093,958**

City of Clayton
CIP 10379 Pine Hollow Road Upgrades
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-	100,000	100,000	100,000	100,000
7552	Project Costs - Construction/Execution	15,665	-	-	-	-
7553	Project Costs - Monitoring/Inspections	-	-	-		-
7554	Project Costs - Close-out/Punch List	-	-	-		-
		-	-	-	-	-
	Total Expenses	**15,665**	**100,000**	**100,000**	**100,000**	**100,000**
5230	Measure J Grant	-	375,000	375,000	-	
5281	Federal Grant - Local Streets & Roads Shortfall	-	308,000	308,000	-	308,000
6004	Transfer from HUTA Gas Tax Fund	-	50,000	50,000	50,000	
6031	Transfer from RMRA Gas Tax Fund	-	169,264	169,264	169,264	
	Total Revenue	**-**	**902,264**	**902,264**	**219,264**	**308,000**
	Increase (Decrease) in Net Position	**(15,665)**	**802,264**	**802,264**	**119,264**	**208,000**
	Beginning Net Position	**(380)**	**(27,985)**	**(27,985)**	**(16,045)**	**103,219**
	Ending Net Position	**(16,045)**	**774,279**	**774,279**	**103,219**	**311,219**

City of Clayton
CIP 10394A ADA Compliance Program
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-	-	-		
7552	Project Costs - Construction/Execution	-	-	-		
7553	Project Costs - Monitoring/Inspections	-	-	-		
7554	Project Costs - Close-out/Punch List	-	-	-		
		-	-	-	-	-
	Total Expenses	**-**	**-**	**-**	**-**	**-**
5601	Interest	221	80	80	200	180
6004	Transfer From HUTA Gas Tax Fund	6,000	6,000	6,000	6,000	6,000
		-	-	-	-	-
	Total Revenue	**6,221**	**6,080**	**6,080**	**6,200**	**6,180**
	Increase (Decrease) in Net Position	**6,221**	**6,080**	**6,080**	**6,200**	**6,180**
	Beginning Net Position	**15,393**	**21,473**	**21,473**	**21,614**	**27,814**
	Ending Net Position	**21,614**	**27,553**	**27,553**	**27,814**	**33,994**

City of Clayton
CIP 10400 Downtown Economic Development Project
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-	-	-	50,000	
7552	Project Costs - Construction/Execution	-	-	-		
7553	Project Costs - Monitoring/Inspections	-	-	-		
7554	Project Costs - Close-out/Punch List	-				
8111	Transfer to CIP 10400A Land Acquisition	-	-	-	64,889	-
	Total Expenses	**-**	**-**	**-**	**114,889**	**-**
5601	Interest	19,453	24,000	24,000	20,000	18,000
6003	Transfer from CIP 10445 Oak St Bungalows Demo	-	4,681	4,681	4,729	-
		-	-	-	-	-
	Total Revenue	**19,453**	**28,681**	**28,681**	**24,729**	**18,000**
	Increase (Decrease) in Net Position	**19,453**	**28,681**	**28,681**	**(90,160)**	**18,000**
	Beginning Net Position	**1,356,190**	**1,380,190**	**1,380,190**	**1,375,643**	**1,285,483**
	Ending Net Position	**1,375,643**	**1,408,871**	**1,408,871**	**1,285,483**	**1,303,483**

City of Clayton
CIP 10400A Land Acquisition
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7520	Project Expenses	2,600	-	-	2,628	-
7551	Project Costs - Planning/Design	-				
7552	Project Costs - Construction/Execution	-				
7553	Project Costs - Monitoring/Inspections					
7554	Project Costs - Close-out/Punch List	-				
		-	-	-	-	-
	Total Expenses	**2,600**	**-**	**-**	**2,628**	**-**
5601	Interest	-	-	-	-	-
6003	Transfer from CIP 10400 Downtown Ec Dev	-	-	-	64,889	-
		-	-	-	-	-
	Total Revenue	**-**	**-**	**-**	**64,889**	**-**
	Increase (Decrease) in Net Position	**(2,600)**	**-**	**-**	**62,261**	**-**
	Beginning Net Position	**(59,661)**	**(62,261)**	**(62,261)**	**(62,261)**	**-**
	Ending Net Position	**(62,261)**	**(62,261)**	**(62,261)**	**-**	**-**

City of Clayton
CIP 10420 School Bridge Area Improvement
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-				
7552	Project Costs - Construction/Execution	-				
7553	Project Costs - Monitoring/Inspections	-				
7554	Project Costs - Close-out/Punch List					
		-	-	-	-	-
	Total Expenses	**-**	**-**	**-**	**-**	**-**
5601	Interest	2,996	3,400	3,400	3,200	3,000
		-	-	-	-	-
		-	-	-	-	-
	Total Revenue	**2,996**	**3,400**	**3,400**	**3,200**	**3,000**
	Increase (Decrease) in Net Position	**2,996**	**3,400**	**3,400**	**3,200**	**3,000**
	Beginning Net Position	**208,847**	**212,247**	**212,247**	**211,843**	**215,043**
	Ending Net Position	**211,843**	**215,647**	**215,647**	**215,043**	**218,043**

City of Clayton
CIP 10422 El Molino Drive Sewer Improvements
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-	-	-		
7552	Project Costs - Construction/Execution	459,785	-	-		
7553	Project Costs - Monitoring/Inspections	60,860	-	-		
7554	Project Costs - Close-out/Punch List	8,415	-	-	475	-
	Total Expenses	**529,060**	**-**	**-**	**475**	**-**
5601	Interest	-	-	-	-	-
6100	Intergovernmental Capital Contributions	518,628	-	-	27,375	-
		-	-	-	-	-
	Total Revenue	**518,628**	**-**	**-**	**27,375**	**-**
	Increase (Decrease) in Net Position	**(10,432)**	**-**	**-**	**26,900**	**-**
	Beginning Net Position	**(16,468)**	**-**	**-**	**(26,900)**	**-**
	Ending Net Position	**(26,900)**	**-**	**-**	**-**	**-**

City of Clayton
CIP 10425 Collector Street Rehabilitation Project (OBAG I)
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-	-	-		
7552	Project Costs - Construction/Execution	-	-	-		
7553	Project Costs - Monitoring/Inspections	-	-	-		
7554	Project Costs - Close-out/Punch List	3,983	-	-		-
	Total Expenses	**3,983**	**-**	**-**	**-**	**-**
			-		-	-
5240	Cal Recycle Grant	-		(19,156)	(19,155)	
5281	Federal Grant - Local Streets & Roads Shortfall	-		(10,785)	(10,785)	
5601	Interest	-				
6002	Transfer From Measure J Fund (LSM)	-	-	-	-	-
6002	Transfer From Measure J Fund (Co-Op)	-		-		
6003	Transfer From CIP 10436 - 2018 Neighborhood St	-	-	2,767	2,767	
6004	Transfer From HUTA Gas Tax Fund	8,328	-	27,174	27,173	-
		-	-		-	-
	Total Revenue	**8,328**	**-**	**-**	**-**	**-**
	Increase (Decrease) in Net Position	**4,345**	**-**	**-**	**-**	**-**
	Beginning Net Position	**(4,345)**	**-**	**-**	**-**	**-**
	Ending Net Position	**-**	**-**	**-**	**-**	**-**

City of Clayton
CIP 10436 2018 Neighborhoods Street Project
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-	-	-		
7552	Project Costs - Construction/Execution	-	-	-		
7553	Project Costs - Monitoring/Inspections	-	-	-		
7554	Project Costs - Close-out/Punch List		-	-		
8111	Transfer to CIP 10425 Collector St Rehab Proj. (Transferring Excess Gas Tax Revenues)	-	-	2,767	2,767	-
	Total Expenses	**-**	**-**	**2,767**	**2,767**	**-**
5240	Cal Recycle Grant	-	-	2,767	2,767	-
5601	Interest	-	-	-		
6002	Transfer from Measure J Fund (LSM)	-	-	-	-	-
6002	Transfer from Measure J Fund (Co-Op)	-	-	-		
6004	Transfer from HUTA Gas Tax Fund	1,355	-	-	-	
6031	Transfer from RMRA Gas Tax Fund	-	-	-	-	-
	Total Revenue	**1,355**	**-**	**2,767**	**2,767**	**-**
	Increase (Decrease) in Net Position	**1,355**	**-**	**-**	**-**	**-**
	Beginning Net Position	**(1,355)**	**-**	**-**	**-**	**-**
	Ending Net Position	**-**	**-**	**-**	**-**	**-**

City of Clayton
CIP 10439 El Portal Drive Recons
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-				
7552	Project Costs - Construction/Execution	21,135	47,148	47,148	27,054	
7553	Project Costs - Monitoring/Inspections	-	20,000	20,000	20,000	
7554	Project Costs - Close-out/Punch List	-				
		-	-	-	-	-
	Total Expenses	**21,135**	**67,148**	**67,148**	**47,054**	**-**
5601	Interest	-	-	-	-	-
6004	Transfer from HUTA Gas Tax Fund	-	68,189	68,189	68,189	
		-	-	-	-	-
	Total Revenue	**-**	**68,189**	**68,189**	**68,189**	**-**
	Increase (Decrease) in Net Position	**(21,135)**	**1,041**	**1,041**	**21,135**	**-**
	Beginning Net Position	**-**	**(1,041)**	**(1,041)**	**(21,135)**	**-**
	Ending Net Position	**(21,135)**	**-**	**-**	**-**	**-**

City of Clayton
CIP 10440 CCP Lower Field Rehabilitation
Proposed Budget 20-21

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-				
7552	Project Costs - Construction/Execution	-	-	-		
7553	Project Costs - Monitoring/Inspections					
7554	Project Costs - Close-out/Punch List	-				
		-	-	-	-	-
	Total Expenses	**-**	**-**	**-**	**-**	**-**
5601	Interest	738	800	800	700	600
		-	-	-	-	-
		-	-	-	-	-
	Total Revenue	**738**	**800**	**800**	**700**	**600**
	Increase (Decrease) in Net Position	**738**	**800**	**800**	**700**	**600**
	Beginning Net Position	**51,488**	**52,288**	**52,288**	**52,226**	**52,926**
	Ending Net Position	**52,226**	**53,088**	**53,088**	**52,926**	**53,526**

City of Clayton
CIP 10442 North Valley Playground Rehab
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7311	Salaries/Regular	221				
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-				
7552	Project Costs - Construction/Execution	155,341	80,000	80,000	10,000	58,435
7553	Project Costs - Monitoring/Inspections	-				
7554	Project Costs - Close-out/Punch List	-				
		-	-	-	-	-
	Total Expenses	**155,562**	**80,000**	**80,000**	**10,000**	**58,435**
5601	Interest	2,595	600	600	820	720
5805	Project Revenue	-	-	-	-	-
		-	-	-	-	-
	Total Revenue	**2,595**	**600**	**600**	**820**	**720**
	Increase (Decrease) in Net Position	**(152,967)**	**(79,400)**	**(79,400)**	**(9,180)**	**(57,715)**
	Beginning Net Position	**219,862**	**133,687**	**133,687**	**66,895**	**57,715**
	Ending Net Position	**66,895**	**54,287**	**54,287**	**57,715**	**-**

City of Clayton
CIP 10443 City Hall ADA Accessibility Improvement Project
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-				
7552	Project Costs - Construction/Execution	1,425				
7553	Project Costs - Monitoring/Inspections					
7554	Project Costs - Close-out/Punch List	14,044				
		-	-	-	-	-
	Total Expenses	**15,469**	**-**	**-**	**-**	**-**
5601	Interest	-	-	-	-	-
6003	Transfer from CIP Unallocated Interest	6,533	-	-		-
		-	-	-	-	-
	Total Revenue	**6,533**	**-**	**-**	**-**	**-**
	Increase (Decrease) in Net Position	**(8,936)**	**-**	**-**	**-**	**-**
	Beginning Net Position	**8,936**	**-**	**-**	**-**	**-**
	Ending Net Position	**-**	**-**	**-**	**-**	**-**

City of Clayton
CIP 10445 Oak Street Bungalows Demolition Project
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-				
7552	Project Costs - Construction/Execution	-				
7553	Project Costs - Monitoring/Inspections	-				
7554	Project Costs - Close-out/Punch List	285	-	-	-	-
8111	Transfer to CIP 10400 Downtown Ec Dev	-	4,681	4,681	4,729	-
	Total Expenses	**285**	**4,681**	**4,681**	**4,729**	**-**
5601	Interest	74	-	-	-	-
6003	Transfer from CIP 10400 Downtown Ec Dev	-	-	-	-	-
		-	-	-	-	-
	Total Revenue	**74**	**-**	**-**	**-**	**-**
	Increase (Decrease) in Net Position	**(211)**	**(4,681)**	**(4,681)**	**(4,729)**	**-**
	Beginning Net Position	**4,940**	**4,681**	**4,681**	**4,729**	**-**
	Ending Net Position	**4,729**	**-**	**-**	**-**	**-**

City of Clayton
CIP 10446 Oak/Grassland Savanna Maintenance
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-	-	-	-	100,000
7552	Project Costs - Construction/Execution	-	-	-		
7553	Project Costs - Monitoring/Inspections	-	-	-		
7554	Project Costs - Close-out/Punch List	-	-	-	-	-
	Total Expenses	**-**	**-**	**-**	**-**	**100,000**
5601	Interest	-	-	-	-	-
NEW	FEMA Grant	-	-	-	-	100,000
		-	-	-	-	-
	Total Revenue	**-**	**-**	**-**	**-**	**100,000**
	Increase (Decrease) in Net Position	**-**	**-**	**-**	**-**	**-**
	Beginning Net Position	**-**	**-**	**-**	**-**	**-**
	Ending Net Position	**-**	**-**	**-**	**-**	**-**

City of Clayton
CIP 10447 Emergency/Auxillary Power at City Hall Complex
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-	-	-	-	100,000
7552	Project Costs - Construction/Execution	-	-	-		
7553	Project Costs - Monitoring/Inspections	-	-	-		
7554	Project Costs - Close-out/Punch List	-	-	-	-	-
	Total Expenses	**-**	**-**	**-**	**-**	**100,000**
5601	Interest	-	-	-	-	-
NEW	FEMA Grant	-	-	-	-	100,000
		-	-	-	-	-
	Total Revenue	**-**	**-**	**-**	**-**	**100,000**
	Increase (Decrease) in Net Position	**-**	**-**	**-**	**-**	**-**
	Beginning Net Position	**-**	**-**	**-**	**-**	**-**
	Ending Net Position	**-**	**-**	**-**	**-**	**-**

City of Clayton
CIP 10448 School Intersection Enhancement Project
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7520	Project Expenses	-	-	-		
7551	Project Costs - Planning/Design	-	-	-		
7552	Project Costs - Construction/Execution	-	70,211	70,211	20,000	100,211
7553	Project Costs - Monitoring/Inspections	-	-	-		
7554	Project Costs - Close-out/Punch List	-	-	-	-	-
	Total Expenses	**-**	**70,211**	**70,211**	**20,000**	**100,211**
5601	Interest	-	-	-	-	-
6002	Transfer from Measure J Fund (LSM)	-	36,163	36,163	36,163	
6002	Transfer from Measure J Fund (Co-Op)		34,048	34,048	34,048	
6031	Transfer from RMRA Gas Tax Fund	-	-	-	-	50,000
	Total Revenue	**-**	**70,211**	**70,211**	**70,211**	**50,000**
	Increase (Decrease) in Net Position	**-**	**-**	**-**	**50,211**	**(50,211)**
	Beginning Net Position	**-**	**-**	**-**	**-**	**50,211**
	Ending Net Position	**-**	**-**	**-**	**50,211**	**-**

City of Clayton
CIP 10449 2020 Neighborhood Streets Repave
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	13,185	-	-	40,000	
7552	Project Costs - Construction/Execution	-	872,360	872,360		1,275,000
7553	Project Costs - Monitoring/Inspections	-	-	-		
7554	Project Costs - Close-out/Punch List	-	-	-	-	-
	Total Expenses	**13,185**	**872,360**	**872,360**	**40,000**	**1,275,000**
5601	Interest	-	-	-	-	-
5240	CalRecycle Rubber Grant		83,000	83,000	-	
6002	Transfer from Measure J Fund (LSM)	-	214,412	214,412	214,412	-
6002	Transfer from Measure J Fund (Co-op)		34,530	34,530	34,530	-
6004	Transfer From HUTA Gas Tax Fund		350,535	350,535	350,535	143,825
6031	Transfer from RMRA Gas Tax Fund	-	189,883	189,883	189,883	395,000
		-	-	-	-	-
	Total Revenue	**-**	**872,360**	**872,360**	**789,360**	**538,825**
	Increase (Decrease) in Net Position	**(13,185)**	**-**	**-**	**749,360**	**(736,175)**
	Beginning Net Position	**-**	**-**	**-**	**(13,185)**	**736,175**
	Ending Net Position	**(13,185)**	**-**	**-**	**736,175**	**-**

City of Clayton
CIP 10450 Downtown Pedestrian Improvement
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-	-	-		
7552	Project Costs - Construction/Execution	-	252,000	252,000		252,000
7553	Project Costs - Monitoring/Inspections	-	-	-		
7554	Project Costs - Close-out/Punch List	-	-	-	-	-
	Total Expenses	**-**	**252,000**	**252,000**	**-**	**252,000**
5230	Measure J Grant	-	252,000	252,000	-	252,000
5601	Interest	-	-	-	-	-
		-	-	-	-	-
	Total Revenue	**-**	**252,000**	**252,000**	**-**	**252,000**
	Increase (Decrease) in Net Position	**-**	**-**	**-**	**-**	**-**
	Beginning Net Position	**-**	**-**	**-**	**-**	**-**
	Ending Net Position	**-**	**-**	**-**	**-**	**-**

City of Clayton
CIP 10451 Green Infrastructure Plan
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	2,738	-	-	-	-
7552	Project Costs - Construction/Execution	-				
7553	Project Costs - Monitoring/Inspections	-				
7554	Project Costs - Close-out/Punch List	-				
	Total Expenses	**2,738**	**-**	**-**	**-**	**-**
5601	Interest	-	-	-	-	-
6001	Transfer from General Fund	18,802	-	-	-	-
		-	-	-	-	-
	Total Revenue	**18,802**	**-**	**-**	**-**	**-**
	Increase (Decrease) in Net Position	**16,064**	**-**	**-**	**-**	**-**
	Beginning Net Position	**(16,064)**	**-**	**-**	**-**	**-**
	Ending Net Position	**-**	**-**	**-**	**-**	**-**

City of Clayton
NEW CIP Housing Element Update
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-				
7552	Project Costs - Construction/Execution	-				311,250
7553	Project Costs - Monitoring/Inspections	-				
7554	Project Costs - Close-out/Punch List	-				
		-	-	-	-	-
	Total Expenses	**-**	**-**	**-**	**-**	**311,250**
5601	Interest	-	-	-	-	-
NEW	Transfer from Rainy Day Fund	-	-	-	-	330,000
NEW	Transfer from Grants Fund	-	-	-	-	85,000
	Total Revenue	**-**	**-**	**-**	**-**	**415,000**
	Increase (Decrease) in Net Position	**-**	**-**	**-**	**-**	**103,750**
	Beginning Net Position	**-**	**-**	**-**	**-**	**-**
	Ending Net Position	**-**	**-**	**-**	**-**	**103,750**

City of Clayton
CIP Unallocated Interest
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
7341	Buildings/Grounds Maintenance	-	-	-	-	-
7520	Project Expenses	-				
7551	Project Costs - Planning/Design	-				
7552	Project Costs - Construction/Execution	-				
7553	Project Costs - Monitoring/Inspections	-				
7554	Project Costs - Close-out/Punch List	-				
8111	Transfer to CIP 10443 - City Hall ADA Acc. Proj.	6,533	-	-	-	-
	Total Expenses	**6,533**	**-**	**-**	**-**	**-**
5601	Interest	628	-	-	-	-
			-	-	-	-
		-	-	-	-	-
	Total Revenue	**628**	**-**	**-**	**-**	**-**
	Increase (Decrease) in Net Position	**(5,905)**	**-**	**-**	**-**	**-**
	Beginning Net Position	**43,817**	**37,284**	**37,284**	**37,912**	**37,912**
	Ending Net Position	**37,912**	**37,284**	**37,284**	**37,912**	**37,912**

City of Clayton
CIP GASB 31 Investment
Proposed Budget 21/22

Account Number	Account Name	2019/20 Actual	2020/21 Adopted Budget	2020/21 Amended Budget	2020/21 Projected	2021/22 Proposed Budget
		-	-	-	-	-
		-	-	-	-	-
	Total Expenses	**-**	**-**	**-**	**-**	**-**
5006	Unrealized Investment Gain/Loss	31,164	-	-	-	-
			-	-	-	-
			-	-	-	-
	Total Revenue	**31,164**	**-**	**-**	**-**	**-**
	Increase (Decrease) in Net Position	**31,164**	**-**	**-**	**-**	**-**
	Beginning Net Position	**867**	**867**	**867**	**32,031**	**32,031**
	Ending Net Position	**32,031**	**867**	**867**	**32,031**	**32,031**

CITY OF CLAYTON
PLANNING COMMISSION
RESOLUTION NO. 05-2021

A RESOLUTION OF THE CLAYTON PLANNING COMMISSION FINDING THAT FISCAL YEAR 2021/22 CAPITAL IMPROVEMENT PROGRAM PROJECTS CONFORM WITH THE CITY OF CLAYTON GENERAL PLAN (GPA-01-2021)

WHEREAS, Section 65401 of the California Government Code requires the Planning Commission to determine whether projects proposed in the City's Capital Improvement Program (CIP) for the upcoming fiscal year (FY) are in conformity with the City's adopted General Plan; and

WHEREAS, on June 22, 2021, the City of Clayton Planning Commission was presented a listing of CIP projects, with individual project descriptions and relevant General Plan goals and policies related to the upcoming FY 2021/22 for the purpose of determining their conformity with the City's General Plan; and

WHEREAS, at its June 22, 2021 meeting, the Planning Commission received and considered testimony, both spoken and written, regarding the conformity of the listed FY 2021/22 CIP projects with the City of Clayton General Plan; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) Section 15061(b)(3) it can be seen with certainty that there is no possibility that finding the FY 2021/22 CIP to be in conformance with the City of Clayton General Plan may have a significant effect on the environment, this determination is therefore not subject to CEQA, and, additionally, since this is a determination of consistency, the previous environmental documentation for the City of Clayton General Plan is adequate CEQA documentation.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does determine the following:

A. The finding of conformity of the FY 2021/22 CIP projects with the City of Clayton General Plan is not subject to CEQA; and

B. The list of CIP projects with funding identified for planning/design, initiation or construction during FY 2021/22 conforms to the City of Clayton General Plan.

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PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the 22nd day of June, 2021.

AYES:	Chair A.J. Chippero, Vice Chair Terri Denslow, Commissioner Bassam Altwal, Commissioner, Frank Gavidia Commissioner Ed Miller
NOES:	None
ABSTAINED:	None
ABSENT:	None

APPROVED:

A.J. Chippero
Chair

ATTEST:

Dana Ayers, AICP
Interim Community Development Director

CITY OF CLAYTON
Founded 1857 . . Incorporated 1964

AGENDA REPORT

TO: **HONORABLE MAYOR AND COUNCIL MEMBERS**

FROM: **Dana Ayers, AICP, Interim Community Development Director**

DATE: **June 29, 2021**

SUBJECT: **Oak Creek Canyon Project, Public Hearing on Applicant's Appeal of the Planning Commission Recommendation of Denial: Recommending Adoption of the Oak Creek Canyon Residential Planned Development Project Initial Study/Mitigated Negative Declaration (ENV-02-16); Adopting a Resolution Amending the Clayton General Plan Land Use Designation of the Project Site (GPA-02-18); Adopting a Resolution amending the Marsh Creek Road Specific Plan Land Use Designation of the Project Site (SPA-01-18); Introducing and Waiving the First Reading of an Ordinance Amending the Clayton Zoning Map Classification for the Project Site (ZOA-02-18); Adopting a Resolution Approving the Vesting Tentative Map (MAP-01-16), Development Plan Permit (DP-01-19), and Tree Removal Permit (TRP-31-19) for Six Residential Units Located on the North Side of Marsh Creek Road and the Intersection of Diablo Parkway**

RECOMMENDATION

That the City Council conduct the Public Hearing, accept written and spoken testimony, close the public hearing and move to uphold the appeal filed by the West Coast Home Builders, Inc. by:

1. Adopting the attached Resolution adopting the Oak Creek Canyon Residential Planned Development Project (Project) Initial Study/Mitigated Negative Declaration (ENV-02-16);
2. Adopting the attached Resolution amending the Clayton General Plan land use designation of the Project site (GPA-02-18);
3. Adopting the attached Resolution amending the Marsh Creek Road Specific Plan land use designation of the Project site (SPA-01-18);
4. Introducing and waiving the first reading of the attached Ordinance amending the

City of Clayton Zoning Map classification for the Project site (ZOA-02-18); and
5. Adopting the attached Resolution approving the Vesting Tentative Map (MAP-01-16), Development Review Permit (DP-01-19), and Tree Removal Permit (TRP-31-19) for the Project.

SUMMARY OF PROJECT AND PROJECT ACTIONS

In 2018 and 2019, West Coast Home Builders, Inc. (the Applicant), submitted applications to the City for various entitlements requesting approval of an Initial Study/Mitigated Negative Declaration (IS/MND), Vesting Tentative Map, General Plan Map Amendment, Specific Plan Map Amendment, Zoning Map Amendment, Development Plan, and Tree Removal Permit to construct the Oak Creek Canyon Project, a proposed single-family residential development of six single-family houses on nine acres in Clayton. Land use approvals requested by the Applicant for the Project include:

1. General Plan Map amendment to remove the Public/Quasipublic (PQ) designation from the property, and to expand the boundaries of portions of the property designated Single-Family Low Density (LD) and Private Open Space (PR) to allow the construction of the Project (GPA-02-18);
2. Marsh Creek Road Specific Plan (MCRSP) Map Amendment to change the land use designation on a portion of the property from *Open Space* to *Private Open Space* (SPA-01-18);
3. Zoning Map Amendment to rezone the site from R-10 (Single-Family Residential, 10,000 square foot minimum lot size) District and PF (Public Facility) District to PD (Planned Development) District (ZOA-01-18);
4. Vesting Tentative Map to subdivide the 9.03-acre property into six single-family residential lots with private open space (MAP-01-16);
5. Development Plan Review of the architecture of the proposed residences, each approximately 3,049 to 4,488 square feet in area and 23 to 32 feet in height, along with Project-related landscaping, drainage, fencing, lighting, and retaining walls (DP-01-19);
6. Tree Removal Permit to remove nine of the 21 trees on the Project site and replace the removed trees with newly-planted trees, shrubs, and groundcover (TRP-31-19).

The 9.03-acre site of the proposed Project is on the north side of Marsh Creek Road at its intersection with Diablo Parkway, Assessor's Parcel Number (APN) 119-070-008.

California Government Code Sections 65354, 65453, 65855 and Clayton Municipal Code Section 17.56.060, identify the Planning Commission as the advisory body to the City Council on amendments to the General Plan, Specific Plan or Zoning Ordinance. After considering written and spoken testimony at public hearings conducted on December 22, 2020 and February 23, 2021, the Planning Commission expressed concerns about the adequacy of the information provided by the Applicant to fully and accurately describe the proposed Project and its related improvements. With these concerns, the Commission directed staff to prepare findings and a resolution recommending denial of the Project without prejudice, which the Commission adopted on March 9, 2021.

The Commission's adoption of Resolution No. 01-2021 recommending denial of the Project without prejudice terminated proceedings on the Project in accordance with Government Code section 65856. The Applicant subsequently filed an appeal of the Planning Commission's decision and resubmitted plans intended to address inconsistencies and other concerns identified at the Commission's public hearings. The Applicant's revised plans are attached to this staff report as Attachment H.

An Initial Study (IS) was prepared for the Project pursuant to the guidelines of the California Environmental Quality Act (CEQA), and a Mitigated Negative Declaration (MND) was prepared with Mitigation Measures that would reduce the potential adverse environmental impacts of the Project to less than significant. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), no CEQA review is required for the denial of projects, and thus, the Planning Commission did not adopt the IS/MND that had been prepared for the proposed Project. At this public hearing, the City Council will be asked to review the IS/MND prepared for the proposed Project and to consider whether to adopt the IS/MND (ENV-02-16) prior to taking action on the requested land use approvals.

SUMMARY OF PLANNING COMMISSION DENIAL AND APPLICANT APPEAL

In recommending denial of the Project, the Planning Commission found that the proposed Project plans presented to them were inaccurate and inconsistent and therefore inadequate for the Commission to sufficiently review and understand the scope of the Project. The Commission noted inconsistencies between the plans' depiction of Saltbrush Lane right-of-way width (56 feet) and the collector right-of-way width prescribed in the MCRSP (48 feet), and they were concerned that without correction of the inconsistency, other changes to lot layouts, setbacks and landscaping could result in buildout of a different project than what was shown on the site plans and subdivision map. The Commission was also concerned that the Project plans did not adequately account for removal of landscaping and retention of a buffer should Saltbrush Lane be widened in the future, and further found the proposed Project's concrete masonry soundwalls to be inconsistent with the MCRSP.

The Applicant's appeal included a revised set of plans intended to address the Commission's concerns by correcting errors and inconsistencies. Primarily, the revised plans corrected the right-of-way dedication for Saltbrush Lane from 56 feet to 48 feet, and thereby corrected building setbacks to account for the road's ultimate buildout. The plans include a cross-section of the proposed road, which includes a wide (13.5-foot) landscape strip on the east side of the roadway. It is understood that landscaping planted in this area would be removed in the event that the paved surface Saltbrush Lane is widened from 20 feet proposed with the Project, to 32 feet for buildout of parcels to the east. However, the revised plans also include a cross-section showing the ultimate buildout of the roadway, with a 6-foot wide landscaped area (including 6-inch wide curb) that could be kept in place following widening. Additional clarification from the Applicant's noise

consultant assured that noise levels could be reduced to acceptable levels with construction of a double-faced wood fence in lieu of a soundwall, and reference to a concrete or concrete masonry unit wall to be built on the affected lots has been removed.

With the Applicant's revised plans, staff believes that the Council can make the findings necessary to uphold the appeal and approve the entitlements necessary for the Project. The following pages provide additional analysis of the Project with respect to the General Plan and Specific Plan policies, and Clayton Municipal Code (CMC) regulations applicable to the Project.

BACKGROUND

Existing Site Conditions: The 9.03-acre proposed Project site is undeveloped land located northwest of the intersection of Marsh Creek Road and Diablo Parkway. Marsh Creek Road borders the site to the south. There are existing single-family residential neighborhoods to the west and south of the site, across Marsh Creek Road. The site wraps around three sides of a smaller parcel, owned by the Contra Costa Water District, on which CCWD's Seminary Water Reservoir is located.

Three existing easement areas are located on the property: an existing 8-foot wide Public Utility Easement parallels and is next to Marsh Creek Road; a 50-foot-wide easement between the CCDW parcel and Marsh Creek Road; and four pipeline easements along the eastern property line.

Site History: Previous entitlements for the Project site by the same Applicant included a property annexation; amendments to the General Plan and Marsh Creek Road Specific Plan; rezoning of the project site; a Tentative Map for subdivision of the site into five single-family lots and one lot for a bio-retention basin, a Development Plan Review Permit for home landscape and design, and a Use Permit for the stormwater basin. City Council Resolution No. 10-2016 denied the Final Map for the Project with findings that the Final Map was not in substantial compliance with the Tentative Map, conditions of approval, and the adopted IS/MND for that project.

Proposed Project: The current development request consists of subdivision of the proposed Project site into six single-family lots, construction of six single-family residences, and installation of related infrastructure, including a 20-foot-wide paved private road and a detention basin on proposed residential lot 6. Project information is summarized in the following table:

Table 1: Project Summary

Applicant/Owner:	West Coast Home Builders, Inc. 4061 Port Chicago Highway Concord, CA 94520 Contact: Doug Chen, (925) 682-6419
Acreage/Location:	9.03 acres located northwest of the intersection of Marsh Creek Road and Diablo Parkway, APN 119-070-008
General Plan Designation:	Existing: Private Open Space (PR), Public/QuasiPublic (PQ), and Single-Family Low-Density (LD, 1.1 to 3 units per acre) Proposed: Private Open Space (PR), and Single-Family Low-Density (LD, 1.1 to 3 units per acre)
Marsh Creek Road Specific Plan (MCRSP) Designation:	Existing: Open Space, and Low-Density Residential Proposed: Private Open Space, and Low-Density Residential
Zoning Classification:	Existing: R-10 Residential and Public Facility (PF) Proposed: Planned Development (PD)
Surrounding General Plan Designations:	North: Public Park / Open Space / Open Space and Recreational South: Single-Family Low Density (LD, 1.1 to 3.0 units per acre) East: Vacant Grazing land (unincorporated) West: Single-Family Low Density (LD, 1.1 to 3.0 units per acre)
Surrounding Zoning Classifications:	North: Planned District (PD) and Community Park South and West: Single-Family Residential R-10 District East: Marsh Creek Road Specific Plan

Public Notice:	On August 19, 2020, a Notice of Intent to Adopt an IS//MND and a Notice of a Public Hearing for the Oak Creek Canyon Planned Development Project was published in the Contra Costa Times, posted on the notice boards, and mailed to property owners within 300 feet of the project site. The 20-day public review period for the project's Initial Study/Mitigated Negative Declaration was from August 21, 2020, to September 9, 2020. The public hearing date was noticed for October 13, 2020.

GENERAL PLAN CONSISTENCY ANALYSIS

The proposed Project site is currently designated by Clayton General Plan Land Use Element as Single-Family Low-Density (LD, 1.1 to 3 units per acre), Public/Quasipublic (PQ), and Private Open Space (PR). General Plan land use designations of properties directly adjacent to the Project site include Single-Family Low-Density (LD, 1.1 to 3 units per acre), Public/Quasipublic (PQ), Public Park/Open Space/Open Space and Recreational (PU) and Private Open Space (PR).

Single-family dwellings are not consistent with the PQ and PR designations assigned to the Project site. The requested General Plan Map Amendment would change the boundaries of the LD and PR areas and eliminate the PQ designation at the southeastern corner of the parcel, which would allow for the construction of six single-family residential lots in the configuration currently proposed. See Exhibit A to Attachment B.

The residential Project is consistent with General Plan Land Use Element Objective 1, as it would contribute to the City's stock of single-family, low-density residential development while preserving open space in the areas proposed to be designated PR. Application of the PR designation to undeveloped portions of the site is also consistent with Land Use Element Policy 2a. The Housing Element of the General Plan identifies the entire project site as an "approved site." As the original Site Plan Review Permit expired, staff recommends that the Project be conditioned to require the developer to provide one low-income housing unit off-site as part of the Affordable Housing Plan for the Project. The Project and recommended affordable unit would progress the City's efforts in providing above-moderate and affordable housing pursuant to its regional housing allocations assigned by the Association of Bay Area Governments.

MARSH CREEK ROAD SPECIFIC PLAN (MCRSP) CONSISTENCY ANALYSIS

The Project site currently has MCRSP land use designations of Low Density Residential and Open Space. The requested entitlements for the Project would expand the boundaries of the Low Density Residential land use designation and change the designation on the remaining portions of the site from Open Space to Private Open Space. See Exhibit A to Attachment C. The proposed MCRSP Private Open Space

designation would align with the boundaries of the Private Open Space (PR) land use designation proposed with the General Plan Amendment request, and the proposed MCRSP Low Density Residential designation would align with the boundaries of the proposed General Plan Single-Family Low-Density (LD) designation.

MCRSP Policy DD-2 states that "[a]ll buildings in the Specific Plan area shall conform to the building setbacks shown under Policy DD-2 in the Design and Development Standards chapter." The standards in Policy DD-2 are summarized in the table below. Except where noted, setbacks are measured to the property line.

Table 2: Marsh Creek Road Specific Plan Standards (Policy DD-2a)

Min. Front Setback[1] (ft)	Interior Side Setback (ft)	Min. Corner Side Setback[1] (ft)	Min. Rear Setback (ft)	Max. Building Height (ft)	Accessory structures	Min. Lot Area (sq ft)
20	10 (min.) 25 (aggregate)	20	25	35	Per CMC 17.16.130	15,000

1. 25 feet to back of curb, 80 feet from Marsh Creek Road

The MCRSP specifies an aggregate interior side yard setback of 25 feet between two houses. The proposed aggregate setback between Lots 4 and 5 is 20 feet. Marsh Creek Road Specific Plan Policy DD-2g states the setbacks may be changed based on-site specific considerations such as trees, steep topography, road/trail crossings, or appropriate clustering. The projects clustering, and topography meets the criteria for reduction in setback. It is noted that all the Project as proposed is compliant

The area and depth of each proposed lot are greater than the R-10 10,000-square-feet-minimum lot size and the 90-foot-minimum lot depth, and the 15,000-square-feet-minimum lot size noted in the Marsh Creek Road Specific Plan Policy DD-3a.

TITLE 17, ZONING ORDINANCE COMPLIANCE ANALYSIS

Sensitive Land Areas Ordinance: Clayton Municipal Code Chapter 17.22 (Residential Density Calculations for Residential Parcels with Sensitive Land Areas) requires a residential density computation that excludes sensitive land areas for purposes of calculating the permitted subdivision capacity (density) on a parcel or parcels of land. Because of the constraints due to sensitive land areas, residential parcels with sensitive land areas shall fall within a not-to-exceed maximum density for developable acreage and shall not have a minimum density requirement. Pursuant to CMC Section 17.22.030, sensitive areas include lands with a slope greater than 26 percent. Approximately 3.52 acres of the 9.03 acres on the Project site are on slopes greater than 26 percent. This leaves 5.51 acres, for which the proposed Single-Family Low-Density (LD, 1.1 to 3 units per acre) General Plan land use designation would allow up to 16 residences. The six units proposed with the Project are within the allowable development potential for the site,

after application of CMC Chapter 17.22.

Zoning Map and PD District: The proposed project includes a request to rezone the Project site from R-10 District and PF District in the southeastern corner of the site, to PD District to encompass the residential uses, private open space, and bioretention basin. The R-10 District allows the construction of residences for the owner or lessee, while the PF District is intended to provide areas for public facilities such as government offices, public safety facilities, and other public land uses. The proposed PD District would allow the proposed residential development and related improvements across the entire site.

PD District Development Regulations: As described in CMC Chapter 17.28 (Planned Development [PD] District), the PD District allows for flexibility in regulations, limitations, and restrictions different than those specified elsewhere in the City, including but not limited to setbacks and height limitations, location of pedestrian and vehicular access, and fences and walls. The development standards proposed for the six lots in the Project are summarized in the table below. Staff analyzed the development standards in the adjacent Single-Family Residential Districts and found the proposed development standards were identical to those within the Single-Family Residential R-10 District, which is the existing zoning district. Therefore, the proposed development standards conform to surrounding existing development standards, development patterns, and house orientations. Staff notes that the lots are greater in size than those existing to the south and west of the project due to the sensitive lands of the slopes (see discussion of Sensitive Land Areas Ordinance, below). However, as a gateway to Clayton (until future development with the MCRSP area occurs), the Project conforms to the topography by clustering the development in the flatter land area.

The PD District zoning proposed for the site allows the Project to have project-specific setbacks, subject to the discretion of the City Council. Table 3 summarizes the development regulations in CMC Chapter 17.16 that are applicable to the R-10 District.

Table 3: R-10 District Regulations

Front Setback (minimum, ft)	Interior Side Setback (ft)	Exterior Side Setback (minimum, ft)	Rear Setback (minimum, ft)	Building Height (maximum, ft)	Accessory structures	Lot area (minimum, sq ft)
20	10 (minimum) 20 (aggregate)	20	15	35	Per CMC 17.16.130	10,000

The proposed Project site plan demonstrates that the six proposed homes have setbacks equal to or greater than those shown on the table above. The proposed setbacks for the proposed homes are also consistent with surrounding existing interior lot setbacks and provide a greater amount of setback area than surrounding lots in the R-10 District. The area and depth of each proposed lot are also greater than the 10,000 square foot

minimum lot size of and the 90-foot minimum lot depth, and the width of each lot meets or exceeds the minimum 80-foot lot width (measured at the rear of the setback from the front property line, or in the case of Lot 2, at the end of the flag lot stem) specified in CMC Chapter 17.16.

Open Space Requirements for the PD District: With the requested rezoning of the entire site to PD District, the open space requirements of CMC Section 17.28.100 would apply. This section requires provisions for active and passive open space comprising of at least 20 percent of the Project site. The total Project site is 9.03 acres; thus, the developer is required to provide at least 1.8 acres as open space, with at least half of that area (0.9 acres) in active open space. The Project plans show 5 acres passive open space, and no active open space. CMC Section 17.28.100.B gives the City authority to consider various factors for determining the proportion of the open space area which is active open space and passive open space, including the topography of the project site and proximity of the project site to other public areas of active open space and passive open space.

For the proposed Project, staff believes that the topography of the Project site, which is mostly over 10 percent, supports a reduction in the area of active open space, as provision of 0.9 or more acres of active recreational area such as athletic fields or playgrounds would require extensive site grading to create large flat areas. Additionally, the Project site is within one-half mile of the Clayton Community Park, and proposed Project improvements include construction of a sidewalk along Marsh Creek Road to facilitate residents' ability to walk to the park. To meet the requirement for passive open space, the Applicant has proposed construction of a pedestrian pathway along the eastern side of the Project site to connect to potential future open space areas east of the Project site. Staff recommends that this pathway be accessible to the public but maintained the Project's homeowners' association.

Residential Floor Area Ordinance: The purpose of CMC Chapter 17.78 (Residential Floor Area) is to implement the General Plan, which envisions maintaining the semi-rural character of the city and providing a variety of housing sizes. This regulation of the relationship of house size to lot size is intended to preserve and perpetuate the established relationship of buildings and spaces characteristic of Clayton's residential setting, where relatively modest residences are surrounded with generously sized areas of natural and landscaped open grounds; to assure that the scale of residential development responds to the limitations created by constrained lot sizes; to minimize the out-of-scale appearance of large residences relative to their lot size and to other residences in a neighborhood; to minimize the environmental damage of tree removal and grading which may result from over-building; and to expand the range of house sizes to accommodate housing needs and preserve and enhance diversity of housing.

The following demonstrates shows that the Project as proposed conforms to the floor area requirements of CMC because the Project square footage numbers are less than the maximum areas allowed in CMC Section 17.78.010.

Table 4: Project Floor Area Analysis

Lot	NET Lot Area*	Building Footprint	Maximum Footprint Allowed (25%)	Floor Area	Maximum Floor Area (35%)
1	26,276	3,894	6,569	6,024	9,197
2	129,761	3,554	32,440	5,663	45,416
3	74,579	3,461	18,645	6,002	26,103
4	44,704	4,397	11,176	4,397	15,646
5	41,654	3,105	10,414	5,109	14,579
6	63,193	5,015	15,798	5,015	22,118

*Net lot area means the total horizontal area included within a lot, excluding areas within vehicular or pedestrian access easements.

Off-Street Parking: Minimum off-street parking requirements for land uses are prescribed in CMC Section 17.37.030. Architectural plans prepared for the Project show garage parking for three cars, and the site plan shows parking for at least two additional cars in each residence's driveway. Until buildout of the Marsh Creek Road Specific Plan, Saltbrush Lane's modified section does not provide parking for the homes. However, each lot would have space for on-site parking of at least five vehicles, in excess of the minimum specified in CMC Schedule 17.37.030A by CMC.

Development Plan Permit: Pursuant to CMC 17.28.050, all proposals to rezone areas PD District for development of five or more residential lots must include a Development Plan Permit. The development plan review process includes review of the proposed site plan, architecture, arrangement and spacing of structures to provide appropriate open spaces around them, landscaping, vehicular and pedestrian access, lighting, fences, and walls. As required by CMC, the Applicant submitted architectural and landscaping/fencing plans for Project. The proposed Project site plan, floor plans, architectural elevations, colors, and roofing are included as Attachment H.

Policy 7c of the General Plan requires design plans to be coordinated with those of the Town Center and the current architecture. MCRSP Policy DD-8 indicates that the architectural style should reflect traditional rural architecture. Architectural elevations submitted for the Project reflect a rural architecture that incorporates vertical and horizontal siding, brick, fieldstone, ledgestone, timber materials, colors and roofing material that combine to create a country sense. Each residence features articulation with various projections, recesses, and undulations on all four facades. Visual interest is provided with the varying window sizes and to break up the various panes of window glass. The earth tones of the proposed exterior colors and materials provide dynamic yet subtle color schemes that foster a unique curb appeal. The appearance of the residences from Marsh Creek Road is enhanced by the varied architectural elements and minimal use of solid wall planes.

The Applicant also submitted a landscape plan for the project. The plan includes a

mixture of seven species of trees including coast live and valley oaks, yew, and crepe myrtle, as well as various shrubs, ornamental grasses, and groundcovers. Landscaping is proposed in front of the residences and in the Saltbrush lane right-of-way. Landscape plans also show landscaping along Marsh Creek Road and the proposed Saltbrush Lane.

The fencing details in the landscape plan package show a split double rail, a split-view fence (solid lower, wire top), a privacy fence, and open space wire fencing. Due to traffic along Marsh Creek Road, a sound study and mitigation measure was added to provide sound protection and thus construct sound walls at locations near the roadway instead of fencing. To address the potential inconsistency between the recommended noise mitigation and MCRSP Policy 13c which discourages visible soundwalls, the Applicant has submitted evidence from their acoustical consultant that double fencing would be adequate for sound attenuation, and a condition of approval has been recommended that double-sided wood fencing or other appropriate (non-concrete) fencing be installed in the final Project. To address other, potential visual concerns, staff also recommends that the Project be conditioned to remove the metal open space fence and provide the wire open space fencing.

The proposed project includes construction of 3-foot-high retaining walls on lots 1, 2, and 3. Lot 3 shows a double wall in the back yard to allow for a larger patio/yard area. Revised plans submitted by the Applicant with the appeal now reflect an additional retaining wall between the dedicated and graded 48-foot right-of-way of Saltbrush Lane. The walls will be textured, colored block walls. Staff recommends a condition of approval that all retaining walls visible from street or sidewalk areas covered with a stone fascia.

Staff has provided a condition that, prior to a grading permit being issued for the Project, a revised Landscape, Irrigation, Fencing, and Retaining Wall Plan shall be submitted along with construction plans for building permit issuance to the Community Development Director for final review and approval. Final landscaping plans must comply with the City's landscape water conservation standards, as listed in the CMC Chapter 17.80. Landscape plans show the only water-thirsty landscape is a small grass area at each proposed home site. All other landscaping is low to moderate water use.

TITLE 16, LAND DEVELOPMENT AND SUBDIVISION COMPLIANCE ANALYSIS

Subdivision Improvements: The Vesting Tentative Map (VTM) submitted for the Project proposes to create six new single-family residential lots on the undeveloped property along Marsh Creek Road. The proposed single-family residential lots are proposed to have a single-family residence placed on each lot that will be accessed by a driveway off Saltbrush Lane, a new, private road that would be built with the Project. A shared driveway is proposed for Lots 1 and 2. CMC Section 17.37.090.D.4 states, in part, that the City Engineer may require driveway widths in excess of the minimum 16-foot requirement "where unusual traffic, grade, or site conditions prevail." Because the proposed driveway grade may be up to 20 percent, the VTM has been revised in the plans submitted with the appeal, to show a 20-foot-wide driveway width curb to curb, consistent

with the recommendation of staff on the previous plan set.

Also consistent with a prior staff recommendation, the revised VTM submitted with the appeal shows dedication of a 10-foot-wide public pedestrian access easement along the eastern edge of Lots 5 and 6, with a 6-foot-wide pedestrian trail to be installed in the easement, consistent with the MCRSP (Figure 7 and Policy CI-12).

As mentioned in the Background section of this staff report, there are three existing utility, access and pipeline easements on the property. The recommended conditions of approval of the Project include conditions addressing the safety of working near the easements, landscaping, and clearing title to non-existent or abandoned pipelines.

Saltbrush Lane: The proposed private roadway that would serve the Project follows the alignment of what is labeled as Oak Creek Canyon Road, a collector road in the MCRSP. The standard for a collector road in the MCRSP (Figure 11) shows a 4-foot sidewalk, a 6-foot landscape strip, 10-foot parking and bike lane, two 11-foot travel lanes, and 6-foot width of landscaping. In accordance with recommendations of staff to the Planning Commission on previous plan submittals, the revised VTM submitted with the appeal now shows an offer of dedication of a 48-foot right-of-way for Saltbrush Lane, consistent with the MCRSP. The revised VTM depicts that only a 20-foot-wide road would be paved with the Project within the right-of-way to be dedicated, with a 4-foot-wide sidewalk on the west side of the street and a 6-inch-wide curb and landscaped area on the opposite side. This paved roadway width would be adequate for access purposes for the proposed six residences in the Project but would need to be widened to 32 feet, with installation of additional utilities, upon approval of land use permits for potential development on lands east of the site that are currently within the MCRSP planning area but outside of the municipal boundary and the County Urban Limit Line. The proposed section and alignment of Saltbrush Lane nonetheless allows for future connection to development streets on those parcels to the east, consistent with MCRSP Policy CI-7 and Figure 10.

Two alternatives are provided for grading of the 48-foot-wide right-of-way with the Project. Consistent with staff's recommendation to the Planning Commission, staff recommends that the Project be conditioned to require the developer to grade the roadway according to "Phase 1 Alt" cross-section depicted on the VTM. While the roadway in this cross section would still be paved to 20 feet wide, the roadway would be graded in such a way as to avoid the need to grade on Lot 6 in the future should the lands to the east be annexed to the City and approved for construction and the roadway need to be widened. It is recognized that landscaping installed outside of the roadway paved with the Project would be removed in the future should the roadway width be increased in the future.

Subdivision Dedication and Reservation Requirements: CMC Chapter 16.12 requires all new subdivisions to dedicate land, pay a fee in-lieu thereof, or both for park and recreational purposes. For projects involving 50 parcels or less, the proposed subdivision is required to pay a fee equal to the land value of the portion of the local park required to serve the needs of the residents of the proposed subdivision. A condition has been

provided requiring payment of in lieu parkland dedication fees at the time of filing the final map.

Site Grading: Per Marsh Creek Road Specific Plan Policy DD-4a, site grading shall generally be limited to areas within the building footprint, under access roads and driveways, and where necessary to create modest yards or to correct unusual site conditions such as landslides. The maximum elevation of the property is approximately 690 feet above sea level with a minimum elevation of approximately 587 feet above sea level. Geotechnical remediation reports depict an old slide on Lots 1 through 3. The slide is proposed to be repaired as part of the grading work. Lots 1, 2, and 3 each have retaining walls that would a maximum of 3 feet high. Plans depict a balanced site. Other grading on-site would be conducted to create building pads, roads and storm drainage infrastructure for the Project. Steeper slopes on the north and west sides of the Project site would remain ungraded private open space.

Biological Resources and the East Contra Costa County Habitat Conservation Plan/ Natural Community Conservation Plan (ECCCHCP/NCCP): CMC Chapter 16.55 (Habitat Conservation Plan Implementation) establishes a comprehensive framework to protect and conserve species, wetlands, natural communities and ecosystems in East Contra Costa County, while improving and streamlining the environmental permitting process for impacts of future development on rare, threatened and endangered species; establishes procedures to implement the ECCCHCP/NCCP; and authorizes fees to be used for the conservation of habitat for covered species in mitigation of the impacts of development within the City. The Project site falls within the plan area, Fee Payment Zone 2, of the ECCCHCP/NCCP and is therefore subject to its reporting and pre-construction fee payment requirements

According to the Plant Survey Report prepared for the Project, the Project site consists of approximately 6.57 acres of annual grassland land cover and 2.46 acres of ruderal land cover. The drainage area in the southern portion of the project site had been recently disced prior to visual reconnaissance surveys of the project area by biologist Leslie Koenig to evaluate biological resource conditions at the site in 2017 and 2018. However, several indicators were found suggesting considerable surface water flows across the site in the vicinity of the mapped drainage alignment, and that without the routine disturbance from discing, a natural drainage with a bed and bank could form within the site. Project plans propose a 48-inch storm drain, and mitigation measures require that prior to approval of grading plans for the proposed Project, the developer shall complete a formal wetland delineation and submit the delineation to the U.S. Army Corps of Engineers (USACE) for verification. If the Project site is determined to include jurisdictional wetlands that would be altered as part of the proposed development, a Section 404 permit for fill of jurisdictional wetlands would be required, and mitigation for impacts to jurisdictional waters that cannot be avoided shall conform with the USACE “no-net-loss” policy prior to approval of grading plans.

The IS/MND prepared for the Project recommends mitigation measures, to be

implemented prior to grading for the Project, to reduce the severity of potentially significant biological resources impacts of the Project. The IS/MND mitigation measures are also included in the recommended conditions of approval.

Tree Removal: CMC Section 16.50.030 (Trees) specifies that no trees shall be removed except those specifically designated for removal on the plans approved by the Planning Commission or City Council. A tree protection plan shall be prepared in accordance with Section 15.70.045 for all trees to be retained. Trees proposed to be removed must be identified with the VTM.

None of the 21 trees surveyed on the Project site are protected under the Clayton Tree Ordinance due to their size and species; however, as part of the project, the Applicant is requesting approval of a Tree Removal Permit to remove nine trees. CMC Section 15.70.040.A provides options for tree replacement and the project landscape plans show abundant tree planting.

To minimize damage to public improvements, staff recommends that a condition is included requiring that trees planted less than 10 feet away from public improvements have root guards installed.

Utilities: The Oak Creek Canyon plans and drafted conditions provide adequate utilities improvements for the Project's six lots, as well as space for future expansion of infrastructure pending future annexation and development as envisioned in the MCRSP. However, sizing of utility lines at this time is not possible given the uncertainty of the scope of future development. More specifically, all parcels in the MCRSP excepting the proposed Project parcel and another small parcel are outside the County Urban Limit Line (ULL), and it is unknown whether all or some of the parcels would be brought into the ULL and thus become eligible for development. Additionally, since adoption of the MCRSP occurred in 1996, the City adopted the Sensitive Lands Ordinance which, as discussed above, reduces development potential on environmentally sensitive lands as defined by the Ordinance. Without identification of constraints to determine allowable density, the sizing of utilities needed for future development parcels to the east cannot be determined.

Marsh Creek Road Specific Plan Policy IM-13 states: "Improvements on individual properties required under this Specific Plan shall be financed by individual property owners or developers." City staff have informed the developers to coordinate their efforts regarding the financing of improvements affecting their projects.

Details of water, sewer, and stormwater infrastructure proposed with the Project are shown on the project utility plan submitted with the revised VTM, and each is discussed in the following paragraphs.

Water: CCWD will provide water to the residential Project site. Currently, an existing CCWD 8-inch water line is located under Marsh Creek Road. The Applicant proposes provide water service to the six lots via a proposed 6-inch water line connecting to the

line in Marsh Creek Road, with two water laterals to each lot.

Sanitary Sewer: Sanitary sewer service in the general vicinity of the Project site is currently provided by the City of Concord from an existing 6-inch sanitary sewer line located under Marsh Creek Road. The Project would include the connection of the proposed residential units to sewer service by way of a new 8-inch sanitary sewer line extending from the existing sewer line in Marsh Creek Road, with six sewer laterals proposed to service the six residential parcels, one sewer lateral to each lot.

Stormwater: To comply with standards of Provision C.3 of the Countywide National Pollutant Discharge Elimination System (NPDES) permit, the portion of the Project site proposed for development has been separated into drainage management areas corresponding with the six residential units proposed as part of the Project. Stormwater runoff from the drainage management areas would be directed to separate bioretention areas, following C.3 Guidebook instructions, and the proposed bioretention areas would be sized with adequate capacity to receive and treat all runoff from the impervious areas of the Project. Runoff entering the bioretention areas would move through permeable soil layers, which would slow the stormwater while also removing pollutants that may be contained in the runoff. Stormwater that exceeds the bioretention facilities' infiltration capacity, such as in the case of heavy storm events, would be directed to existing stormwater infrastructure located at the Saltbrush Road intersection with Marsh Creek Road.

Funding for the operation and maintenance of the stormwater detention basin is the responsibility of the Homeowners Association (HOA). A Community Facilities District (CFD) is being required to take on the operation and maintenance of the stormwater facilities (and landscape maintenance) should the HOA fail to meet their obligation.

Recommended conditions have been provided addressing project-related stormwater, storm drain, and drainage issues, including the applicant submitting to the City Engineer for review and approval a stormwater operations and maintenance plan along with a final stormwater control plan. A detention basin is planned for Lot 6, while the smaller basins shown are recommended to be conditioned to be eliminated and the Lot 6 basin redesigned to accept the flows for ease of maintenance, if feasible.

ENVIRONMENTAL REVIEW

In compliance with CEQA, the City prepared a draft IS/MND and MMRP for the proposed Project. The draft IS/MND evaluated the potential project-related environmental impacts: aesthetics, agriculture resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation/circulation, tribal cultural resources, utilities and service systems, wildfire, and mandatory findings of significance. Of the 20 environmental resources evaluated, the draft IS/MND identified five

environmental factors that are "potentially significant": biological resources, cultural resources, geology and soils, hazards and hazardous materials, and tribal cultural resources. Mitigation measures have been provided for the five potentially significant impacts, thereby reducing the project impacts on the environment to a "less-than-significant" level. The evaluations, impacts, and mitigation measures are described in detail in the IS/MND.

The draft IS/MND was circulated for a 20-day public review period between August 21, 2020, and September 8, 2020. The draft IS/MND, comments received during the public comment period, responses to comments and revisions to the draft IS/MND are available for review at the Community Development Department on the third floor of City Hall and can also be found on the City's website at: https://ci.clayton.ca.us/community-development/planning/development-activity/current-projects-oak-creek-canyon/.

PUBLIC COMMENTS

The project conditions of approval list agency comments from Contra Costa County Flood Control and Water Conservation District, Contra Costa County Fire Protection District, Contra Costa Water District, CRIMSON PIPELINE L.P., and Phillips 66 Pipeline, LLC.

FISCAL IMPACT

There are no immediate fiscal impacts associated with the application. Should the proposed project be approved, there would be an increase in property taxes, which would be a direct positive fiscal impact. In addition, after construction and occupancy of the homes, the residents could have an indirect positive fiscal impact by shopping and eating at the local businesses and increasing sales taxes.

ATTACHMENTS

Please note that all attachments will be added as an Addendum to the Agenda no later than 72 hours prior to the Council Meeting on June 29, 2021

A. Proposed Resolution Adopting the IS/MND and MMRP
B. Proposed Resolution Amending the General Plan
C. Proposed Resolution Amending the Marsh Creek Road Specific Plan
D. Proposed Ordinance Amending the Zoning Map
E. Proposed Resolution Approving the Vesting Tentative Map, Development Plan Permit and Tree Removal Permit
F. Notice of Planning Commission Decision and Resolution No. 01-2021
G. Applicant's Appeal
H. Revised/Corrected Project Plans (submitted with Appeal)
I. Initial Study/Mitigated Negative Declaration
J. Planning Commission Meeting Staff Reports and Meeting Minutes (link to website)
K. Public Comments
L. Vicinity Map

Agenda Item: 9(a)

CITY OF CLAYTON
Founded 1857 . . Incorporated 1964

STAFF REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

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

DATE: **June 29, 2021**

SUBJECT: **CONSIDERATION OF A RESOLUTION AUTHORIZING AN APPEAL OF CLAYTON'S REGIONAL HOUSING NEEDS ASSESSMENT (RHNA) ALLOCATION**

RECOMMENDATION

The Association of Bay Area Governments (ABAG) formally issued draft Regional Housing Needs Assessment (RHNA) allocations to all jurisdictions in the 9-County Bay Area on May 25, 2021. Clayton's current proposed allocation is for 570 total units, nearly a 400 percent increase over the current 5th Cycle RHNA allocation. Staff is seeking direction on whether to pursue an appeal of Clayton's allocation. A proposed Resolution is attached if the City Council wishes to authorize the submittal of an appeal.

BACKGROUND

Overview

Pursuant to State law (Govt. Code § 65300 *et. seq.*), the Housing Element is a set of goals, policies and programs to meet the existing and projected housing needs of all economic segments within a city or county. A certified Housing Element is one of seven mandatory elements of the General Plan, which is a jurisdiction's comprehensive, long- term plan for its growth and development. State law allows jurisdictions a good deal of latitude in creating the other General Plan elements, but imposes stringent requirements for the Housing Element, which are discussed below.

Time Frame

Since 1969, the State has required all jurisdictions with land use authority to adopt a Housing Element for specific planning periods or "cycles," which are currently eight years long. Bay Area jurisdictions are currently in the fifth-cycle (2014-2022), and the next update will cover the sixth-cycle (2023-2031). The key milestone for the Bay Area's sixth-cycle is January 15, 2023, by which date jurisdictions must adopt their Housing Elements and submit them to the State Department of Housing and Community Development (HCD) for certification. State law also requires that jurisdictions provide HCD with draft Housing Elements for review at least 60 days prior to adoption. Jurisdictions must also submit annual progress reports to HCD on the implementation of their Housing Elements, including approval and construction

of new dwelling units within the jurisdiction.

Required Components

State law requires that a Housing Element include three main components, which are discussed in further detail below: (1) an assessment of local housing needs, (2) a statement of objectives, and (3) an action program to implement its policies. It is important to note that State law does not require jurisdictions to actually build or finance housing, but rather, to adequately plan for it. A further, overarching requirement is that jurisdictions make a diligent effort to obtain the participation of all economic segments of the community in the Housing Element update process.

1. *Needs Assessment*

   Pursuant to Govt. Code § 65583(a), jurisdictions must assess their existing and projected housing needs, including, but not limited to, the following: sites inventory, constraints analysis, identification of emergency shelters, identification of special needs populations, energy conservation and potential loss of assisted low-income housing.

2. *Goals, Policies and Objectives*

   The second main component of the Housing Element is "a statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing" (Govt. Code § 65583(b)(1)). As with other elements, the Housing Element's goals are relatively broad, aspirational statements that are supported by more specific policies and objectives.

3. *Action Program*

   The final main component of the Housing Element is a list of specific programs to implement the element's policies and objectives, accompanied by a responsible agency, time frame, and funding source.

Regional Housing Needs Assessment Process

As noted above, jurisdictions must identify adequate sites to accommodate their RHNA allocation. The RHNA represents a jurisdiction's share of the region's projected housing need (expressed in number of dwelling units) during a given Housing Element cycle. As noted earlier, State law requires that jurisdictions plan to accommodate these units, but recognizes that private development builds and finances housing, not cities. Below is a discussion of the RHNA process and the City's anticipated RHNA for the sixth Housing Element cycle. The steps in the RHNA development process are shown below:

REGIONAL HOUSING NEEDS ALLOCATION — Association of Bay Area Governments

RHNA Methodology Development Process

October 2019 to September 2020	Housing Methodology Committee (HMC) worked collaboratively and voted to recommend a Proposed RHNA Methodology.
October 15, 2020	ABAG Executive Board approved Proposed RHNA Methodology.
October 25 – November 27, 2020	Public comment period on Proposed RHNA Methodology, including public hearing on November 12.
January 2021	ABAG Regional Planning Committee and Executive Board voted to include "equity adjustment" as part of the Draft RHNA Methodology.
February 11, 2021	As required by law, ABAG submitted Draft RHNA Methodology to HCD for review.
April 12, 2021	HCD confirmed Draft RHNA Methodology furthers statutory objectives.
May 20, 2021	ABAG Executive Board approved Final RHNA Methodology and release of Draft RHNA Allocations.

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Once the Draft RHNA Allocations were provided to jurisdictions, the timeframe to file an appeal runs from May 25, 2021 to July 9, 2021. The full appeal process timeline is:

REGIONAL HOUSING NEEDS ALLOCATION — Association of Bay Area Governments

Key Milestones & Timeline:

What is the Anticipated Appeals Schedule?

May 25, 2021	Following action by ABAG Executive Board, ABAG notifies jurisdictions/HCD about adoption of Final RHNA Methodology and Draft Allocations.
★ July 9, 2021	Deadline for jurisdictions/HCD to submit appeals to ABAG; ABAG notifies jurisdictions/HCD about appeals submitted.
August 30, 2021	Deadline for jurisdictions/HCD to comment on appeals submitted; ABAG notifies jurisdictions/HCD about comments received.
September and/or October	ABAG conducts public hearing to consider appeals and comments received; ABAG must notify jurisdictions at least 21 days prior to hearing.
October or November	ABAG ratifies written final determination on each appeal and issues Final RHNA Allocations that include adjustments resulting from successful appeals.
November or December	ABAG Executive Board conducts public hearing to adopt Final RHNA Plan.

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City's Anticipated RHNA

Pursuant to ABAG's Draft RHNA Plan, Clayton's draft RHNA for the sixth-cycle Housing Element is 570 units. This represents an increase of about 380 percent from the fifth-cycle RHNA allocation of 141 units. This is substantially more than the average increase of approximately 135 percent across the entire Bay Area region. In fact, only a few other jurisdictions in Contra Costa had increases anywhere near the size of Clayton's. The primary reason for the large increase in Clayton's allocation is based on the methodology ABAG adopted which places a premium on increasing housing in what are defined as High Resource Areas, measured primarily by income, schools and health outcomes. (For more information on the methodology related to the definition of High Resource Areas, please see: https://www.treasurer.ca.gov/ctcac/opportunity.asp.)

Recent Legislation

One other area impacting this process is the high priority the State Legislature has put on housing; enacting numerous pieces of legislation designed to address the housing shortage. These bills have also made the Housing Element process significantly more complex. From 2017 to 2020, the legislature adopted 13 bills pertaining to Housing Elements. Some of the most significant of these bills include:

1. *"No Net Loss" (SB 166, SB 330, 2017)*
   These two bills prohibit a jurisdiction from reducing the allowable residential density or requiring a less intensive residential use of a site. This does not apply if there are adequate remaining sites in the jurisdiction's Housing Element to satisfy its RHNA at each income level (SB 166), or it approves an equivalent density increase elsewhere to ensure that there is no net loss in residential capacity (SB 330). Jurisdictions also cannot approve new housing projects at significantly lower densities or different income categories than stated in the Housing Element without making specific findings and identifying other sites that can accommodate the "lost" density or affordability. Similarly, jurisdictions cannot deny housing projects because they do not include units at the income categories identified in the Housing Element.

   In light of these requirements, HCD strongly recommends that jurisdictions identify between 15-30% additional housing units beyond their RHNA obligations to accommodate instances where a reduction in density of proposed developments is warranted and supported. This policy issue would be included as part of the Housing Element update. Following this guidance would mean identifying capacity for another 85-170 units, on top of the 570.

2. *Affirmatively Further Fair Housing (AB 686, 2018)*
   This bill establishes a mandate for all public agencies in the State to "affirmatively further fair housing" (AFFH), which HCD defines as follows:

   > *"[AFFH] means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. [AFFH includes] address[ing] significant disparities in housing needs and in access to opportunity, replacing segregated living*

> *patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a public agency's activities and programs relating to housing and community development (Govt. Code § 8899.50(a)(1)).*

The concept of AFFH is based on a 2015 rule by the Federal Department of Housing and Urban Development (HUD) to implement the 1968 Fair Housing Act, and the intent of AB 686 is to ensure that California agencies continue to implement AFFH regardless of federal policy changes. To that end, AB 686 requires that Housing Elements include:

> *"…an assessment of fair housing practices, an analysis of the relationship between available sites and areas of high or low resources, and concrete opportunities linked to critical life outcomes, which the Housing Element must identify and analyze*."

3. *More Rigorous Sites Analysis (AB 1397, 2017)*
   This bill requires jurisdictions to conduct a more rigorous analysis of the suitability and availability of potential housing sites. To that end, the bill requires that jurisdictions consider a number of factors including availability of infrastructure, past experience with converting sites to higher-density residential uses, current demand for existing uses, and leases or other contracts that may perpetuate an existing use or prevent redevelopment.

4. *HCD Enforcement Authority (AB 72, 2017)*
   This bill grants HCD authority to review any action or failure to act by a jurisdiction that it determines is inconsistent with an adopted Housing Element or Housing Element law. This includes failure to implement program actions included in the Housing Element. HCD may also revoke a jurisdiction's Housing Element compliance, and/or refer Housing Element violations to the Attorney General for potential legal action.

Consequences for Non-Compliance

The consequences for failing to adopt or comply with a certified Housing Element are wide-ranging and potentially severe. Following are some of the most significant consequences for non-compliance:

1. *Fines and Fees*
   In an action brought by the Attorney General, if a court finds a jurisdiction to be out of compliance, the court can impose fines and/or attorney's fees ranging from $10,000 to $100,000 per month, and continued non-compliance allows a court to multiply these fines up to six times. Prior to filing an action, the Attorney General must first notify the jurisdiction and give it the opportunity to correct the alleged deficiency (Govt. Code § 65585(l)(1) – (3)).

2. *Funding Disqualification*
   Failure to adopt a certified Housing Element disqualifies a jurisdiction for a variety of State and local funds, including certain bonds, grants, and loans. Several State and federal funding programs consider compliance with Housing Element law as an eligibility or ranking criterion, including Senate Bill 1 and Senate Bill 2 grants, Measure J funds, the Affordable Housing and Sustainable Communities program, and the Proposition 1 Housing Program and Veterans Fund.

3. *Suspension of Local Land Use Power*
   If necessary to achieve compliance, courts have the authority to suspend local land use powers, issue moratoria on all permits, remove or reinstate specific policies, and remove specific parcels and sites from local land use oversight.

4. *Mandated Approval of Affordable Housing Projects*
   If a jurisdiction fails to adopt a substantially compliant Housing Element, State law prohibits that jurisdiction from disapproving any housing project with 20% low-income units or 100% moderate-income units. This prohibition exists regardless of the project's compliance with the applicable zoning or general plan, unless the jurisdiction makes very narrow findings regarding health and safety impacts, violation of state or federal law, or land zoned for agriculture or resource preservation (Govt. Code § 65589.5(d)).

DISCUSSION

If the City Council wishes to pursue an appeal of the RHNA allocation for the City, the following are likely the strongest arguments on the City's behalf.

Appeal Point # 1 – Imbalance of Jobs and Housing/Lack of Multimodal Transportation
Objective 3 of Government Code Section 65584.04 (a) requires that the RHNA methodology promote "an improved intraregional relationship between jobs and housing." Currently, the City of Clayton has a significant jobs/housing imbalance, with most residents commuting out of the city to access employment. As reported by Longitudinal Employer Household Dynamics (LEHD) data, 5,238 out of 5,460 (96.8%) of employed Clayton residents commute to other jurisdictions, while only 1,145 workers commute from other jurisdictions into Clayton. The top four destinations for employment are Concord, San Francisco, Walnut Creek, and Oakland. Given the limited land area available and devoted to business enterprises, this is not surprising; Clayton is a small residential community with businesses largely devoted local services and dining.

Additionally, Objective 2 of Government Code Section 65584.04 (a) requires that the RHNA methodology promote "achievement of the region's greenhouse gas reductions targets." American Community Survey data also reveal that 79% of employed residents in Clayton drive to their jobs instead of taking sustainable modes of transportation such as transit, biking, or walking. Commuters have a mean travel time of 42.8 minutes. Clayton lies approximately four and one-half miles from the nearest freeway (State Highway 4), connected via Ygnacio

Valley Road/Kirker Pass Road, a four-lane roadway that is not a high-quality transit corridor (defined as fixed-route bus corridors with 15-minute headways during morning and evening peak periods). The closest BART station lies six miles away (approximately 14-minute drive), with train travel times of at least 45 minutes to San Francisco (total commute time of one hour). This lack of convenient transit service has maintained dependency on private cars for work commutes. This level of driving adds vehicles to crowded roadways and freeways and requires that commuters drive to/through such cities as Concord, Pittsburg, and Martinez which already experience high pollutant loads. CalEnviroScreen 4.0 reveals that these communities have pollution burden scores up to the 82nd percentile.

Adding substantial new units to Clayton will increase the number of commute trips out of the city every workday and contribute to increased pollutant loads—and particularly greenhouse gas (GHG) emissions. This runs counter to regional and statewide objectives to reduce GHG emissions, as well as regional goals to promote transit use through thoughtful, coordinated land use/transportation planning. The proposed RHNA allocation for Clayton does not account for these local planning factors.

Appeal Point # 2 – No Growth Geography designation in Plan Bay Area 2050
Objective 2 of Government Code Section 65584.04 (a) requires that the RHNA methodology promote "the encouragement of efficient development patterns." The Draft Plan Bay Area 2050 provides several growth geography designations that are based on employment access, transit service, and level of resources to allow development to be targeted to areas that will support the region's housing and transportation goals. While the City of Clayton is considered as a high resource area (largely due to quality schools and public services), it is not a designated as a Priority Development Area or Transit Rich Area and thus is not designated as a growth geography. Without adequate transit service, encouraging substantial new development in the city would not be "efficient" as the RHNA requires.

Additionally, the methodology for determining the RHNA based on the city being classified as a High Resource Area is flawed because the methodology does not also logically account for the lack of transit service. The methodology uses an "equity" factor to balance distribution of units away from Low Resource Areas to High Resource Areas, an important regional goal. However, without also accounting for how new Clayton residents will get to their jobs without easy transit access, the methodology fails to achieve and balance other objectives: reducing GHG emissions and encouraging transit use.

Appeal Point #3 – Natural Hazards and Biological Resources
Objective 2 of Government Code Section 65584.04 (a) requires that the RHNA methodology promote "the encouragement of efficient development patterns." Clayton is a hillside community, with little unconstrained vacant land remaining. A significant section of the city is designated as a Geologic Hazard Abatement District due to unstable hillslopes, with slopes designated as open space to prevent their development. The hillsides also support critical wildlife habitat. These natural hazards and natural resources preclude development, and the balance of the community is largely built out, with few lots even available for private redevelopment efforts. Planning for housing in the hillsides would result in an inefficient development pattern and in fact, would not be practical or possible given the constraints.

Appeal Point #4 – Water Demand/Drought Conditions
Another important local planning factor relates to water services planning which has not been adequately considered in the RHNA process. The City of Clayton receives domestic water services from the Contra Costa Water District (CCWD). The CCWD prepares an Urban Water Management Plan (UWMP) as required by state law. In the current and effective UWMP, from 2020 to 2030 the population of Clayton is assumed to grow by only 300 residents. This overlaps with the 2023-2031 Housing Element planning period. Assuming an average household size of 2.81 (California Department of Finance, 2021), this translates to 107 housing units. The City's RHNA for the sixth cycle Housing Element of 570 units represents significantly more homes than assumed in the UWMP.

Data from the National Integrated Drought Information System classifies Contra Costa County as experiencing an extreme drought where "water is inadequate for agriculture, wildlife, and urban needs; reservoirs are extremely low; hydropower is restricted". If conditions persist, water supply will continue to be significantly constrained. These conditions do not appear to have been seriously considered in the RHNA process.

FISCAL IMPACT

There are a number of potential fiscal impacts associated with the potential appeal of Clayton's RHNA allocation. First, there is a cost to preparing the appeal, a portion of which has already been expended to bring forward sufficient information for the Council to consider this evening. Second, there will be additional staff time (and potential consultant assistance) needed to finalize the appeal if Council chooses to pursue the appeal, as well as the time and effort to follow through the entire appeal process, including a hearing in front of ABAG. On the contrary side, however, failure to produce a compliant Housing Element update could have significant negative financial consequences to the City including fines and loss of certain grant revenues; and the higher the City's RHNA allocation, the more difficult it will be to ensure that we are creating a compliant Housing Element. For more information on the consequences of non-compliance, please see Attachment 3.

ATTACHMENTS

1. Resolution Authorizing Appeal
2. Document: What is a Housing Element?
3. Document: Consequences of Non-Compliance
4. PowerPoint Presentation

RESOLUTION NO. ##-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON AUTHORIZING AN APPEAL OF THE CITY OF CLAYTON'S 6TH CYCLE REGIONAL HOUSING NEEDS ASSESSMENT (RHNA) ALLOCATION

WHEREAS, California State housing law requires that each city and county plan for existing and future housing needs in accordance with the allocations determined through the Regional Housing Needs Assessment (RHNA) process;

WHEREAS, the Association of Bay Area Governments (ABAG) is responsible for developing a uniform methodology for distribution of the RHNA allocations among member counties and cities;

WHEREAS, Clayton's allocation of 570 units for the 6th Cycle represents an increase of nearly 400% over the 5th Cycle allocation, significantly greater than the average increase across the ABAG region of approximately 135%;

WHEREAS, Clayton's allocation of 570 units also represents a significant amount of housing for a largely built-out city to absorb; and

WHEREAS, there exists an imbalance of jobs and housing in Clayton as well as adequate public transportation resulting in the vast majority of working Clayton residents commuting by automobile to work outside the City;

WHEREAS, the proposed RHNA allocations are based on and intended to be consistent with Plan Bay Area 2050, which does not identify Clayton as a growth geography;

WHEREAS, Clayton has numerous natural hazards and sensitive biological resources which create environmental constraints to development, including housing; and

WHEREAS, Clayton does not control the level of water development capacity planned for the future and the capacity anticipated by the current Urban Water Management Plan in effect for the 2020-2030 period would be approximately 107 units.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAYTON, CA DOES RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of Clayton, California, finds that the above recitals are true and correct.

SECTION 2. The City Council disagrees with the determinations and

methodology used by California Department of Housing and Community Development and the Association of Bay Area Governments in determining the 6th cycle RHNA allocations.

SECTION 3. The City Manager is authorized to submit an appeal of Clayton's allocation of 570 units for the 6th RHNA Cycle based on the factors enumerated in the recitals.

ADOPTED ON June 29, 2021 by the City Council of the City of Clayton by the following vote count:

AYES:

NOES:

ABSENT:

ABSTAIN

THE CITY COUNCIL OF CLAYTON, CA

_____
Carl Wolfe, Mayor

ATTEST

_____
Janet Calderon, City Clerk

Technical Assistance
for Local Planning
HOUSING

ASSOCIATION
OF BAY AREA
GOVERNMENTS

What is a Housing Element?

A Housing Element is how local jurisdictions plan to meet the housing needs of everyone in the community. At its core a Housing Element is an opportunity to have a community conversation about how to address local housing challenges and find solutions. The Housing Element is one important part of a city or county's General Plan, which serves as the blueprint for how a city or county will grow and address changing needs for development. Every eight years, every city, town and county must update their Housing Element and have it certified by the California Department of Housing and Community Development.

A Housing Element is a local plan, adopted by a city, town or county that includes the goals, policies and programs that direct decision-making around housing.

All jurisdictions in the Bay Area must update their Housing Element for the 2023-2031 planning period. Local jurisdictions look at housing trends, zoning and market constraints, and evaluate various approaches to meeting housing needs across income levels.

The Inventory of Available Sites, or "Sites Inventory," is a key component of a Housing Element where jurisdictions identify if they have enough land zoned for housing to meet the future need.

Local governments must involve the public from all economic segments of the community in developing the Housing Element.

- State law does not require that jurisdictions *build* or *finance* new housing, but they must *plan* for it.
- Every city in California receives a target number of homes to plan for. This is called the Regional Housing Needs Allocation or RHNA.
- The state of California determines the number of new homes the Bay Area needs to plan for – and how affordable those homes need to be – in order to meet the housing needs of people at all income levels.
- The Association of Bay Area Governments convened diverse stakeholders in a Housing Methodology Committee to distribute the region's housing allocation to each jurisdiction in the Bay Area.
- Housing elements must be updated every eight years and must be certified by the California Department of Housing and Community Development.

What Are the Components of a Housing Element?

The Housing Element typically includes:

1. **Housing Needs Assessment**: Examine demographic, employment and housing trends and conditions that affect the housing needs of the community.
2. **Evaluation of Past Performance**: Review the prior Housing Element to measure progress in implementing policies and programs.
3. **Housing Sites Inventory**: Identify locations of available sites for housing development or redevelopment to ensure that there is adequate capacity to address the Regional Housing Needs Allocation.
4. **Community Outreach and Engagement**: Implement a robust community outreach and engagement program, with a particular focus on outreach to traditionally underrepresented groups.
5. **Constraints Analysis**: Analyze and recommend remedies for existing and potential governmental and nongovernmental barriers to housing development.
6. **Policies and Programs**: Establish policies and programs to fulfill the identified housing needs.

What Happens if a Jurisdiction Does Not Adopt a Housing Element?

If a city does not comply with State law, it can be sued. In addition to facing significant fines, a court may limit local land use decision-making authority until the jurisdiction brings its Housing Element into compliance. Additionally, local governments may lose the right to deny certain projects. These and other consequences are established in state law; Housing Elements are subject to regulatory oversight by the California Department of Housing and Community Development. ABAG does not play a direct role in regulating local Housing Elements.



June 2021

Growing List of Penalties for Local Governments Failing to Meet State Housing Law



California's Housing and Community Development (HCD) department in April 2021 issued guidance to cities and counties about the consequences of falling short in adopting or otherwise complying with previously adopted housing elements.

HCD noted that, under legislation enacted in recent years, it is authorized "to review any action or failure to act by a local government (that it finds) inconsistent with an adopted housing element or housing element law. This includes failure to implement program actions included in the housing element. HCD may revoke housing element compliance if the local government's actions do not comply with state law." And because housing elements are a mandatory part of a city or county's General Plan, a noncompliant housing element could also impact its General Plan, potentially invalidating it as well. Localities in this situation are subject to a range of penalties or consequences, including:

Legal Suits and Attorney Fees: Local governments with noncompliant housing elements are vulnerable to litigation from housing rights' organization, developers, and HCD. If a jurisdiction faces a court action stemming from its lack of compliance and either loses or settles the case, it often must pay substantial attorney fees to the plaintiff's attorneys in addition to the fees paid to its own attorneys. Potential consequences of lawsuits include: mandatory compliance within 120 days, suspension of local control on building matters, and court approval of housing developments.

Loss of Permitting Authority: Courts have authority to take local government residential and nonresidential permit authority to bring the jurisdiction's General Plan and housing element into substantial compliance with State law. The court may suspend the locality's authority to issue building permits or grant zoning changes, variances, or subdivision map approvals – giving local governments a strong incentive to bring their housing element into compliance.

Financial Penalties: Local governments are subject to court-issued judgements directing jurisdictions to bring a housing element into substantial compliance with state housing element law. If a jurisdiction's housing element continues to be found out of compliance, courts can fine jurisdictions up to $100,000 per month, and if they are not paid, multiply that by a factor of six.

Court Receivership: Courts may appoint an agent with all powers necessary to remedy identified housing element deficiencies and bring the jurisdiction's housing element into substantial compliance with housing element law.

Streamlined Ministerial Approval Process: Proposed developments in localities that have not yet made sufficient progress towards their allocation of the regional housing need are now subject to less rigorous "ministerial" approvals in order to hasten the production of housing and bring a jurisdiction into compliance with its state-determined housing need allocation.

OVER ▼

Housing Laws Figure Prominently in the News

Following are links to a sampling of recent news coverage documenting the risks and challenges faced by cities and counties in the new housing arena:

State can sue:

- In the face of unprecedented housing crisis, California takes action to hold cities accountable for standing in the way of housing **https://www.gov.ca.gov/2019/01/25/housing-accountability/**
- Huntington Beach loses housing case with state of California **https://web.archive.org/web/20210203030515/https:/www.latimes.com/socal/daily-pilot/news/story/2021-02-02/huntington-beach-loses-housing-case-with-state-of-california**
- State may revoke Encinitas's compliance status with California housing law **https://www.sandiegouniontribune.com/communities/north-county/encinitas/story/2020-02-14/state-revokes-encinitass-compliance-status-with-california-housing-law**
- Under pressure from state, Simi reverses opposition to proposed 278-unit apartment complex **https://www.vcstar.com/story/news/local/communities/simi-valley/2020/02/08/apartments-low-income-housing-simi-valley-california/4679587002/**

Developers can sue:

- Holland & Knight First in California to Win Lawsuit Under New State Housing Law **https://www.hklaw.com/en/news/pressreleases/2020/05/holland-knight-first-in-california-to-win-lawsuit-new-housing-law**
- Developer Sues Millbrae Over Proposed Housing at Historic El Rancho Inn **https://sanfrancisco.cbslocal.com/2021/06/03/developer-sues-millbrae-over-proposed-housing-at-historic-el-rancho-inn/**

Third parties can sue:

- Controversial Vallco project can continue under SB 35, judge rules **https://sanjosespotlight.com/controversial-vallco-project-can-continue-under-sb-35-judge-rules/**
- City of Coronado sued over failing to comply with state law allowing expedited approval for accessory dwelling units **https://www.sandiegouniontribune.com/business/story/2021-01-21/coronado-sued-over-allegedly-denying-granny-flats**
- Los Altos drops appeal to court-approved housing development **https://www.mv-voice.com/news/2020/09/08/los-altos-drops-appeal-to-block-five-story-downtown-housing-project**
- City Takes Step That Could Expand Housing on the Westside **https://www.sfpublicpress.org/city-takes-step-that-could-expand-housing-on-the-westside/**

Individuals can sue:

- Clovis loses legal challenge, will be forced to zone and plan for low-income housing **https://www.fresnobee.com/news/local/article251227789.html**

Association of Bay Area Governments



Technical Assistance for Local Planning

HOUSING

Conversely, an HCD-certified housing element brings with it eligibility for numerous state and regional funding sources, including:

- Permanent Local Housing Allocation
- Affordable Housing and Sustainable Communities Grants
- SB 1 Planning Grants
- CalHOME Program Grants
- Infill Infrastructure Grants
- Pro-Housing Design funding
- Local Housing Trust Funds
- Regional Transportation Funds (such as MTC's OneBayArea Grants)

mtc graphics.pb – 6.9.21



Final Regional Housing Needs Allocation (RHNA) Methodology and Appeals of Draft RHNA Allocations

Clayton City Council

June 29, 2021



RHNA Background

What is RHNA?

- **Since 1969, State law requires that all jurisdictions must plan to meet the housing needs of everyone in the community.**
- **HCD** identifies total number of units, across all income groups, for which the region must plan for the eight-year RHNA period (2023 to 2031).
- **ABAG** collaborates with local governments and stakeholders to develop a formula to assign each community a share of the Bay Area's housing need.
- **Each local government** must update Housing Element of General Plan and zoning to show how it plans to accommodate its share of the regional need.

What are the statutory objectives of RHNA?

- **Increase housing supply and mix** of housing types, tenure, and affordability in all cities and counties in an equitable manner
- **Promote infill development and socioeconomic equity**, protect environmental and agricultural resources, encourage efficient development patterns, and achieve GHG reduction targets
- **Promote improved intraregional jobs-housing relationship**, including balance between low-wage jobs and affordable housing
- **Balance disproportionate household income distributions** (more high-income RHNA to lower-income areas and vice-versa)
- **Affirmatively further fair housing**

What's new for this RHNA cycle?

- Greater emphasis on social equity
- Higher total regional housing need
- Expanded HCD oversight on methodology & allocations
- More factors to consider in allocations *(overpayment, overcrowding, greenhouse gas target, jobs-housing fit)*
- New requirements for identifying eligible sites for Housing Elements

What are the primary steps in the process?



PUBLIC COMMENT OPPORTUNITIES THROUGHOUT



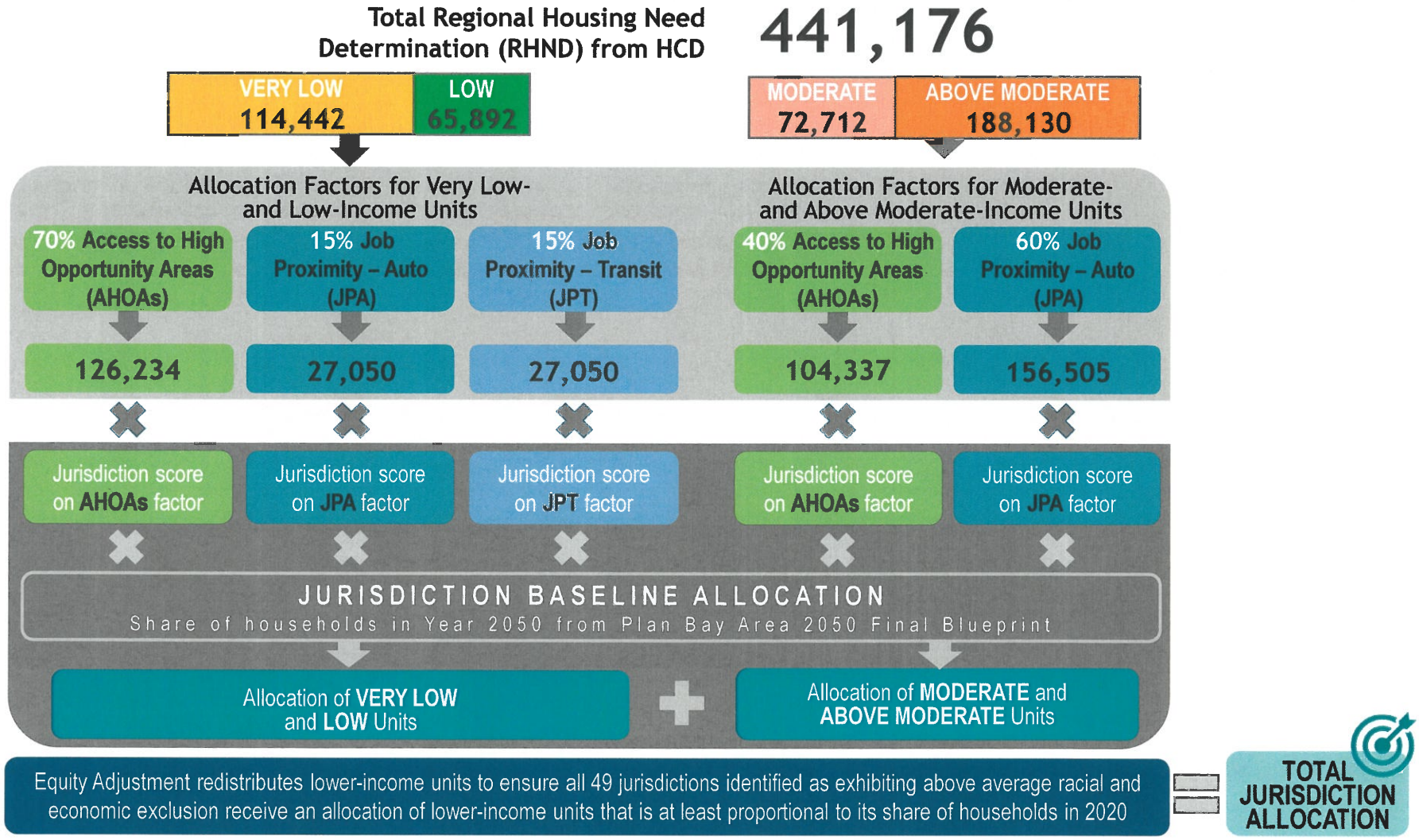
Final RHNA Methodology and Draft RHNA Allocations

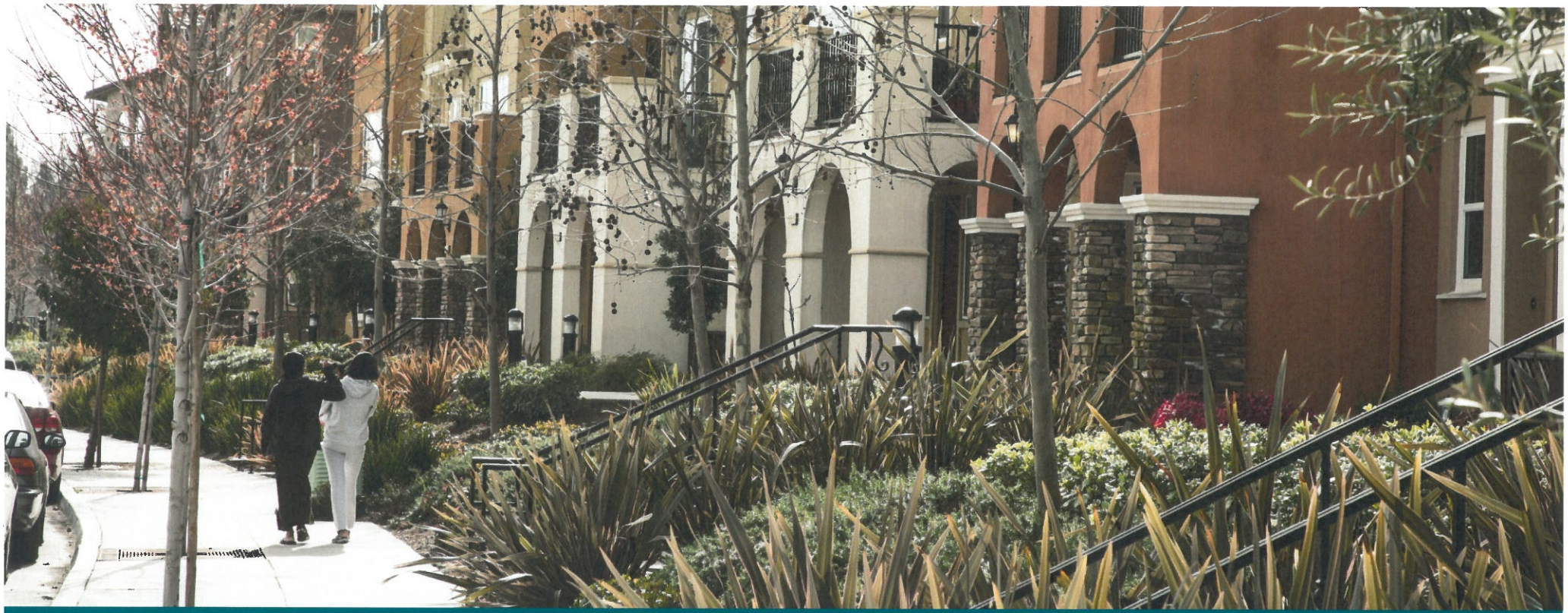
RHNA Methodology Development Process

October 2019 to September 2020	Housing Methodology Committee (HMC) worked collaboratively and voted to recommend a Proposed RHNA Methodology.
October 15, 2020	ABAG Executive Board approved Proposed RHNA Methodology.
October 25 - November 27, 2020	Public comment period on Proposed RHNA Methodology, including public hearing on November 12.
January 2021	ABAG Regional Planning Committee and Executive Board voted to include "equity adjustment" as part of the Draft RHNA Methodology.
February 11, 2021	As required by law, ABAG submitted Draft RHNA Methodology to HCD for review.
April 12, 2021	HCD confirmed Draft RHNA Methodology furthers statutory objectives.
May 20, 2021	ABAG Executive Board approved Final RHNA Methodology and release of Draft RHNA Allocations.

Final 2023-2031 RHNA Methodology Overview

Association of Bay Area Governments



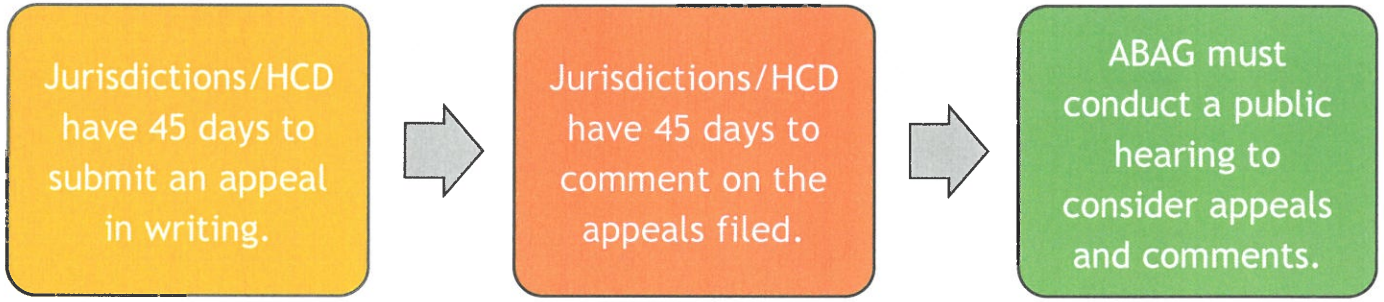


RHNA Appeals Process

Key Milestones & Timeline:

RHNA Appeals Process Overview

- **Who can file an appeal?** A jurisdiction or HCD can appeal a jurisdiction's Draft RHNA Allocation.
  - A jurisdiction can appeal its own allocation and/or another jurisdiction's allocation.
- **What are the major steps in the appeals process?**



- A jurisdiction that is the subject of an appeal filed by another jurisdiction/HCD will have the opportunity to challenge the appeal at the appeal public hearing.

Per Government Code Section 65584.05

Key Milestones & Timeline:

What is the Anticipated Appeals Schedule?

May 25, 2021	Following action by ABAG Executive Board, ABAG notifies jurisdictions/HCD about adoption of Final RHNA Methodology and Draft Allocations.
July 9, 2021	Deadline for jurisdictions/HCD to submit appeals to ABAG; ABAG notifies jurisdictions/HCD about appeals submitted.
August 30, 2021	Deadline for jurisdictions/HCD to comment on appeals submitted; ABAG notifies jurisdictions/HCD about comments received.
September and/or October	ABAG conducts public hearing to consider appeals and comments received; ABAG must notify jurisdictions at least 21 days prior to hearing.
October or November	ABAG ratifies written final determination on each appeal and issues Final RHNA Allocations that include adjustments resulting from successful appeals.
November or December	ABAG Executive Board conducts public hearing to adopt Final RHNA Plan.

Filing an Appeal:

What are the Allowable Reasons for an Appeal?

An appeal can be filed ***only*** if:

1. ABAG failed to adequately consider information submitted in the local jurisdiction survey.
2. ABAG did not determine the jurisdiction's allocation in accordance with its adopted methodology and in a manner that furthers, and does not undermine, the RHNA objectives.
3. A significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits revision of information submitted as part of the local jurisdiction survey. *Appeals on this basis shall only be made by the jurisdiction or jurisdictions where the change in circumstances has occurred.*

By law, appeals ***cannot*** be based on:

- Any local ordinance, policy, voter-approved measure or standard limiting residential development.
- Underproduction of housing from the last RHNA cycle.
- Stable population numbers in a jurisdiction.

Filing an Appeal:

What are the Requirements for an Appeal?

By statute, appeals shall:	
Be based on comparable data available for all affected jurisdictions and accepted planning methodology.	☑
Be supported by adequate documentation.	☑
Include a statement as to why the revision is necessary to further the RHNA objectives.	☑
Be consistent with, and not to the detriment of, the development pattern in Plan Bay Area.	☑

- ABAG-MTC staff have developed a form for jurisdictions to use to submit an appeal

ABAG Consideration of Appeals:
What Have Other COGs Experienced?

Sacramento Region (SACOG) – 2020

- Zero appeals

San Diego Region (SANDAG) – 2020

- 4 appeals
- 1 partially upheld (affecting 135 units)
- Public hearing conducted in one day

Los Angeles Region (SCAG) – 2021

- 48 appeals
- 2 partially upheld (affecting 3,132 units)
- 46 hours of hearings held on 8 days, plus final meeting for ratifying decisions

ABAG – 2013 *(prior cycle)*

- 8 appeals
- 3 upheld (affecting 674 units)
- Public hearing conducted in one day

ABAG Consideration of Appeals:
Hearing Procedures

- ABAG must hold a public hearing to consider appeals. Depending on number of appeals, the hearing could occur over multiple days.
- Appeals will be heard by the ABAG Administrative Committee, which will have final authority for decisions on appeals.
- A committee member must recuse him/herself on an appeal affecting his/her jurisdiction.
- The Administrative Committee will issue a preliminary determination on each appeal and then ratify final decisions at a meeting after close of the public hearing to ensure uniform decision-making.

ABAG Consideration of Appeals:
Hearing Structure

1. Applicant presentation. If multiple appeals for a jurisdiction, subject jurisdiction goes first if it filed an appeal. Can present jointly; 5 min per applicant.
2. Response by subject jurisdiction if it did not file appeal on its own behalf, (5 min if one appeal, 8 min if multiple).
3. Staff response (5 min).
4. Rebuttal by applicants and subject (if it did not file appeal). Limited to arguments/evidence presented by staff, (3 min for each applicant and subject).
5. Public comment (2 min per speaker, or as adjusted by the Chair).
6. Committee questions/discussion.
7. Committee motion for a determination on appeal.
8. Committee vote.

** The Chair may elect to grant additional time for any presentation, staff response, or rebuttal in the interest of due process and equity.*

ABAG Consideration of Appeals:
Redistribution of Units from Successful Appeals

- ABAG will redistribute units to all local governments in the region **in proportion to a jurisdiction's share of the RHND** after appeals are determined and prior to the required distribution.
- **Applicants whose appeals are upheld are not excluded from redistribution.**

Potential Appeal Points for Clayton

- **Imbalance of Jobs and Housing/Lack of Multimodal Transportation**
- **No Growth Geography designation in Plan Bay Area 2050**
- **Natural Hazards and Biological Resources**
- **Water Demand/Drought Conditions**



Questions?

CITY OF CLAYTON
Founded 1857 . . . Incorporated 1964

STAFF REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

FROM: **REINA SCHWARTZ, CITY MANAGER**

DATE: **JUNE 29, 2021**

SUBJECT: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON ADOPTING THE CITY OF CLAYTON'S SALARY SCHEDULE EFFECTIVE JULY 1, 2021 IN CONFORMANCE WITH CALPERS REQUIREMENTS TO PROVIDE A PUBLICLY AVAILABLE SALARY SCHEDULE**

RECOMMENDATION

Staff recommends that the City Council adopt a Resolution Adopting the City of Clayton's Salary Schedule Effective July 1, 2021 in Conformance with CalPERS Requirements to Provide a Publicly Available Salary Schedule.

BACKGROUND

In order to confirm that CalPERS will appropriately consider the City of Clayton's employee compensation earnable when calculating retirement benefits, the City of Clayton's Salary Schedule is required to be formally adopted by the City Council in a public meeting. Further documents including pay rate and any special compensation must be made publicly available.

DISCUSSION

Staff is requesting that City Council formally adopt the entire City Employee Salary Schedule for FY2021/22. It reflects the classifications and salaries included in the FY2021/22 Budget. State law requires that the City Council at least annually approve the full salary schedule and that the City make it available publicly. The Salary Schedule will be posted on the website effective July 1, 2021.

FISCAL IMPACT

There are no new fiscal impacts associated with adoption of the Salary Schedule as the budget already funds those costs.

Attachments

Attachment 1: Resolution of the City Council of the City of Clayton Adopting the City of Clayton's Salary Schedule Effective July 1, 2021 In Conformance with CalPERS Requirements to Provide a Publicly Available Salary Schedule

Attachment 2: FY2021/22 City Employee Salary Schedule

RESOLUTION NO. ##-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON ADOPTING THE CITY OF CLAYTON'S SALARY SCHEDULE EFFECTIVE JULY 1, 2021 IN CONFORMANCE WITH CALPERS REQUIREMENTS TO PROVIDE A PUBLICLY AVAILABLE SALARY SCHEDULE

WHEREAS, the California Public Employees Retirement System (CalPERS) regulations require member agencies formally adopt a publicly available pay schedule under Government Code Section 20636(b)(1) and California Code of Regulations (CCR) Section 570.5;

WHEREAS, the City Council of the City of Clayton has the authority to implement these requirements;

WHEREAS, the information contained in the salary schedule effective as of July 1, 2021 for FY2021/22 reflects approved employee contracts, memoranda of understanding with the City's labor group and various City resolutions governing compensation;

WHEREAS, the cost of the salaries reflected in the salary schedule effective July 1, 2021 is accounted for in the FY2021/22 Budget;

WHEREAS, CalPERS regulations require all of this information be included in one document; and

WHEREAS, no salary changes are being implemented through the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Clayton hereby adopts the salary schedule effective July 1, 2021 for FY2021/22 as shown in Exhibit A.

ADOPTED ON June 29, 2021 by the City Council of the City of Clayton by the following vote count:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

_____
Carl Wolfe, Mayor

ATTEST

_____
Janet Calderon, City Clerk

City of Clayton - Employee Compensation Schedule
Fiscal Year 2021/22

Full-Time Equivalent Monthly Compensation					
Elected / Appointed Officials	**All**				
Council Member	$ 470				
Planning Commissioner	$ 120				
	Step Level				
Administration	**A**	**B**	**C**	**D**	**E**
City Manager	$ 14,123	$ 14,830	$ 15,572	$ 16,351	$ 17,169
Assistant to the City Manager	$ 7,066	$ 7,420	$ 7,791	$ 8,180	$ 8,589
City Clerk / HR Manager	$ 6,259	$ 6,572	$ 6,901	$ 7,246	$ 7,608
Finance	**A**	**B**	**C**	**D**	**E**
Finance Director	$ 9,499	$ 9,974	$ 10,473	$ 10,996	$ 11,546
Accounting Technician	$ 4,904	$ 5,149	$ 5,407	$ 5,677	$ 5,961
Office Assistant / Code Enforcement Officer	$ 4,083	$ 4,287	$ 4,502	$ 4,727	$ 4,963
Public Works	**A**	**B**	**C**	**D**	**E**
Maintenance Supervisor	$ 5,965	$ 6,263	$ 6,576	$ 6,905	$ 7,250
Maintenance Senior	$ 4,921	$ 5,167	$ 5,425	$ 5,697	$ 5,982
Maintenance Worker I	$ 4,074	$ 4,278	$ 4,492	$ 4,716	$ 4,952
Maintenance Worker II	$ 4,492	$ 4,717	$ 4,952	$ 5,200	$ 5,460
Community Development	**A**	**B**	**C**	**D**	**E**
Community Development Director	$ 9,499	$ 9,974	$ 10,473	$ 10,996	$ 11,546
Assistant Planner	$ 6,130	$ 6,437	$ 6,758	$ 7,096	$ 7,451
Police	**A**	**B**	**C**	**D**	**E**
Chief of Police	$ 10,307	$ 10,822	$ 11,363	$ 11,932	$ 12,528
Police Sergeant	$ 7,238	$ 7,600	$ 7,980	$ 8,379	$ 8,798
Police Officer	$ 6,160	$ 6,468	$ 6,791	$ 7,131	$ 7,488
Police Office Coordinator	$ 4,614	$ 4,845	$ 5,087	$ 5,341	$ 5,608
Police Admin Clerk	$ 4,083	$ 4,287	$ 4,502	$ 4,727	$ 4,963

1. Schedule incorporates base salary ranges as per the terms of the two-year Miscellaneous Group labor negotiation agreement adopted by the City Council on October 6, 2020 and effective through June 30, 2022.
2. Schedule incorporates base salary ranges as per the terms of the three (3) year Police Officers Association (POA) labor negotiation agreement effective through June 30, 2024 and presented to the City Council for approval at the regularly scheduled June 29, 2021 City Council meeting.
3. Schedule incorporates base salary ranges as per the terms of the City Manager contract effective December 14, 2020 as approved by the City Council on November 17, 2020.
4. Uniform allowance for all sworn public safety officers: $600 bi-annually.
5. Bi-lingual pay based on eligibility: $75/month.
6. Car Allowance: Chief of Police $400/month; Community Development Director: $345/month; Assistant to City Manager: $345/month; City Manager $400/month.

MINUTES
REGULAR MEETING
OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT (GHAD)

June 15, 2021

1. CALL TO ORDER AND ROLL CALL – the meeting was called to order at 8:34 p.m. by Chair Tillman. Board Members present: Chair Tillman, Vice Chair Cloven, Board Members Diaz, Wan, and Wolfe. Board Members absent: None. Staff present: City Manager Reina Schwartz, Legal Counsel Mala Subramanian, District Manager Bill Stracker, and Secretary Janet Calderon.

2. PUBLIC COMMENTS – None.

3. CONSENT CALENDAR

It was moved by Board Member Wan seconded by Board Member Diaz, to approve the Consent Calendar as submitted. (Passed; 5-0).

(a) Approved the Board of Directors' minutes for its regular meeting on April 20, 2021.

4. PUBLIC HEARINGS – None.

5. ACTION ITEMS

(a) Presentation and Consideration of a Resolution to Approve the Proposed Oakhurst Geological Hazard Abatement District (GHAD) Budget for Fiscal Year 2021/22 and set a Public Hearing to be held on June 29, 2021 to Consider the Levy of the Corresponding Real Property Tax Assessments in FY 2021/22. (District Manager)

District Manager Bill Stracker presented the report.

Following questions by the Board, the Chair opened the item to public comment; no public comments were offered.

It was moved by Vice Chair Cloven, seconded by Board Member Wolfe, to Adopt GHAD Resolution No. 02-2021 Approving a Budget and Declaring the Intent to Levy and Collect Assessments for the Oakhurst Geological Hazard Abatement District for Fiscal Year

2021/22, and Giving Notice of the Time and Place for Hearing on the Levy of the Proposed Assessment. (Passed; 5-0)

6. **BOARD ITEMS** – None.

7. **ADJOURNMENT -** on call by Chair Tillman the Board meeting adjourned at 8:50 p.m.

# # # #

Respectfully submitted,

_____
Janet Calderon, Secretary

Approved by the Board of Directors
Oakhurst Geological Hazard Abatement District

_____
Holly Tillman, Chair

GHAD STAFF REPORT

TO: **HONORABLE CHAIRPERSON AND BOARD MEMBERS**

FROM: **BILL STRACKER, P.E., DISTRICT GENERAL MANAGER**

DATE: **JUNE 29, 2021**

SUBJECT: **RESOLUTION ORDERING IMPROVEMENTS AND CONFIRMING REAL PROPERTY ASSESSMENTS IN THE OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT FOR FY 2021/22**

RECOMMENDATION

The General Manager recommends the GHAD Board of Directors open the Public Hearing, receive real property owners' comments on the 2021/22 GHAD Budget and proposed annual 3.8% Consumer Price Index adjustment, close the Public Hearing, and then take Board action to adopt the attached Resolution.

BACKGROUND

In April of 2000, the property owners within the boundaries of the Oakhurst Geological Hazard Abatement District (GHAD) approved, by ballot measure, an annual District budget to cover routine maintenance, geological monitoring and the annual operational needs of this District. The ballot measure also approved annual assessments to fund the budget as well as the specific method and formula to be used to spread the real property assessments to the differing geographical areas within the District and varying housing types within the District. As shown in the Annual Budget Report and attached Resolution, a benefit allocation has been determined that establishes three areas and three categories of benefit. The Areas are as follows:

Area 1 Lower 6000's, Duets, lower Townhouses (25% of total budget)
Area 2 Upper 6000's and 8000's, upper Townhouses (50% of total budget)
Area 3 10000's. (25% of total budget)

The three categories of benefit are as follows:

a. Single family dwellings (sfd), regardless of lot size, will be the basic unit of benefit, all lots in the same area to be charged equally.
b. Duet (duets) parcels are charged 75% of the basic unit due to increased density.
c. Townhouse (multi-family) parcels are charged 50% of the basic unit due to increased density.

The different assessment values based on these categories of benefit are shown in the table in the accompanying Resolution.

The ballot measure further included an annual adjustment to the assessment to allow the District's budget and finances to keep pace with the economic variables over time. This annual adjustment is based on changes in the Consumer Price Index for All Urban Consumers (CPI-U) for the San Francisco-Oakland-Hayward region. The San Francisco-Oakland-Hayward, region is comprised of Alameda, Contra Costa, Marin, San Francisco and San Mateo Counties. The annual adjustment in the CPI-U for this region between April of 2020 and April of 2021 (the sampling period approved by the ballot measure) is +3.8%.

Adhering to the requirements of Proposition 218, any revision to the approved District boundary, budget, approved assessment method and formula and/or the approved index that governs adjustment to the District finances requires an affirmative ballot vote of the homeowners within the District boundaries. So long as the District maintains the originally-approved parameters, the pre-authorized annual financial adjustment is not subject to a Prop. 218 vote of the homeowners. The only requirement of the Board is to hold a public hearing prior to taking any Board action regarding the annual assessments. The express purpose of this Public Hearing is to accept and consider input on whether the annual CPI adjustment should be applied to this fiscal year's GHAD assessments.

This Geological Hazard Abatement District was originally formed by the property owners of Oakhurst to provide a means to protect public infrastructure from future damage due to geologic hazards, and to provide a fiscal means to repair or replace public infrastructure that may become damaged or destroyed by a future geologic hazard event. The mission of the District is not to insure private property as that matter is covered by private homeowner's insurance policies for the individual homes and structures as purchased by the individual property owners.

The public infrastructure within the GHAD includes public streets, public open spaces and a number of pieces of monitoring equipment and drainage facilities to facilitate removal of naturally occurring ground water in the earthen fill. As stated above, the GHAD exists to protect public infrastructure and provide a financial means to make necessary repairs if infrastructure sustains damage by geotechnical activity. Examples of this occurrence are the Ahwanee Lane at Miwok intersection and the cu-de-sac bulb at the end of Kelok. Ahwanee is the subject of this year's GHAD repair project. The GHAD will continue to monitor the Kelok fill and slope until the GHAD has accrued sufficient funding to be able to address the required repairs.

In order to monitor the GHAD for geotechnical movement, there are four slope inclinometer tubes installed in both the Kelok (2) and Pebble Beach (2) slope areas of the GHAD. The GHAD uses inclinometers to monitor earth movement. Monitoring is performed on an annual basis to track minor geotechnical movements (slope creep). Two of the inclinometer casings are damaged (crimped at a deep level) and in need of replacement, one each in Kelok and Pebble Beach. The crimping of the inclinometer tubes at deep levels shows that there is still some amount of active geotechnical movement within the fill and the slope. Replacement of these inclinometer casings are prioritized as No. 2 and 3 on the GHAD project list to be

accomplished once sufficient funding has been accrued. The inclinometers are budgeted at $35,000 and $42,000 respectively based on difficulty of installation.

An inventory of the different types of slope and geologic monitoring equipment used in the GHAD includes the following:

- Kelok area between Kelok Way and Golden Eagle Place
    - 2 ea. slope inclinometer tubes installed in the Kelok area in November of 2002. The first, designated as B-1 is located on the downslope projection of the lot 8004 & 8006 Kelok Way property line approximately halfway between the toe of slope and the mid-slope bench. B-1 is installed to a depth of 120-feet. The second, designated as B-2, installed in the pavement of Kelok Way approximately 8-feet from the face of curb at the projection of lot 8010 & 8012 Kelok Way property line. B-2 is installed to a depth of 64-feet.

    - 6 ea. 110' deep, 2" diameter dewatering wells located in Kelok Way with 6 connecting horizontal drains that connect each well to one drain inlet box behind the cul-de-sac bulb on Golden Eagle Place. The drain box connects to the storm drain system in Golden Eagle to drain the ground water away. These wells and horizontal drains reduce the water pressure in the earthen fill that causes the soil movement. The wells and horizontal drains were installed by Engineered Soil Repair, Inc. in 2012.

    - 16 ea. Piezometers located in the slide repair and repaired slope above Clayton Road as a part of the repaired landslides that occurred during the El Nino storms of the late 90's.

    - More detailed information about the Kelok area is included in the District Manager's FY 2021/22 Budget Report

- Pebble Beach area of Peacock Creek
    - 2 ea. slope inclinometer tubes. The first, designated as SI-1, installed in the pavement of Pebble Beach Drive in front of 1031 Pebble Beach Drive. SI-1 is 60-feet deep. The second, designated as SI-2, is located on the downslope approximately at the mid-slope. SI-2 is a total depth of 125-feet. SI-2 is pinched at a depth of 71-feet.

    - Additional information about this area is included in the District Manager's FY 2021/22 Budget Report

- Debris Basins
    - Windmill Canyon Drive and Crow Place debris basin – Large graded earthen basins placed at the bottom of a storm water catchment area to gather storm run-off and trap debris in the basin preventing it from continuing downstream and impacting housing areas.

There are multiple sites (see map – Attachment 5) targeted for permanent restoration throughout the GHAD. These sites designated as having some geotechnical defect will

require correction in the future. All of the known sites are currently out of reach of the GHAD financially. These sites include:

- Crow Canyon Debris Basin
- Windmill Canyon Drive Debris Basin
- 5112 Keller Ridge Drive
- Antelope & Tushytak Courts
- Saclan Terrace (HOA Reimburse)
- Clayton Road Landslides

At the District's June 15th meeting, the Board of Director's took action to approve the FY 2021/22 District budget, set June 29th as the date for the Public Hearing regarding the FY 2021/22 annual assessments and ordered the notice of the public hearing to be distributed to all homeowners within the GHAD boundaries. Public Notices were mailed to GHAD property homeowners via First Class U.S. Mail as required. On June 29th the public hearing regarding the annual GHAD assessment was opened and that the Annual Budget Report, correctly dated May 26, 2021 is available on the GHAD webpage of the City's website.

INQUIRIES RECEIVED FOLLOWING PUBLIC NOTICE

None

ANNUAL MAINTENANCE ACTIVITIES AND LONG-TERM REPAIR/REPLACEMENT

The annual assessments fund several annual maintenance activities as well as long-term repairs or replacement of infrastructure based on the ability to save funds and build up a large enough financial reserve to fund these larger and more expensive projects. Upcoming repairs currently budgeted for FY 2021/22 include testing and repair of the street, curb, gutter and sidewalk at the intersection of Miwok and Ahwanee. This defect has been present for three years and the District has been saving money to be able to address the issue. Correction of the defects at this intersection will supersede the planned expenditure to replace the two slope inclinometers at Pebble Beach and Kelok as has been previously anticipated. Funds originally planned for the inclinometer replacements was redirected to the street repair work. The replacement of the damaged inclinometers will be pushed further out until additional District funds can be accrued to pay for the replacements. Additionally, a portion of the Kelok cul-de-sac is showing additional movement and settlement. This will eventually have to also be addressed but with competing issues, saving additional funding to address Kelok will be years-off.

FISCAL IMPACT

The proposed FY 2021/22 GHAD Budget shows total annual expenditure of $128,381 against a beginning balance of $63,193 and annual revenue (assessment plus interest earned) of $44,894. Revenue also includes the 3.8% CPI adjustment for FY 2021/22. Proposed expenditures include all operating costs for the District as well as a budget amount of $63,193 of project expenditures to address the street repair at Ahwanee and Miwok.

The installation of a new slope inclinometer to replace current inclinometer #CSA-SI4 (which experienced casing deformation at a depth of 52 feet and can no longer be read below that depth) has been indefinitely postponed along with replacement of a second slope inclinometer

in the Pebble Beach Drive area. The costs to replace these two inclinometers is estimated to be in excess of $90,000, including contingency and project management.

If this Resolution is not approved as proposed, the Oakhurst Geological Hazard Abatement District (GHAD) cannot impose or collect the proposed CPI increase in the base assessments for FY 2021/22. Should the Board determine not to order the full CPI increase or a lesser amount, a Resolution imposing the previously-approved GHAD assessments from FY 2020-21 should be adopted for levy in FY 2021/22.

CONCLUSION

Based on the information provided above, the General Manager recommends the Board of Directors approve this Resolution ordering improvements and confirming GHAD assessments for FY 2021/22.

Attachments: Resolution No. 02-2021 confirming Assessments [3 pp.]
Notice of Assessment mailed [2 pp.]
FY 2021-2022 Budget Report [6 pp.]
Map showing housing types [1 pp.]
Sites targeted for permanent restoration [2 pp.]

GHAD RESOLUTION NO. ## - 2021

A RESOLUTION ORDERING IMPROVEMENTS AND CONFIRMING REAL PROPERTY ASSESSMENTS FOR FISCAL YEAR 2021/22

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

WHEREAS, by adoption of Resolution No. 02-2021 the Board of Directors of the Oakhurst Geological Hazard Abatement District (GHAD) approved the District's Budget, declared its intention to levy and collect real property assessments for fiscal year 2021/22, and set a public hearing thereon for June 29, 2021, at the regular meeting place of the Board of Directors; and

WHEREAS, notice of said hearing and the adoption of Resolution No. 02-2021 was duly given as required by the provisions of Division 17, Chapter 6 of the Public Resources Code (Section 26650 et seq.); and

WHEREAS, all owners of property to be assessed within the District were given written notice by first class mail of the proposed assessments in accordance with Public Resources Code Section 26652; and

WHEREAS, on June 29, 2021, the Board of Directors held the noticed public hearing on the proposed real property assessment for the fiscal year 2021/22. The June 29, 2021 GHAD meeting heard and considered all oral statements and written communications made and filed thereon by interested persons;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors as follows:

1. The Board of Directors hereby orders the improvements as set forth in the District's Budget, dated May 26, 2021, and confirms the real property assessments as recommended by the General Manager.
2. The GHAD consists of a portion of the City of Clayton as shown on the boundary map on file with the District's Secretary.
3. A benefit allocation has been determined by the General Manager that establishes three areas and three categories of benefit. The Areas are as follows:
   Area 1 Lower 6000's, Duets, lower Townhouses (25% of total budget)
   Area 2 Upper 6000's and 8000's, upper Townhouses (50% of total budget)
   Area 3 10000's. (25% of total budget)

The three categories of benefit are as follows:

a. Single family dwellings (sfd), regardless of lot size, will be the basic unit of benefit, all lots in the same area to be charged equally.

b. Duet (duets) parcels are charged 75% of the basic unit due to increased density.

c. Townhouse (multi-family) parcels are charged 50% of the basic unit due to increased density.

The actual assessments for each lot in the listed subdivisions shall be:

GHAD AREA	SUBD	# UNITS	TYPE	$ ASSESS PER LOT	TOTAL $
I	6990	92	sfd	$24.70	$2,273.86
I	7065	108	duets	$18.54	$2,003.26
I	7066	117	multi-family	$12.38	$1,446.70
I	7303	52	multi–family	$12.38	$643.10
I	7311	118	duets	$18.54	$2,187.44
I	7768	55	sfd	$24.70	$1,359.16
I	7769	53	sfd	$24.70	$1,309.78
II	7256	70	sfd	$33.00	$2,309.78
II	7257	60	sfd	$33.00	$1,979.74
II	7260	75	sfd	$33.00	$2,475.88
II	7261	70	sfd	$33.00	$2,309.78
II	7262	99	sfd	$33.00	$3,268.26
II	7263	101	sfd	$33.00	$3,333.36
II	7264	102	sfd	$33.00	$3,367.02
II	7766	35	sfd	$33.00	$1,156.00
II	7766	60	multi-family	$16.50	$989.90
II	7767	76	multi-family	$16.50	$1,254.32
III	7249	69	sfd	$79.60	$5,492.40
III	7255	72	sfd	$79.60	$5,731.20

4. The Board of Directors declares this Resolution to be, and the same shall constitute, the levy of an assessment for the fiscal year 2021/22 as hereinabove referred to.

5. The Board directs the Secretary immediately to have recorded a notice of assessment, as provided for in Section 3114 of the Street and Highways Code.

6. The Board also directs that the real property assessments are payable in the same manner as general taxes and hereby directs the Secretary to file the boundary map and assessment list, or certified copy thereof, together with a certified copy of this resolution, with the County Auditor.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the Oakhurst Geological Hazard Abatement District at a regular public meeting thereof held on 29th day of June 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE BOARD OF DIRECTORS OF GHAD

_____

Holly Tillman, Chairperson

ATTEST:

_____

Janet Calderon, Secretary

NOTICE OF PUBLIC HEARING REGARDING THE LEVY OF ASSESSMENTS ON REAL PROPERTY IN THE OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT PURSUANT TO PUBLIC RESOURCES CODE SECTION 26652.

KNOW ALL INTERESTED PARTIES BY THIS NOTICE THAT:

1. June 15, 2021 the General Manager presented the FY 2021-22 District Budget to the Board of Directors. The General Manager's proposed FY 2021-22 District budget indicates total annual assessment revenue of **$44,893** and recommending the real property assessments shown on the attached table to pay for the obligations of the Oakhurst Geological Hazard Abatement District ("District") during FY 2021-22.

2. The Board of Directors accepted and approved the report on June 15, 2021, by adopting GHAD Resolution No. 01-2021, which set forth, among other things:

a. The Board's intent to levy and collect a per unit assessment in accordance with the recommendation of the General Manager as specified to pay for District obligations FY 2021-22.

b. Tuesday, June 29, 2021, at 7:00 p.m., remotely via ZOOM meeting, as the date, time and place for hearing public comment regarding the levy of said FY 2021-22 district assessments.

3. The per unit assessments for the previous fiscal year 2020-21 were as shown on the attached table. The proposed per unit assessments represent an increase equal to the latest annual adjustment in the San Francisco, All Items, All Urban Consumers Index (3.80%; April 2020– April 2021). The proposed assessments are in compliance with the annual increase formula previously approved by the GHAD voters on April 18, 2000 and therefore do not constitute an assessment increase under law.

4. A general description of the items to be maintained and operated in the District and paid for by the assessment is as follows: open space areas and geological hazard mitigation devices and improvements, and District administrative expenses.

5. All interested parties may obtain further particulars concerning the proposed per unit assessments in the District and a description and map of the boundaries of the District by referring to GHAD Resolution 01-2021, and the report of May 26, 2021, which are on file with the GHAD Secretary in Clayton City Hall. In addition, interested parties may contact the General Manager directly by phone at (925) 969-8181 or in person, by ZOOM appointment only, or view the reports at www.ci.clayton.ca.us.

NOW, THEREFORE, any and all persons having any interest in lands within the District liable to be assessed for the expenses of the District for Fiscal Year 2021-22, may appear at the public hearing, the time and place thereof being set forth above, and offer protest to said proposed assessment increase, and any of said persons may also present any objections they may have by written protest filed with the Secretary, Oakhurst Geological Hazard Abatement District, City of Clayton, 6000 Heritage Trail, Clayton, California, 94517, at or before the time set for public hearing.

JANET CALDERON
Secretary
Oakhurst Geological Hazard Abatement District

DATED: June 15, 2021

OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT
PROPOSED FY 2021/22 ANNUAL ASSESSMENTS
FY 2020/21 COMPARISON

GHAD AREA	SUBD. NAME	SUBD. #	# UNITS	TYPE	2020-2021 ASSESS.	2021-2022 ASSESS.	ANNUAL $ INCREASE
I	Windmill Canyon I	6990	92	6,000 sf	$23.82	$24.70	0.88
I	Black Diamond I	7065	108	Duets	$17.86	$18.54	0.68
I	Chaparral Springs I	7066	117	Multi-family	$11.90	$12.36	0.46
I	Chaparral Springs II	7303	52	Multi-family	$11.90	$12.36	0.46
I	Black Diamond II	7311	118	Duets	$17.86	$18.54	0.68
I	Oak Hollow IIA	7768	55	5,000 sf	$23.82	$24.70	0.88
I	Oak Hollow IIB	7769	53	5,000 sf	$23.82	$24.70	0.88
II	Eagle Peak I	7256	70	8,000 sf	$31.80	$33.00	1.20
II	Eagle Peak II	7257	60	8,000 sf	$31.80	$33.00	1.20
II	Falcon Ridge I	7260	75	8,000 sf	$31.80	$33.00	1.20
II	Falcon Ridge II	7261	70	8,000 sf	$31.80	$33.00	1.20
II	Windmill Canyon II	7262	99	6,000 sf	$31.80	$33.00	1.20
II	Windmill Canyon III	7263	101	6,000 sf	$31.80	$33.00	1.20
II	Windmill Canyon IV/Ironwood	7264	102	6,000 sf	$31.80	$33.00	1.20
II	Oak Hollow I	7766	35	5,000 sf	$31.80	$33.00	1.20
II	Diablo Ridge I	7766	60	Multi-family	$15.90	$16.50	0.60
II	Diablo Ridge II	7767	76	Multi-family	$15.90	$16.50	0.60
III	Peacock Creek I	7249	69	10,000 sf	$76.68	$79.60	2.92
III	Peacock Creek II	7255	72	10,000 sf	$76.68	$79.60	2.92

GHAD BUDGET REPORT

DATE: **May 26, 2021**

TO: **BOARD OF DIRECTORS**

FROM: **BILL STRACKER, P.E., GENERAL MANAGER**

RE: **FISCAL YEAR 2021/22**

Background

In April 2000, the property owners within the Oakhurst Geological Hazard Abatement District (GHAD) approved, by ballot, assessments to cover the routine maintenance and operational needs of the District. The ballot measure also approved a method and formula for annual property assessments to keep pace (increase or decrease) with the current economic cycle based on the annual adjustment in the Bay Area Consumer Price Index (CPI). The current CPI for the period April 2020 to April 2021 (the evaluation period established in the original ballot measure) reveals an economic index increase of 3.80%.

The annual assessments collected by the District remain the only source of revenues to the District as it is solely funded by the private property owners within the District. Without the real property owners' further voter approval, the District cannot create or mandate additional revenue to fund hazard abatement or prevention services.

Kelok Way Area

The GHAD's geotechnical consultant, BS&A, performed monitoring work in the Kelok Way area in 2020. The Inclinometer readings taken in July of 2020 were compared with readings taken in May of 2019 and indicated a very slight slope change of 0.25 inches. Significant concrete cracking and separation has occurred at the cul-de-sac of Kelok Way (8053). With very limited funds available to make repairs, the inclinometer replacements may need to be delayed several years until sufficient funds can be saved to fund the installation of the new inclinometer.

BSA, the geotechnical consultant notes that the flatwork cracking on Kelok Way concludes that movement is still likely. Ongoing movement north of Bear Place may begin to adversely impact storm drain, sewer, and water lines, with potential leakage impacting slope stability. They recommend that water levels within the open pipe piezometers be measured semi-annually.

Ahwanee Lane Street Repair

An asphalt and sidewalk deformation has occurred on the easterly side of Ahwanee Lane just south of the intersection with Miwok Way. Our Geotechnical Engineering firm, BS&A, characterized the deformation as a trench migration issue that could become extensive and be an expensive issue to correct. In the FY 2019/20 budget, $63,193 was included

for this project, but upon further review, it was determined that additional study was needed for a more accurate estimate. Based on this new street issue occurring during fiscal year 2019/20, this repair has taken precedence over the installation of the new slope inclinometers at Kelok and Pebble Beach. A transfer of funds will need to occur from the Presley Fund balance to this Ahwanee Lane project for analysis tests ($10,000) and confirmation of the repair costs ($63,193+ 10% = $69,512). With very limited funds available to make repairs, the investigation for the repair of Ahwanee was delayed until FY 2021/22 when funds could be made available to undertake the street/sidewalk repair. These funds are included in this year's expenses.

Pebble Beach Area

The inclinometer in the slope below the street (SI-2) has pinched at a depth of 72 feet thereby prohibiting measurement below that depth. The readings in the upper 72 feet indicate the upper area has not internally moved significantly since the last readings in 2016. BS&A strongly recommends the replacement of inclinometer SI-2 but its replacement has not yet been budgeted due to insufficient District funds being available.

The 2022 cost for geological monitoring **is $6,000 for Kelok Way and $3,800 for Pebble Beach.** It is proposed that this monitoring be performed on an annual basis and is included in the Budget.

V-Ditch Maintenance

Staff is once again postponing this year's 'V'-ditch maintenance work in favor of making the Ahwanee Lane street repair.

Fund Balance (Reserves)

Since the Ahwanee Lane project was delayed until this year due to the need for additional study, the projected fund balance remains at $63,193.00.

Presley Lawsuit Settlement Fund Balance

As of June 30, 2021, this fund balance is projected to be approximately $113,953 in remaining funds from the original Presley lawsuit settlement (2003). This balance includes an estimated $1,800 in interest earnings during the year.

The original intention for the remaining Presley lawsuit settlement funds were to be used to rehabilitate street pavement in the Keller Ridge area once the ongoing movement ceased. While some pavement work has been accomplished, having no other reserves and no interest by the property owners in raising the annual assessments, the District ultimately has little option but to eventually use these funds to cover any of the District's funding shortfalls that may occur for as long as possible.

A fund transfer of $20,084 is proposed to make up the shortfall in the Ahwanee Lane Repair Project leaving a fund balance of approximately $93,869.

FY 2021/22 PROPOSED BUDGET

The FY 2021/22 Budget proposes a financial plan for the District. The budget includes funds for the routine operations and the ongoing monitoring costs, the cost of emergency and minor repairs, the transfer of funds to the City's general fund for work accomplished by City staff, and when determined feasible by engineering and timing analysis, the cost of major repairs and adverse conditions funded through the allowable annual assessments.

Additionally, the County charge amounts to $250 per district plus $0.85 for each assessable lot plus $12 per parcel error. The year-to-year increase allowable per the most current CPI-U is 3.80% (April 2020 to April 2021), San Francisco-Oakland-Hayward, All Items, All Urban Consumers Index, published by the U.S. Bureau of Labor Statistics). The CPI for 2020/21 was 1.10% and for 2019/20 was 4.01%

Following is the recommended budget for the GHAD for FY 2021/22:

BEGINNING FUND BALANCE	
Balance 7-1-2021	**$63,193.00**
EXPENSES	
Postage	$850.00
Liability Insurance Premium	7,000.00
County Collections Charge for Assessments	1,550.00
Legal Notices	100.00
Miscellaneous	300.00
Engineering Services (Geotechnical data reports)	9,900.00
General Manager	5,000.00
Special Legal Services	1,000.00
Ahwanee Lane (Repair [$69,512 and Analysis [$10,000])	79,512.00
Project Costs (minor and emergency repairs}	15,000.00
District Administration (transfer to General Fund)	8,169.00
TOTAL EXPENSES	**$128,381.00**
INCOME	
Property Assessments	$44,894.00
Interest on Funds	210.00
Transfer from Presley Settlement Fund	20,084.00
TOTAL INCOME	$**65,188.00**
BALANCE	**$0.00**

FY 2020/21 PROPERTY ASSESSMENTS

FY 2020/21 property assessments included an increase of 1.10% consistent with the adjustment in the Bay Area Consumer Price Index (CPI) from April 2020 to April 2021.

As stated above, the annual assessment will be the same as last year except for an annual adjustment consistent with this year's increase in the CPI. Exhibit A explains the methodology of the assessments and provides a summary of the proposed assessment for this year.

Attachment A shows the comparison between FY 2020/21 and FY 2021/22

EXHIBIT A

OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT

METHOD OF ASSESSMENT

A geological hazard abatement district is in essence the same as a benefit assessment district, and therefore the costs budgeted for the district (assessments) must be apportioned to individual parcels according to the benefit received.

The voter approved ballot measure that established the district divided the total development into three separate assessment areas. After reviewing the needs of each area and the benefits of the District to each area, the following percentages of the total budget/cost (including reserves) has been assigned to each area:

- Area 1 which includes the lower 6000's, lower 5000's, Duets, and Townhouses was assigned 25% of the total budget.
- Area 2 which includes the Upper 6000's, upper 5000's, 8,000's, condominiums was assigned 50% of the total budget, and
- Area 3 which includes the 10000's was assigned 25% of the total budget

The number of housing units in each area is not considered a benefit factor and the amount of the assessment per unit will vary greatly from area to area.

The type of housing unit is considered when assigning benefit and the different types of housing mixed into Areas 1 and 2 have been assigned different assessment factors to account for the differing type of housing as follows:

Single Family home (regardless of size)	1.00
Duets	0.75
Multi-family	0.50

The process of calculating assessments for each parcel includes the following steps:

1. Calculate amount of total budget that each area is responsible for (Assumed budget of $44,893.60 (inc CPI));
    a. Area 1 = 25% of $44,893.60, or $11,223.40
    b. Area 2 = 50% of $44,893.60, or $22,446.80
    c. Area 3 = 25% of $44,893.60 or $11,223.40

2. Calculate the number of equivalent assessed units that the budget percentage will be spread over for each area;
    a. Single family dwellings (regardless of size) = equivalency factor of 1.0
    b. Duets = equivalency factor of 0.75
    c. Multi-family = equivalency factor of 0.5

Area 1:

AREA 1	$11,223.40			
Sub-Area:	Dwelling Units	Dwelling Unit Type	Factor	Equivalent Assessed Units
Tr. 6990	92	sfd	1	92.00
Tr. 7065	108	duet	0.75	81.00
Tr. 7066	117	multifamily	0.5	58.50
Tr. 7033	52	multifamily	0.5	26.00
Tr. 7311	118	duet	0.75	88.50
Tr. 7768	55	sfd	1	55.00
Tr. 7769	53	sfd	1	53.00
Sub-total	595			454.00

3. Spread the total budget amount assigned to the area to each tract (sub-area) based on the numbers of equivalent assessed units;

AREA 1	$11,223.40		
Sub-Area:	Equivalent Assessed Units	Percentage	Assessment Assigned by tract
Tr. 6990	92.00	20.26%	$2,273.86
Tr. 7065	81.00	17.84%	$2,002.26
Tr. 7066	58.50	12.89%	$1,446.70
Tr. 7033	26.00	5.73%	$643.10
Tr. 7311	88.50	19.49%	$2,187.44
Tr. 7768	55.00	12.11%	$1,359.16
Tr. 7769	53.00	11.67%	$1,309.78
Sub-total	454.00	100.00%	$11,222.28

4. Calculate the rate per dwelling unit;

AREA 1	$11,223.40		
Sub-Area:	Assessment Assigned by Tract	Dwelling Units	Assessment per Dwelling Unit
Tr. 6990	$2,273.86	92	$24.70
Tr. 7065	$2,002.26	108	$18.54
Tr. 7066	$1,446.70	117	$12.38
Tr. 7033	$643.10	52	$12.38
Tr. 7311	$2,187.44	118	$18.54
Tr. 7768	$1,359.16	55	$24.70
Tr. 7769	$1,309.78	53	$24.70
0Sub-total	$11,222.28	595	

<u>District Boundaries</u>

As of FY 1999-00, the District was complete and consisted of 200 single family homes, 226 duets, and 169 townhouses in Area 1; 612 single family homes and 136 condos in Area 2; and 141 single family homes in Area 3.

SUMMARY OF ASSESSMENTS

AREA I 2021-22 ASSESSMENT			Total =	$11,223.40		
Subarea	# Units	Type	Factor	Ass. Units	21/22 Asses	Total
Tr. 6990	92	sfd	1.00	92.00	$24.70	$2,273.86
Tr. 7065	108	duets	0.75	81.00	$18.54	$2,002.26
Tr. 7066	117	multifamily	0.50	58.50	$12.38	$1,446.70
Tr. 7303	52	multifamily	0.50	26.00	$12.38	$643.10
Tr. 7311	118	duets	0.75	88.50	$18.54	$2,187.44
Tr. 7768	55	sfd	1.00	55.00	$24.70	$1,359.16
Tr. 7769	53	sfd	1.00	53.00	$24.70	$1,309.77
Subtotals	595			454.00		$11,222.29

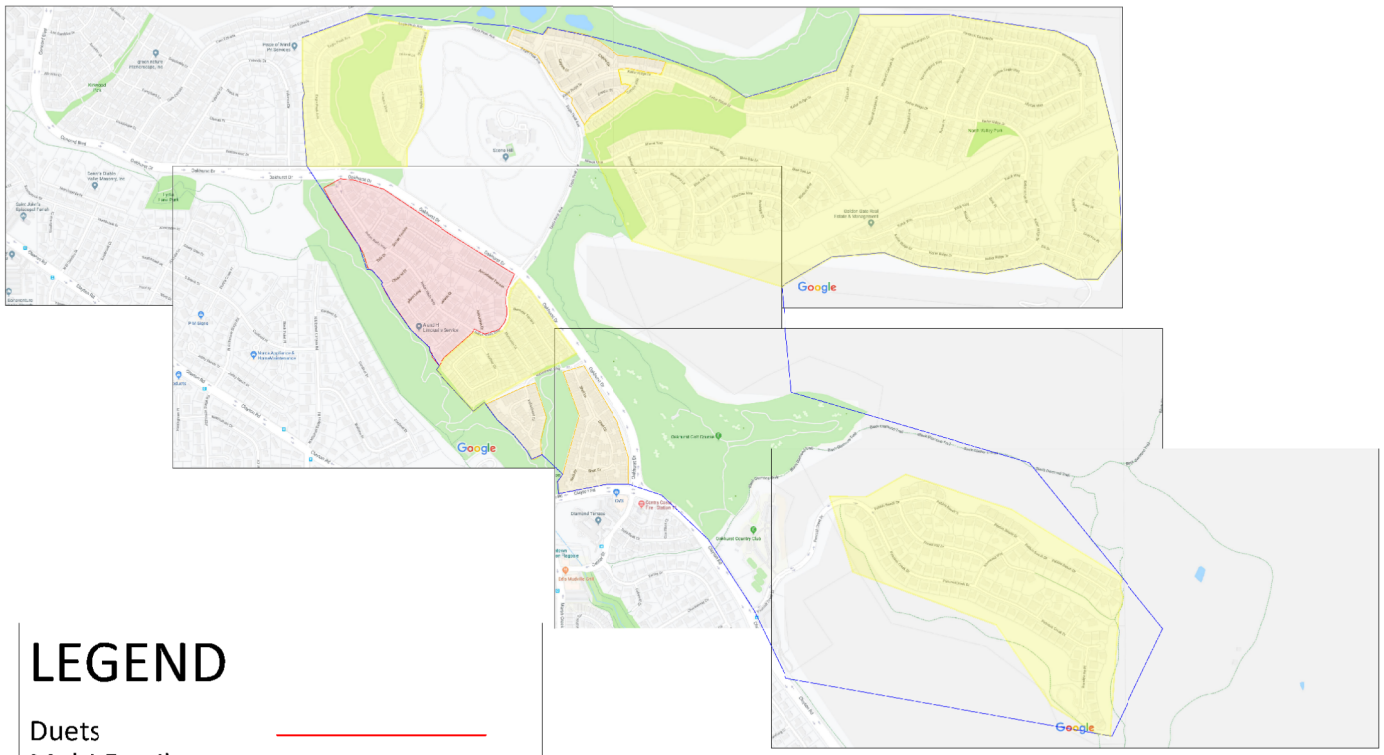
AREA II 2021-22 ASSESSMENT			Total =	$22,446.82		
Subarea	# Units	Type	Factor	Ass. Units	21/22 Asses	Total
Tr. 7256	70	sfd	1.00	70.00	$33.00	$2,309.78
Tr. 7257	60	sfd	1.00	60.00	$33.00	$1,979.74
Tr. 7260	75	sfd	1.00	75.00	$33.00	$2,475.88
Tr. 7261	70	sfd	1.00	70.00	$33.00	$2,309.78
Tr. 7262	99	sfd	1.00	99.00	$33.00	$3,268.26
Tr. 7263	101	sfd	1.00	101.00	$33.00	$3,333.35
Tr. 7264	102	sfd	1.00	102.00	$33.00	$3,367.02
Tr. 7766	35	sfd	1.00	35.00	$33.00	$1,156.00
Tr. 7766	60	multifamily	0.50	30.00	$16.50	$989.90
Tr. 7767	76	multifamily	0.50	38.00	$16.50	$1,254.32
Subtotals	748			680.00		$22,444.04

AREA III 2021-22 ASSESSMENT			Total =	$11,223.40		
Subarea	# Units	Type	Factor	Ass. Units	21/22 Asses	Total
Tr. 7249	69	sfd	1.00	69.00	$79.60	$5,492.30
Tr. 7255	72	sfd	1.00	72.00	$79.60	$5,731.10
Subtotals	141			141.00		$11,223.40
Grand Totals	1,484			1,275.00		$44,889.73

ATTACHMENT A
FY 2020/21 AND FY 2021/22 COMPARISON

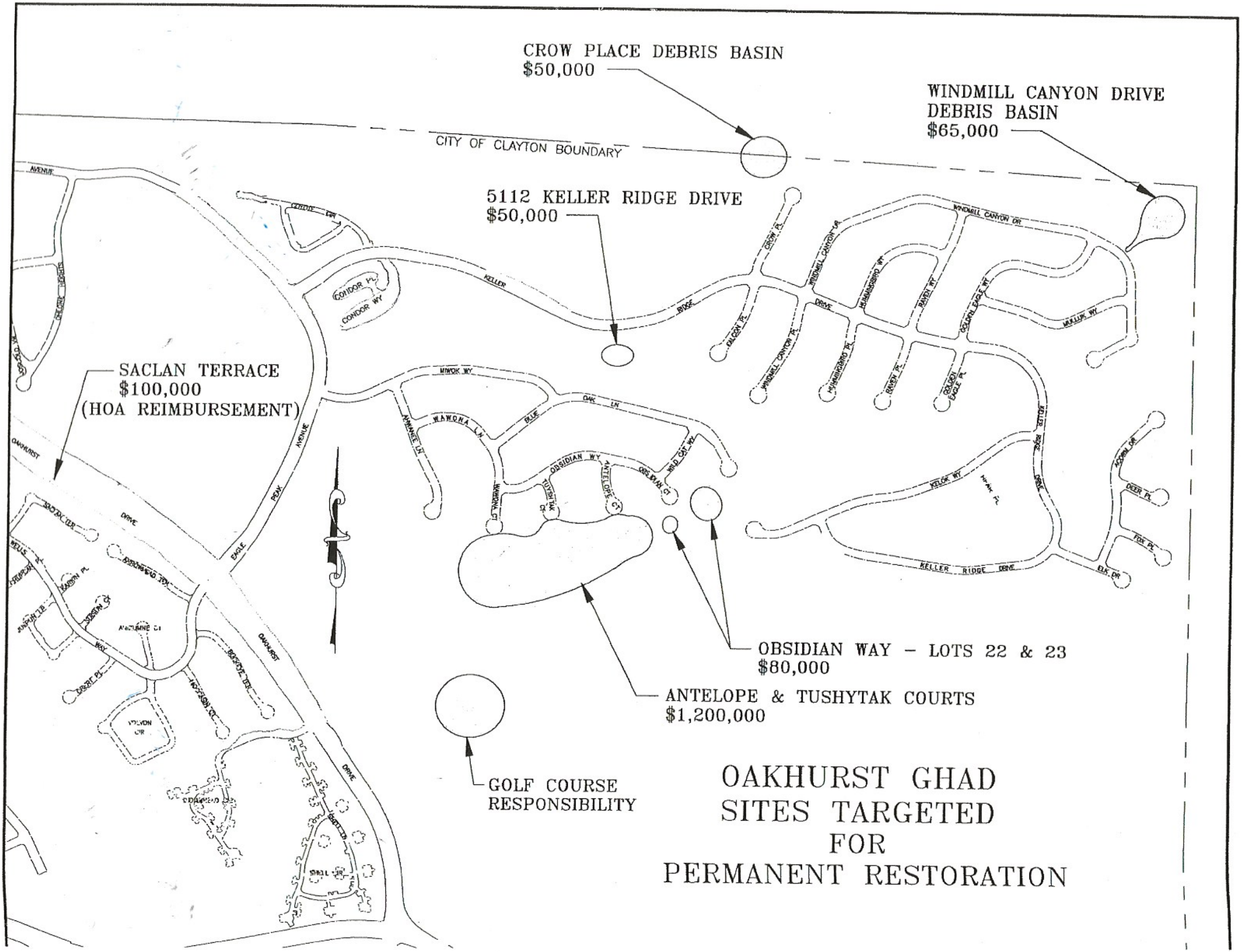
GHAD AREA	SUBD. NAME	SUBD. #	# UNITS	TYPE	2020/21 ASSESS.	2021/22 ASSESS.	ANNUAL $ INCREASE
I	Windmill Canyon I	6990	92	6,000 sf	$23.82	$24.70	0.88
I	Black Diamond I	7065	108	Duets	$17.86	$18.54	0.68
I	Chaparral Springs I	7066	117	Multi-family	$11.90	$12.36	0.46
I	Chaparral Springs II	7303	52	Multi-family	$11.90	$12.36	0.46
I	Black Diamond II	7311	118	Duets	$17.86	$18.54	0.68
I	Oak Hollow IIA	7768	55	5,000 sf	$23.82	$24.70	0.88
I	Oak Hollow IIB	7769	53	5,000 sf	$23.82	$24.70	0.88
II	Eagle Peak I	7256	70	8,000 sf	$31.80	$33.00	1.20
II	Eagle Peak II	7257	60	8,000 sf	$31.80	$33.00	1.20
II	Falcon Ridge I	7260	75	8,000 sf	$31.80	$33.00	1.20
II	Falcon Ridge II	7261	70	8,000 sf	$31.80	$33.00	1.20
II	Windmill Canyon II	7262	99	6,000 sf	$31.80	$33.00	1.20
II	Windmill Canyon III	7263	101	6,000 sf	$31.80	$33.00	1.20
II	Windmill Canyon IV/Ironwood	7264	102	6,000 sf	$31.80	$33.00	1.20
II	Oak Hollow I	7766	35	5,000 sf	$31.80	$33.00	1.20
II	Diablo Ridge I	7766	60	Multi-family	$15.90	$16.50	0.60
II	Diablo Ridge II	7767	76	Multi-family	$15.90	$16.50	0.60
III	Peacock Creek I	7249	69	10,000 sf	$76.68	$79.60	2.92
III	Peacock Creek II	7255	72	10,000 sf	$76.68	$79.60	2.92

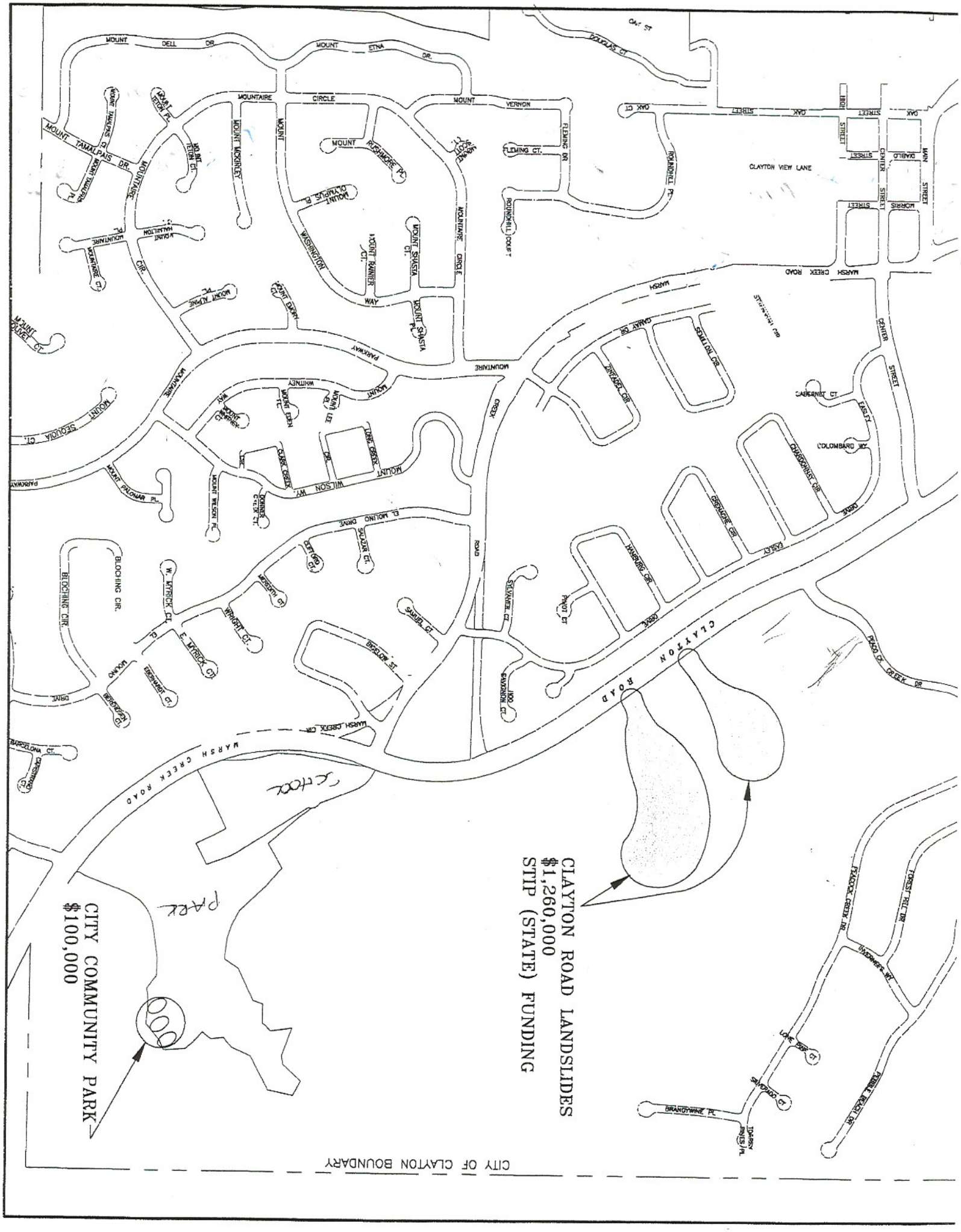
OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT



LEGEND

Duets
Multi-Family
Single Family
GHAD Boundary


CROW PLACE DEBRIS BASIN
$50,000
WINDMILL CANYON DRIVE
DEBRIS BASIN
$65,000
CITY OF CLAYTON BOUNDARY
5112 KELLER RIDGE DRIVE
$50,000
SACLAN TERRACE
$100,000
(HOA REIMBURSEMENT)
OBSIDIAN WAY – LOTS 22 & 23
$80,000
ANTELOPE & TUSHYTAK COURTS
$1,200,000
GOLF COURSE
RESPONSIBILITY
OAKHURST GHAD
SITES TARGETED
FOR
PERMANENT RESTORATION


CLAYTON ROAD LANDSLIDES
$1,260,000
STIP (STATE) FUNDING
CITY COMMUNITY PARK
$100,000
CITY OF CLAYTON BOUNDARY
CLAYTON ROAD
MARSH CREEK ROAD
MOUNTAIRE CIRCLE
MOUNT VERNON
MOUNT DELL DR
MOUNT ETNA DR.
MOUNT TAMALPAIS DR.
MOUNT RUSHMORE PL
MOUNT SHASTA CT.
MOUNT RAINIER CT.
MOUNT SHASTA PL
MOUNT WASHINGTON WAY
MOUNT WILSON WY.
MOUNT PALOMAR PL.
MOUNT SEQUOIA CT.
MOUNT ALPINE PL
MOUNT HALLISTON PL
MOUNT TAMALPAIS CT
MOUNT TAMALPAIS PL
MOUNT TETON PL
MOUNT TETON CT.
MOUNT MCKINLEY
MOUNT OLYMPUS PL
MOUNT EDEN PL
MOUNT LEE PL
MOUNT WHITNEY WAY
MOUNT WHITNEY CT
MOUNT WHITNEY CT
MOUNT WILSON PL
MOUNT WILSON WY.
MOUNT PARKWAY
MOUNTAIRE CIR.
MOUNTAIRE CIRCLE
MOUNTAIRE PARKWAY
FLEMING DR
FLEMING CT.
ROUNDHILL COURT
ROUNDHILL PL
OAK CT
OAK STREET
HIGH STREET
DIABLO STREET
CENTER STREET
MAIN STREET
MORRIS STREET
CLAYTON VIEW LANE
MARSH CREEK ROAD
MARSH CREEK CIR
CHAY DR
SEMILLON CIR
ZINFADEL CIR
CABERNET CT.
EASLEY DRIVE
COLOMBARD WY
CHARDONNAY CIR
GRENACHE CIR
HAMBURG CIR
PINOT CT
SYLVANER CT
SAMUEL CT
BIGELOW ST
EL MOLINO DRIVE
SALAZAR CT.
CLIFFORD CT.
MEREDITH CT
WRIGHT CT.
W. MYRICK CT.
E. MYRICK CT.
BLOCHING CIR.
BLOCHING CIR.
MOLINO DRIVE
EBERHARDT CT.
BERGERSEN CT.
BARCELONA CT.
CIPRESTRAND CT.
PEACOCK CREEK DR
FOREST HILL DR
INVERNESS WY
PEBBLE BEACH DR
LONE PINE CT
SILVERADO CT
BRANDYWINE PL
TOARSY PINES PL
SCHOOL
PARK