CITY OF CLAYTON
Founded 1857 .. Incorporated 1964

AGENDA

REGULAR MEETING
* * *
CLAYTON CITY COUNCIL

TUESDAY, September 2, 2008

7:00 p.m.

Meeting Room, Clayton Community Library
6125 Clayton Road, Clayton, CA 94517

Mayor: Gregory J. Manning
Vice Mayor: Julie K. Pierce

Council Members
David T. Shuey
Hank Stratford
William R. Walcutt

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

* CITY COUNCIL *
September 2, 2008

7:00 P.M.

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

2. **CLOSED SESSION** - None.

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

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

(a) Approve the minutes of the regular meeting of August 19, 2008. (View Here)

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

(c) Accept the Financial Investment Report for the 4th Quarter of Fiscal Year 2007-2008, ending June 30, 2008. (View Here)

(d) Adopt a Resolution approving Carry-Over/Encumbrance monies from the unexpended Operating Budget, incomplete Capital Improvement and Capital Outlay Funds from Fiscal Year 2007-2008; and amending the adopted 2008-2009 City Budget accordingly. (View Here)

(e) Adopt a Resolution approving a covenant for recordation on real property title for stormwater management facility operations and maintenance, and right of entry, in Subdivision 8931 (Mitchell Creek Place). (View Here)

(f) Adopt a Resolution finding the construction of improvements in Subdivision 8931 (Mitchell Creek Place) are complete and accepting certain street rights of way as public streets and the easements within said Subdivision as public easements. (View Here)

(g) Adopt a Resolution accepting the fabrication and installation of a custom-design public restroom at The Grove park project as complete and ordering the filing of a notice of completion (CIP No. 10367). (View Here)

5. **RECOGNITIONS AND PRESENTATIONS**

(a) Proclamation declaring September 11, 2008 as “Fly the Flag Day” in remembrance of the national events on September 11, 2001. (View Here)

6. REPORTS

(a) Report by City Attorney regarding the Planning Commission's Study Session of August 26th.
(b) Planning Commission – Commissioner Bob Armstrong.
(c) Trails and Landscaping Committee – No meeting held to report.
(d) City Manager/Staff
(e) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.
(f) Other – Introduction of City Council candidates present in the audience.

7. PUBLIC COMMENT ON NON-AGENDA ITEMS

Citizens may address the City Council on items within the Council's jurisdiction, (which are not on the agenda) by completing a speaker card available on the Lobby table and forwarding it to the City Clerk. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Mayor's discretion. When one's name is called by the Mayor, the speaker shall advance to the public podium and adhere to the time limit. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked, or may 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 HEARING – None.

9. ACTION ITEMS

(a) Consideration of the draft Contra Costa County Delta Water Platform regarding the State of California's solutions to sustain the Sacramento-San Joaquin Delta and its many resources. (View Here)
(Arne Simonsen, Chair of the CA Delta Protection Commission)

Staff recommendation: Following receipt of the presentation, the Council provide City policy direction accordingly.

(b) Continued consideration of a Resolution endorsing the East Bay Regional Parks District's (EBRPD) November 2008 ballot measure (Measure WW) to extend its regional open space, wildlife, shoreline and parks Bond.
(City Manager) (View Here)

Staff recommendation: Following staff report and public comments, adopt the Resolution.

(c) Second Reading and Adoption of Ordinance No. 418 for Municipal Parking lot time limitations on public parking. (View Here)
(Police Chief)

Staff recommendations: 1). Receive the staff report; 2). Receive public comment; 3). Motion to have the City Clerk read Ordinance No. 418 by title and number only and waive further reading; and 5). Following the City Clerk's reading, a motion to adopt Ordinance No. 418.

(d) Consideration of City Council position on four (4) proposed General Resolutions for the 2008 Annual Conference, League of CA Cities.
(City Manager) (View Here)

Staff recommendation: Provide direction and input on each General Resolution for written communication to the League of CA Cities.

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

11. ADJOURNMENT– the next regularly scheduled meeting of Tuesday, September 16, 2008

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MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 9-2-08

Agenda Item: 4a

TUESDAY, August 19, 2008

1. **CALL TO ORDER & ROLL CALL** – the meeting was called to order at 7:00 p.m. by Mayor Manning in the Library Community Meeting Room, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Manning, Vice Mayor Pierce, Councilmembers Stratford, Shuey and Walcutt. Staff present: City Manager Gary Napper, City Attorney Dan Adams, Police Chief Dan Lawrence, and City Clerk Laci Jackson.

2. **CLOSED SESSION**- None.

3. **PLEDGE OF ALLEGIANCE** – Led by Mayor Manning.

4. **CONSENT CALENDAR- It was moved by Councilmember Walcutt, seconded by Vice Mayor Pierce to approve the remainder of the Consent Calendar (5-0 vote).**

(a) Approve the minutes of the regular meeting of July 15, 2008.

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

5. **RECOGNITIONS AND PRESENTATIONS** – None.

6. **REPORTS**

(a) Planning Commission – Vice Chair Ed Hartley reported on the July 29th and August 12th Planning Commission meetings. At the July meeting the Commission approved a Site Plan Review, and three Temporary Use Permits for the Clayton Community Church. At the August meeting the Commission approved two Site Plan Reviews on El Camino Drive and Lydia Lane. The Commission also approved a use permit for Snap Fitness in the Village Oaks building, and a use permit for Clayton Mind and Body. The Commission also reorganized with Tuija Catalano as Chair and Ed Hartley as Vice Chair.

(b) Trails and Landscaping Committee – No meeting held to report.

(c) City Manager/ Staff- No report.

(d) City Council

Councilmember Stratford attended the Mayors' Conference in Martinez.

Vice Mayor Pierce attended a Transportation Authority meeting where Clayton's annual check list was approved for Local Return to Source monies for street improvements. She also attended a TRANSPAC meeting, National Night Out events, an ABAG Regional Planning Committee meeting, and the Mayors' Conference. Lastly, she toured the Marsh Creek Detention Facility with Supervisor Susan Bonilla.

Councilmember Shuey reported he visited nice play structure shade structures in the City of Murphy's downtown area and said the Council may want to look into something like that for The Grove in the future.

Mayor Manning attended two County Connection meetings, a Habitat Conservation meeting, and the County Board of Supervisors meeting where they discussed the Marsh Creek Facility. Lastly, he stated he met with ABC Channel 7 today for an interview regarding the local issue of the vegetable stand.

(e) Other-

Mayor Manning introduced Howard Geller and Harun Simbirdi as City Council candidates.

Howard Geller stated he has been a Clayton resident for 33 years and wanted to be involved with public service.

Harun Simbirdi stated he has been a part of the CERT team and sees a lot of opportunity in Clayton.

7. **PUBLIC COMMENTS**- None.

8. **PUBLIC HEARINGS**- None.

9. ACTION ITEMS

(a) Consideration of a Resolution endorsing the East Bay Regional Parks District's (EBRPD) proposed November 2008 ballot measure to extend its regional open space, wildlife, shoreline and parks Bond.

Beverly Lane, District Board Member presented a report explaining the November 2008 Ballot Measure WW. She explained the bond was an extension of the Measure AA and would continue at the same taxation rate. She indicated the Measure would provide the EBRPD with an additional $500,000,000.00 in funds in order to purchase more open space and parks. She stated that Clayton's share of the money would be $500,000.00 to be spent on things such as major maintenance of the trails.

The City Council held a lengthy discussion questioning the City's eligibility to use to the bond monies for maintenance and repairs of trails. Councilmember Shuey asked if the City Manager had seen anything in writing to ensure that Clayton would be able to use their share of the money for the trails. The City Manager stated he received verbal assurance but did not have anything in writing.

Mayor Manning asked for public comment.

Candace Bass, Chairperson of the Trails and Landscaping Committee asked if the Trails and Landscaping Committee would be able to have input on the projects that might fit under the Measure. The City Manager responded the Trails Inventory provided by the Trails and Landscaping Committee might tie into the Measure's funding.

Mayor Manning and Councilmember Walcutt stated they were ready to vote on the issue and approve the Resolution.

Vice Mayor Pierce, Councilmembers Shuey and Stratford wanted more information before they voted on the Resolution in support of the Measure.

It was moved by Vice Mayor Pierce, seconded by Councilmember Shuey to continue the item to the agenda of September 2, 2008 in order to receive more legal assurance on the ability of the City of Clayton to spend its share of the money on major park repairs (3-2; Manning and Walcutt- Noes).

(b) Consider the Introduction and First Reading of proposed Ordinance No. 418 for Municipal Parking lot time limitations on public parking.

The Police Chief presented the staff report and stated parking in public parking lots would be prohibited between 1 a.m. and 4 a.m. The Ordinance would give the Police Department and effective tool in handling overnight parking in public lots.

Councilmember Stratford asked which lots would be included in this Ordinance. The Police Chief indicated that public parking lots such as Endeavor Hall, Library, City Hall, Community Parks, the City parking lot in downtown. He also stated that these areas would be signed.

Vice Mayor Pierce stated this addressed the issues for Mitchell Creek Place parking well.

No public comments were received.

It was moved by Vice Mayor Pierce, seconded by Councilmember Walcutt to have the City Clerk read Ordinance No. 418 by title and number only and waive further reading (5-0 vote).

The City Clerk read Ordinance No. 418 by title and number only.

It was moved by Vice Mayor Pierce, seconded by Councilmember Walcutt to approve Ordinance No. 418 for Introduction and First Reading (5-0 vote).

(c) Designation of the City's Voting Delegate and Alternate for League of California Cities 2008 Annual Conference to be held September 24 thru September 27, 2008.

The City Clerk presented the staff report indicating that the Council needed to determine if an elected official will attend the Annual Conference due to City budget considerations, and if so select its Voting Delegate.

Vice Mayor Pierce stated the Council should pass on sending a delegate this year and send a letter to the League President and the state Legislature indicating that do to State Budget takeaways and local revenue downturns, the City has eliminated its Conference attendance expense to balance our budget.

Councilmember Walcutt asked if anything important would be being voted on. The City Manager responded if an important issue arose the Council could still communicate their feelings; he also stated the Resolutions for the League Conference would be presented at the September 2nd Council meeting.

No action take- no Delegate appointed.

(d) Consider a Resolution opposing fiscally irresponsible State Budget decisions by the California Legislature and the Governor that would once again "borrow" local government, transportation and redevelopment funds.

City Manager presented the staff report indicating that over the years the State had "borrowed" $4.5 million from the City of Clayton. He stated the State has been using local government money to balance their budget. The $4.5 million they have borrowed does not take into account this year's State budget deficit. This year the State is looking to take a combination of Redevelopment Agency and General Fund monies to help bring the State budget gap closer together. For Clayton this means $153,000 in General Fund monies, all Prop 42 monies which are already pledged to the street project, and $221,000 from the Redevelopment Agency (total of $476,415). The Resolution before Council asks the State to balance their budget with State revenues, not local funds.

It was moved by Councilmember Shuey, seconded by Councilmember Stratford to adopt Resolution 46-2008 (5-0 vote).

10. <u>COUNCIL ITEMS</u> – None.

11. <u>ADJOURNMENT</u>– On call by Mayor Manning the meeting adjourned at 8:33 p.m.

Respectfully submitted,

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Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

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Gregory J. Manning, Mayor

CITY OF CLAYTON
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Agenda Date: 09/02/08

Agenda Item: 4b

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER

DATE: SEPTEMBER 2, 2008

SUBJECT: OBLIGATION SUMMARY

RECOMMENDATION Approve the following obligations.

RUN DATE	OBLIGATION NUMBERS	TOTALS
08/20/08	15021	$270.00
08/29/08	15022 – 15062	$173,917.15

Attachments:
Batch 3815 (2 pages)
Batch 3846 (10pages)

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	Obligation summary A101-2101-00.0.0-000		entry					270.00CR
PJ	LarryLogic Productions A101-7419-01.0.0-000 Descl..........: Video City Council Mtg 7/15/08	15021	entry	870				270.00

Batch 3815 posted on 08/20/08 by 1004 for business date 08/20/08

Jnl	Period	Account	Description	Debit	Credit	Balance
PJ	Purchase Journal					
	02 2009	A101-2101-00.0.0-000	Accounts Payable		270.00	
	02 2009	A101-7419-01.0.0-000	Other Professional Services	270.00		
		Total for Financial Reporting System		270.00	270.00	.00

Batch 3815 posted on 08/20/08 by 1004 for business date 08/20/08

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	Obligation summary A101-2101-00.0.0-000		entry					100,163.34CR
PJ	Obligation summary A201-2101-00.0.0-000		entry					4,446.81CR
PJ	Obligation summary A210-2101-00.0.0-000		entry					7,245.12CR
PJ	Obligation summary A211-2101-00.0.0-000		entry					1,107.54CR
PJ	Obligation summary A212-2101-00.0.0-000		entry					393.50CR
PJ	Obligation summary A214-2101-00.0.0-000		entry					7,898.24CR
PJ	Obligation summary A216-2101-00.0.0-000		entry					2,374.88CR
PJ	Obligation summary A218-2101-00.0.0-000		entry					2,734.56CR
PJ	Obligation summary A230-2101-00.0.0-000		entry					1,481.00CR
PJ	Obligation summary A301-2101-00.0.0-000		entry					3,269.00CR
PJ	Obligation summary A302-2101-00.0.0-000		entry					293.45CR
PJ	Obligation summary A303-2101-00.0.0-000		entry					26,852.92CR
PJ	Obligation summary A304-2101-00.0.0-000		entry					61.00CR
PJ	Obligation summary A502-2101-00.0.0-000		entry					23,666.79CR
PJ	Obligation summary A601-2101-00.0.0-000		entry					6,293.50CR
PJ	Obligation summary A702-2101-00.0.0-000		entry					1,348.41CR
PJ	PERMCO, Inc. A101-7411-08.0.0-000 Desc1..........: Eng Svc 8/9/08-8/22/08	15023	entry	8532-8546+				2,445.00
PJ	PERMCO, Inc. A101-7412-08.0.0-000 Desc1..........: Eng Svc 8/9/08-8/22/08	15023	entry	8532-8546+				145.25
PJ	PERMCO, Inc. A201-7412-00.0.0-000 Desc1..........: Eng Svc 8/9/08-8/22/08	15023	entry	8532-8546+				671.63
PJ	PERMCO, Inc. A212-7412-00.0.0-000 Desc1..........: Eng Svc 8/9/08-8/22/08	15023	entry	8532-8546+				233.50
PJ	PERMCO, Inc. A216-7412-00.0.0-000 Desc1..........: Eng Svc 8/9/08-8/22/08	15023	entry	8532-8546+				1,309.88
PJ	PERMCO, Inc. A303-7520-00.0.0-106 Desc1..........: Eng Svc 8/9/08-8/22/08	15023	entry	8532-8546+				2,491.88
PJ	PERMCO, Inc. A303-7520-00.0.0-108 Desc1..........: Eng Svc 8/9/08-8/22/08	15023	entry	8532-8546+				1,608.88

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	PERMCO, Inc. A303-7520-00.0.0-112 Descl..........: Eng Svc 8/9/08-8/22/08	15023	entry 8532-8546+					1,635.56
PJ	PERMCO, Inc. A304-7520-00.0.0-001 Descl..........: Eng Svc 8/9/08-8/22/08	15023	entry 8532-8546+					61.00
PJ	PERMCO, Inc. A601-2740-00.0.0-107 Descl..........: Eng Svc 8/9/08-8/22/08	15023	entry 8532-8546+					145.25CR
PJ	PERMCO, Inc. A601-2741-00.0.0-153 Descl..........: Eng Svc 8/9/08-8/22/08	15023	entry 8532-8546+					41.50
PJ	PERMCO, Inc. A601-2743-00.0.0-220 Descl..........: Eng Svc 8/9/08-8/22/08	15023	entry 8532-8546+					83.00
PJ	PERMCO, Inc. A601-2744-00.0.0-077 Descl..........: Eng Svc 8/9/08-8/22/08	15023	entry 8532-8546+					41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-288 Descl..........: Eng Svc 8/9/08-8/22/08	15023	entry 8532-8546+					42.50
PJ	PERMCO, Inc. A601-2744-00.0.0-329 Descl..........: Eng Svc 8/9/08-8/22/08	15023	entry 8532-8546+					41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-381 Descl..........: Eng Svc 8/9/08-8/22/08	15023	entry 8532-8546+					41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-434 Descl..........: Eng Svc 8/9/08-8/22/08	15023	entry 8532-8546+					41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-444 Descl..........: Eng Svc 8/9/08-8/22/08	15023	entry 8532-8546+					41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-449 Descl..........: Eng Svc 8/9/08-8/22/08	15023	entry 8532-8546+					41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-459 Descl..........: Eng Svc 8/9/08-8/22/08	15023	entry 8532-8546+					41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-461 Descl..........: Eng Svc 8/9/08-8/22/08	15023	entry 8532-8546+					41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-467 Descl..........: Eng Svc 8/9/08-8/22/08	15023	entry 8532-8546+					41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-473 Descl..........: Eng Svc 8/9/08-8/22/08	15023	entry 8532-8546+					41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-474 Descl..........: Eng Svc 8/9/08-8/22/08	15023	entry 8532-8546+					41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-482 Descl..........: Eng Svc 8/9/08-8/22/08	15023	entry 8532-8546+					62.25

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	PERMCO, Inc. A601-2744-00.0.0-487 Descl..........: Eng Svc 8/9/08-8/22/08	15023	entry	8532-8546+				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-492 Descl..........: Eng Svc 8/9/08-8/22/08	15023	entry	8532-8546+				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-502 Descl..........: Eng Svc 8/9/08-8/22/08	15023	entry	8532-8546+				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-505 Descl..........: Eng Svc 8/9/08-8/22/08	15023	entry	8532-8546+				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-508 Descl..........: Eng Svc 8/9/08-8/22/08	15023	entry	8532-8546+				41.50
PJ	PERMCO, Inc. A601-2746-00.0.0-129 Descl..........: Eng Svc 8/9/08-8/22/08	15023	entry	8532-8546+				83.00
PJ	PG&E A101-7335-03.0.0-000 Descl..........: Service 8/08 (Master)	15024	entry	8/08				1,012.38
PJ	PG&E A101-7335-07.0.0-000 Descl..........: Service 8/08 (Master)	15024	entry	8/08				4,475.83
PJ	PG&E A101-7335-09.0.0-000 Descl..........: Service 8/08 (Master)	15024	entry	8/08				198.42
PJ	PG&E A201-7335-00.0.0-000 Descl..........: Service 8/08 (Master)	15024	entry	8/08				3,036.64
PJ	PG&E A210-7335-00.0.0-000 Descl..........: Service 8/08 (Master)	15024	entry	8/08				1,332.15
PJ	PG&E A214-7335-00.0.0-000 Descl..........: Service 8/08 (Master)	15024	entry	8/08				7,898.24
PJ	PG&E A101-7335-03.0.0-000 Descl..........: Service 8/08 (Ind Inv)	15025	entry	8/08				19.41
PJ	PG&E A210-7335-00.0.0-000 Descl..........: Service 8/08 (Ind Inv)	15025	entry	8/08				149.35
PJ	PG&E A211-7335-00.0.0-000 Descl..........: Service 8/08 (Ind Inv)	15025	entry	8/08				71.54
PJ	PG&E A302-7520-00.0.0-008 Descl..........: Service 8/08 (Ind Inv)	15025	entry	8/08				14.00
PJ	PG&E A302-7520-00.0.0-009 Descl..........: Service 8/08 (Ind Inv)	15025	entry	8/08				9.95
PJ	PG&E A702-7335-00.0.0-000 Descl..........: Service 8/08 (Ind Inv)	15025	entry	8/08				259.41

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	CalPERS Health A101-7246-02.0.0-000 Descl..........: Health Insurance 9/08	15026	entry	258				5,904.83
PJ	CalPERS Health A101-7246-03.0.0-000 Descl..........: Health Insurance 9/08	15026	entry	258				3,392.82
PJ	CalPERS Health A101-7246-04.0.0-000 Descl..........: Health Insurance 9/08	15026	entry	258				2,165.08
PJ	CalPERS Health A101-7246-06.0.0-000 Descl..........: Health Insurance 9/08	15026	entry	258				7,375.42
PJ	CalPERS A101-7220-02.0.0-000 Descl..........: Retirement PPE 8/24/08	15027	entry	08/24/08				4,110.86
PJ	CalPERS A101-7220-03.0.0-000 Descl..........: Retirement PPE 8/24/08	15027	entry	08/24/08				2,411.90
PJ	CalPERS A101-7220-04.0.0-000 Descl..........: Retirement PPE 8/24/08	15027	entry	08/24/08				1,412.87
PJ	CalPERS A101-7220-06.0.0-000 Descl..........: Retirement PPE 8/24/08	15027	entry	08/24/08				13,045.12
PJ	PG&E A201-7335-00.0.0-000 Descl..........: Svc: Irrig & Signal 8/08 (Mst)	15028	entry	8/18/08				31.54
PJ	PG&E A210-7335-00.0.0-000 Descl..........: Svc: Irrig & Signal 8/08 (Mst)	15028	entry	8/18/08				458.62
PJ	CCC Information Technology A101-7419-02.0.0-000 Descl..........: Assessment Rolls 7/08	15029	entry	4887				69.67
PJ	CCC Office of Revenue Collecti A101-7419-04.0.0-000 Descl..........: Tax Data Rolls 7/08	15030	entry	235590				25.00
PJ	Health Care Dental Trust A101-7246-02.0.0-000 Descl..........: Dental Premimum 9/08	15031	entry	76207				492.04
PJ	Health Care Dental Trust A101-7246-03.0.0-000 Descl..........: Dental Premimum 9/08	15031	entry	76207				405.18
PJ	Health Care Dental Trust A101-7246-04.0.0-000 Descl..........: Dental Premimum 9/08	15031	entry	76207				202.59
PJ	Health Care Dental Trust A101-7246-06.0.0-000 Descl..........: Dental Premimum 9/08	15031	entry	76207				743.01
PJ	CCC Office of the Sheriff-Coro A101-7425-06.0.0-000 Descl..........: PD-Crime Lab 7/08	15032	entry	Clay-PD-08				485.00
PJ	LarryLogic Productions A101-7419-01.0.0-000 Descl..........: Video City Council Mtg 8/19/08	15033	entry	157.5				337.50

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	AT&T YellowPages.com A301-7361-00.0.0-000 Descl..........: Yellow Pages. Com 9/08	15034	entry	8/23/08				29.00
PJ	Neopost Postage A101-7314-05.0.0-000 Descl..........: Adm Postage Added 8/25/08	15035	entry	8/25/08				300.00
PJ	Don Stone A301-7520-00.0.0-003 Descl..........: Grove Concert Sound Svc 9/20/08	15036	entry	8414				220.00
PJ	Don Stone A301-7520-00.0.0-003 Descl..........: Grove Concert Sound Svc 9/13/08	15037	entry	8413				220.00
PJ	Diversified Risk Ins Brokers / A101-7351-05.0.0-000 Descl..........: Special Event Insurance 7-8/08	15038	entry	7-8/08				466.32
PJ	Michael & Shannon Archuleta A101-5791-00.0.0-000 Descl..........: Refund SWP 10-08 Dep 8/08	15039	entry	SWP 10-08				65.36CR
PJ	Michael & Shannon Archuleta A601-2744-00.0.0-482 Descl..........: Refund SWP 10-08 Dep 8/08	15039	entry	SWP 10-08				1,564.25
PJ	Cathy Chatterjee A702-2730-00.0.0-002 Descl..........: Refund EH Deposit 8/9/08	15040	entry	EH 8/9/08				500.00
PJ	Karen Frisella Cichurshi A211-5602-00.0.0-000 Descl..........: Refund Grove Deposit 7/19/08	15041	entry	Grv 7/19/0				250.00
PJ	Stephanie & Jon Lopez A101-5791-00.0.0-000 Descl..........: Refund SWP 44-07 Dep 8/08	15042	entry	SWP 44-07				90.26CR
PJ	Stephanie & Jon Lopez A601-2744-00.0.0-459 Descl..........: Refund SWP 44-07 Dep 8/08	15042	entry	SWP 44-07				1,398.25
PJ	Charles & Jacqueline Del Monte A101-5106-00.0.0-000 Descl..........: Refund EP 2794 Deposit & Fee	15043	entry	EP 2794				50.00
PJ	Charles & Jacqueline Del Monte A601-2731-00.0.0-396 Descl..........: Refund EP 2794 Deposit & Fee	15043	entry	EP 2794				500.00
PJ	City of Antioch A101-7372-01.0.0-000 Descl..........: Mayors Conf 9/08	15044	entry	9/08				100.00
PJ	Restroom Facilites LTD A303-2101-00.0.0-000 Descl..........: Grove Restroom Rpr 2/08	15045	entry	3351				19,012.60
PJ	Goldfarb & Lipman A302-7413-00.0.0-000 Descl..........: RDA-LMI Legal Svc 7/08	15046	entry	90436				269.50
PJ	Robert Ross A101-7419-06.0.0-000 Descl..........: Empl PreScrn -Hanft 8/08	15047	entry	104				175.00
PJ	Arcom A101-7343-06.0.0-000 Descl..........: PD Equipment Rpr 8/08	15048	entry	2226100				105.77

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	Mt. Diablo Unified School Dist A702-2730-00.0.0-002 Descl..........: Refund EH Deposit 8/20/08	15049	entry	EH 8/20/08				500.00
PJ	Sirius Sales & Marketing A301-7520-00.0.0-003 Descl..........: Grove Concert Band 9/20/08	15050	entry	Band 9/20/				1,800.00
PJ	Kenneth A Brock A301-7520-00.0.0-003 Descl..........: Grove Concert Band 9/13/08	15051	entry	Band 9/13/				1,000.00
PJ	Dogs for Diabetics A211-2730-00.0.0-000 Descl..........: Refund Grove Deposit 8/16/08	15052	entry	Grv 8/16/0				250.00
PJ	Rutan & Tucker LLP A303-7520-00.0.0-104 Descl..........: DT Econ Dev Legal Svc 8/08	15053	entry	535718				2,104.00
PJ	WK McLellan Co A218-7520-00.0.0-001 Descl..........: Oak St Pavement Rpr 8/08	15054	entry	10854				2,734.56
PJ	WK McLellan Co A212-7520-00.0.0-061 Descl..........: Keller Ridge Conc Rpr 8/08	15055	entry	10853				160.00
PJ	The Ed Jones Company A101-7311-06.0.0-000 Descl..........: PD Badges 8/08	15056	entry	21115				214.72
PJ	San Francisco Ford A502-7485-00.0.0-000 Descl..........: PD New Vehicle 8/08	15057	entry	118738				23,666.79
PJ	Charles & Joanne Stimac A101-5301-00.0.0-000 Descl..........: Refund C&D Deposit 8/08	15058	entry	C&D Blochi				131.82CR
PJ	Charles & Joanne Stimac A601-2745-00.0.0-417 Descl..........: Refund C&D Deposit 8/08	15058	entry	C&D Blochi				2,000.00
PJ	Municipal Pooling Authority A101-7231-05.0.0-000 Descl..........: Wellness Premium 08-09	15059	entry	K0803				929.00
PJ	Municipal Pooling Authority A101-7351-05.0.0-000 Descl..........: Liability Premium 08-09	15060	entry	L0803				19,396.00
PJ	Municipal Pooling Authority A101-2210-00.0.0-000 Descl..........: Workers Comp Prem 08-09	15061	entry	B0803				2,867.00CR
PJ	Municipal Pooling Authority A101-7231-01.0.0-000 Descl..........: Workers Comp Prem 08-09	15061	entry	B0803				448.00
PJ	Municipal Pooling Authority A101-7231-02.0.0-000 Descl..........: Workers Comp Prem 08-09	15061	entry	B0803				9,572.00
PJ	Municipal Pooling Authority A101-7231-03.0.0-000 Descl..........: Workers Comp Prem 08-09	15061	entry	B0803				152.00
PJ	Municipal Pooling Authority A101-7231-05.0.0-000 Descl..........: Workers Comp Prem 08-09	15061	entry	B0803				1,969.00

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	Municipal Pooling Authority A101-7231-06.0.0-000 Descl..........: Workers Comp Prem 08-09	15061	entry	B0803				16,616.00
PJ	Municipal Pooling Authority A101-7231-07.0.0-000 Descl..........: Workers Comp Prem 08-09	15061	entry	B0803				190.00
PJ	Municipal Pooling Authority A101-7231-09.0.0-000 Descl..........: Workers Comp Prem 08-09	15061	entry	B0803				1,621.00
PJ	Municipal Pooling Authority A201-7231-00.0.0-000 Descl..........: Workers Comp Prem 08-09	15061	entry	B0803				707.00
PJ	Municipal Pooling Authority A210-7231-00.0.0-000 Descl..........: Workers Comp Prem 08-09	15061	entry	B0803				5,305.00
PJ	Municipal Pooling Authority A211-7231-00.0.0-000 Descl..........: Workers Comp Prem 08-09	15061	entry	B0803				536.00
PJ	Municipal Pooling Authority A216-7231-00.0.0-000 Descl..........: Workers Comp Prem 08-09	15061	entry	B0803				1,065.00
PJ	Municipal Pooling Authority A230-7231-00.0.0-000 Descl..........: Workers Comp Prem 08-09	15061	entry	B0803				1,481.00
PJ	Municipal Pooling Authority A702-7231-00.0.0-000 Descl..........: Workers Comp Prem 08-09	15061	entry	B0803				89.00
PJ	Fundware A101-7419-02.0.0-000 Descl..........: Tax on Pd Invoice 08-09	15062	entry	26008403tx				137.79

Batch 3846 posted on 08/29/08 by 1004 for business date 08/29/08

Jnl	Period	Account	Description	Debit	Credit	Balance
PJ	Purchase Journal					
	02 2009	A101-2101-00.0.0-000	Accounts Payable		100,163.34	
	02 2009	A101-2210-00.0.0-000	Workers' Compensation Insuranc		2,867.00	
	02 2009	A101-5106-00.0.0-000	Other Permits	50.00		
	02 2009	A101-5301-00.0.0-000	Planning Services		131.82	
	02 2009	A101-5791-00.0.0-000	Overhead cost recovery		155.62	
	02 2009	A101-7220-02.0.0-000	PERS Retirement	4,110.86		
	02 2009	A101-7220-03.0.0-000	PERS Retirement	2,411.90		
	02 2009	A101-7220-04.0.0-000	PERS Retirement	1,412.87		
	02 2009	A101-7220-06.0.0-000	PERS Retirement	13,045.12		
	02 2009	A101-7231-01.0.0-000	Workers' Compensation	448.00		
	02 2009	A101-7231-02.0.0-000	Workers' Compensation	9,572.00		
	02 2009	A101-7231-03.0.0-000	Workers' Compensation	152.00		
	02 2009	A101-7231-05.0.0-000	Workers' Compensation	2,898.00		
	02 2009	A101-7231-06.0.0-000	Workers' Compensation	16,616.00		
	02 2009	A101-7231-07.0.0-000	Workers' Compensation	190.00		
	02 2009	A101-7231-09.0.0-000	Workers Compensation	1,621.00		
	02 2009	A101-7246-02.0.0-000	Benefit Insurance	6,396.87		
	02 2009	A101-7246-03.0.0-000	Benefit Insurance	3,798.00		
	02 2009	A101-7246-04.0.0-000	Benefit Insurance	2,367.67		
	02 2009	A101-7246-06.0.0-000	Benefit Insurance	8,118.43		
	02 2009	A101-7311-06.0.0-000	General Supplies	214.72		
	02 2009	A101-7314-05.0.0-000	Postage	300.00		
	02 2009	A101-7335-03.0.0-000	Gas & Electricity	1,031.79		
	02 2009	A101-7335-07.0.0-000	Gas & Electricity	4,475.83		
	02 2009	A101-7335-09.0.0-000	Gas & Electricity	198.42		
	02 2009	A101-7343-06.0.0-000	Vehicle Maintenance	105.77		
	02 2009	A101-7351-05.0.0-000	Insurance Premiums	19,862.32		
	02 2009	A101-7372-01.0.0-000	Conferences	100.00		
	02 2009	A101-7411-08.0.0-000	Professional Services Retainer	2,445.00		
	02 2009	A101-7412-08.0.0-000	Engineering/Inspection Service	145.25		
	02 2009	A101-7419-01.0.0-000	Other Professional Services	337.50		
	02 2009	A101-7419-02.0.0-000	Other Professional Services	207.46		
	02 2009	A101-7419-04.0.0-000	Other Professional Services	25.00		
	02 2009	A101-7419-06.0.0-000	Other Professional Services	175.00		
	02 2009	A101-7425-06.0.0-000	Crime Lab	485.00		
	02 2009	A201-2101-00.0.0-000	Accounts Payable		4,446.81	
	02 2009	A201-7231-00.0.0-000	Worker's Compensation Ins	707.00		
	02 2009	A201-7335-00.0.0-000	Gas & Electricity	3,068.18		
	02 2009	A201-7412-00.0.0-000	Engineering/Inspection Service	671.63		
	02 2009	A210-2101-00.0.0-000	Accounts Payable		7,245.12	
	02 2009	A210-7231-00.0.0-000	Worker's Comp Insurance	5,305.00		
	02 2009	A210-7335-00.0.0-000	Gas & Electricity	1,940.12		
	02 2009	A211-2101-00.0.0-000	Accounts Payable		1,107.54	
	02 2009	A211-2730-00.0.0-000	D.T. Park Deposit	250.00		
	02 2009	A211-5602-00.0.0-000	Park Use Fees	250.00		
	02 2009	A211-7231-00.0.0-000	Worker's Comp Insurance	536.00		
	02 2009	A211-7335-00.0.0-000	Gas & Electricity	71.54		
	02 2009	A212-2101-00.0.0-000	Accounts Payable		393.50	
	02 2009	A212-7412-00.0.0-000	Engineering/Inspection Service	233.50		
	02 2009	A212-7520-00.0.0-061	Sidewalk rep 5177 Keller Ridge	160.00		
	02 2009	A214-2101-00.0.0-000	Accounts Payable		7,898.24	
	02 2009	A214-7335-00.0.0-000	Gas & Electricity	7,898.24		

Jnl	Period	Account	Description	Debit	Credit	Balance
PJ	Purchase Journal		** continued **			
	02 2009	A216-2101-00.0.0-000	Accounts Payable		2,374.88	
	02 2009	A216-7231-00.0.0-000	Worker's Comp Insurance	1,065.00		
	02 2009	A216-7412-00.0.0-000	Engineering/Inspection Service	1,309.88		
	02 2009	A218-2101-00.0.0-000	Accounts Payable		2,734.56	
	02 2009	A218-7520-00.0.0-001	Repair bubbles in pavment 8/08	2,734.56		
	02 2009	A230-2101-00.0.0-000	Accounts Payable		1,481.00	
	02 2009	A230-7231-00.0.0-000	Worker's Comp Insurance	1,481.00		
	02 2009	A301-2101-00.0.0-000	Accounts Payable		3,269.00	
	02 2009	A301-7361-00.0.0-000	Advertising	29.00		
	02 2009	A301-7520-00.0.0-003	Concerts in the Grove Park	3,240.00		
	02 2009	A302-2101-00.0.0-000	Accounts Payable		293.45	
	02 2009	A302-7413-00.0.0-000	Legal Services	269.50		
	02 2009	A302-7520-00.0.0-008	280 Stranahan LMI-Bamberger	14.00		
	02 2009	A302-7520-00.0.0-009	278 Stranahan Cir LMI House	9.95		
	02 2009	A303-2101-00.0.0-000	Accounts Payable		7,840.32	
	02 2009	A303-7520-00.0.0-104	Downtown Economic Dev Project	2,104.00		
	02 2009	A303-7520-00.0.0-106	Clayton Rd Trail Connection	2,491.88		
	02 2009	A303-7520-00.0.0-108	MarshCreekRd Retaining Wall	1,608.88		
	02 2009	A303-7520-00.0.0-112	Pavement Rehab Project 2008	1,635.56		
	02 2009	A304-2101-00.0.0-000	Accounts Payable		61.00	
	02 2009	A304-7520-00.0.0-001	Marsh Crk Rd Sewer Survey	61.00		
	02 2009	A502-2101-00.0.0-000	Accounts Payable		23,666.79	
	02 2009	A502-7485-00.0.0-000	Capital Equipment	23,666.79		
	02 2009	A601-2101-00.0.0-000	Accounts Payable		6,293.50	
	02 2009	A601-2731-00.0.0-396	C. Delmonte EP 2794 Cash Bond	500.00		
	02 2009	A601-2740-00.0.0-107	Oh Rec Pac Bell Minor EP		145.25	
	02 2009	A601-2741-00.0.0-153	Seeno Grading Insp (10351)	41.50		
	02 2009	A601-2743-00.0.0-220	Mitchell Crk Pl (Lenox) Const	83.00		
	02 2009	A601-2744-00.0.0-077	AD Seeno Oak Crk Cyn SW26-06	41.50		
	02 2009	A601-2744-00.0.0-288	Flora Square SWP 47-07	42.50		
	02 2009	A601-2744-00.0.0-329	Lemke Diablo Pt SW permit28-06	41.50		
	02 2009	A601-2744-00.0.0-381	Gonzalez SW Permit 18-07	41.50		
	02 2009	A601-2744-00.0.0-434	C. DelMonte SW Permit 29-07	41.50		
	02 2009	A601-2744-00.0.0-444	Childs SW Permit 33-07	41.50		
	02 2009	A601-2744-00.0.0-449	Switzer SW Permit 36-07	41.50		
	02 2009	A601-2744-00.0.0-459	J Lopez SW Permit 44-07	1,439.75		
	02 2009	A601-2744-00.0.0-461	G Beckham SW Pemit 45-07	41.50		
	02 2009	A601-2744-00.0.0-467	P Hollingsworth SW Permit02-08	41.50		
	02 2009	A601-2744-00.0.0-473	American Technologies SWP04-08	41.50		
	02 2009	A601-2744-00.0.0-474	Insite Design SWP 05-08	41.50		
	02 2009	A601-2744-00.0.0-482	Michael Archeleta SWP 10-08	1,626.50		
	02 2009	A601-2744-00.0.0-487	Lance Brick SWP 12-08	41.50		
	02 2009	A601-2744-00.0.0-492	S.RennerSWP 16-08	41.50		
	02 2009	A601-2744-00.0.0-502	Hawkins Pool SWP 19-08	41.50		
	02 2009	A601-2744-00.0.0-505	Majestic Pool SWP 21-08	41.50		
	02 2009	A601-2744-00.0.0-508	Swan Pools SWP 22-08	41.50		
	02 2009	A601-2745-00.0.0-417	Stimac C&D Plan Deposit	2,000.00		
	02 2009	A601-2746-00.0.0-129	Diablo Pt Grading Inspections	83.00		
	02 2009	A702-2101-00.0.0-000	Accounts Payable		1,348.41	
	02 2009	A702-2730-00.0.0-002	Endeavor Hall Cash Deposits	1,000.00		
	02 2009	A702-7231-00.0.0-000	Worker's Comp Insurance	89.00		
	02 2009	A702-7335-00.0.0-000	Gas & Electricity	259.41		
		Total for Financial Reporting System		173,917.15	173,917.15	.00

Jnl	Period	Account	Description	Debit	Credit	Balance

Batch 3846 posted on 08/29/08 by 1004 for business date 08/29/08

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Agenda Date: 9-2-08

Agenda Item: 4c

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER

DATE: SEPTEMBER 2, 2008

SUBJECT: INVESTMENT PORTFOLIO REPORT FOURTH QUARTER FY 2007-2008

RECOMMENDATION:

Accept the Investment Portfolio Report for the Fourth Quarter Fiscal Year 2007-08 ending June 30, 2008.

BACKGROUND

With adoption of the revised Investment Policy reviewed on July 18, 2006, the Finance Manager is required to submit a quarterly investment report to the City Council. The Fourth Quarter 2007-08 Fiscal Year report is provided herein.

FISCAL IMPACT

With the fourth quarter of the fiscal year completed, interest earnings for the General Fund are now at 143.05% of the '07-08 Budget for a total of $264,645. Average annual interest yield for the past 3 months was 4.19% compared to 4.47% in the prior period. Although interest rates are declining City interest earnings through the fourth quarter totaled $1,293,097 compared to $1,132,858 a year ago. This is an increase of 13.4% year to date with an additional $160,239 added to the City's cash assets. Over 51.2% of the current investment portfolio is invested in Local Agency Investment Funds (LAIF) a decrease of 7.7% compared to the prior quarter. This decrease is primarily due to the reallocation of investments to Certificates of Deposit (CD) yielding slightly better interest earnings than LAIF. The LAIF quarterly apportionment rate for June was 3.11% a decrease from 4.18% in the prior quarter. This is a 1.07 basis point decrease in LAIF interest earnings with a 25.6% reduction from the prior quarter. Our bond portfolio has decreased considerably (83.7%) due to bond calls leaving $155,581 or .9% of our portfolio invested in Federal National Mtg. Association Bonds (FNMA). Our Certificates of Deposit (CD) total 47.5% of our portfolio an increase of 12.3% from the prior quarter. Only .3% of our portfolio is temporarily held in a cash money market fund. (These funds are mainly due to called or maturing investments or interest allocations that have not been reinvested at this time). At this same time last year, 62.4% of our investments were in LAIF with a rate of 5.17% interest. In the past twelve months the LAIF interest rate has dropped by 39.8% decreasing our rate of return. The market value of the total investment portfolio as of June 30, 2008 was $16,614,496 compared to $16,658,191 in the prior quarter. Although the investment portfolio carrying value of $16,722,730 is $107,934 more than current market value, our policy to hold investments until maturity will produce a positive return.

CONCLUSION

As interest rates continue to decrease our interest revenues will be negatively impacted. LAIF interest rates have continued to decline to 3.11% in June. That rate is close to the same yield we earned in September 2005. Market yields for 12 month CD's have drastically decreased from a high of 5.25% in July 2007 to a low of 3.6% in March 2008. We continue to have bonds with higher interest yields called due to the drop in interest rates. The good news is we are receiving our interest earnings earlier than anticipated however it is difficult to project exactly where we will be over the next several months. As interest rates have declined especially over the short term, we have recently seen rates increase over the long term (60 months). We have been diligent to diversify our portfolio with investments immediately available in LAIF and cash (52%) and then staggered less than one year (10%), two years (6%), three years (12%), 4 years (13%) and 5 years (7%). By staggering our investment portfolio in this manner the impact of rate changes will be lessened.

Respectively submitted,

Merry Pelletier

Merry Pelletier
Finance Manager

Attachments:
City of Clayton Investment Portfolio Fourth Quarter Fiscal Year 2007-2008 Report
(April 1, 2008 – June 30, 2008)

City of Clayton Investment Portfolio
April 1, 2008 - June 30, 2008

Investment Description		Carrying Value	Rate	Current Yield to Maturity	Purchase Date	Maturity Date		Market Value
Local Agency Investment Fund								
Account # 98-07-162								
TOTAL LAIF:	$	8,513,500.38	3.11%				$	8,513,076.57
Financial North Eastern CD's								
The Brand Banking Co.	$	99,000.00	5.25%	5.25%	07/10/07	07/10/08	$	99,050.00
Plus International Bank Miama FL	$	99,000.00	4.40%	3.15%	02/26/07	08/26/08	$	99,004.00
First Bank Henry County GA	$	99,000.00	5.15%	3.40%	09/18/06	09/18/08	$	99,013.00
First National Bank of Forsyth Co.	$	100,000.00	5.40%	3.15%	11/09/06	11/10/08	$	100,003.00
Chestatee State Bank	$	100,000.00	4.90%	3.15%	11/17/06	11/17/08	$	100,019.00
Mountain Heritage Bank	$	100,000.00	4.65%	3.15%	11/22/06	11/21/08	$	100,019.00
1st Financial Bank USA	$	98,000.00	5.10%	4.74%	12/17/07	12/17/08	$	98,574.00
Discover Bank Greenwood DEL	$	99,000.00	5.00%	5.00%	12/27/06	12/29/08	$	99,594.00
Texas Community Bank	$	99,000.00	4.85%	4.50%	01/11/08	01/12/09	$	99,501.00
Pinnacle Bank	$	99,000.00	4.83%	4.50%	01/14/08	01/14/09	$	99,502.00
Tn Commerce Bank	$	100,000.00	4.50%	4.14%	01/22/08	01/22/09	$	100,312.00
Capital One FSB Falls Church	$	100,000.00	2.97%	2.97%	03/15/07	03/13/09	$	99,567.00
Advanta Bank	$	99,000.00	4.80%	4.50%	01/10/08	12/10/09	$	99,402.00
Columbia St Bank	$	100,000.00	4.00%	4.00%	02/01/08	02/01/10	$	99,516.00
NBT Bank Natl Assn Norwich	$	99,000.00	3.70%	3.70%	03/19/08	09/19/08	$	97,957.00
First St Bank Flagstaff	$	99,000.00	3.75%	3.75%	03/24/08	09/24/10	$	97,492.00
Select Bank Grand Rapids	$	99,000.00	3.65%	3.65%	03/28/08	09/28/10	$	97,268.00
State Bk India New York	$	100,000.00	5.00%	5.00%	10/30/07	11/01/10	$	101,100.00
Enterprise National Bank Palm Beach	$	100,000.00	5.00%	5.00%	10/07/07	11/08/10	$	101,096.00
Key Bank C/D	$	99,000.00	4.90%	4.80%	12/26/07	12/27/10	$	99,963.00
Washington Mut Bank Henderson	$	97,000.00	4.50%	4.50%	01/16/08	01/14/11	$	96,855.00
Newbank	$	100,000.00	4.25%	4.00%	01/23/08	01/24/11	$	99,027.00
Washington Mut Bank Park City	$	99,000.00	3.90%	3.90%	03/19/08	09/19/08	$	97,218.00
Bank Nev Las Vegas	$	99,000.00	3.75%	3.75%	03/26/08	03/28/11	$	96,784.00
Commerce Bank Geneva	$	99,000.00	3.60%	3.60%	03/28/08	03/28/11	$	96,403.00
Community First Bank Harrison	$	99,000.00	3.70%	3.70%	03/28/08	03/28/11	$	96,658.00
New Frontier Bank Colorado	$	99,000.00	3.85%	3.85%	03/31/08	07/01/11	$	96,674 00
Nicolet Batl Bank Wisconsin	$	100,000.00	4.00%	4.00%	03/14/08	09/14/11	$	97,780.00
Business First Bank Baton Rouge	$	99,000.00	4.00%	4.00%	03/26/08	09/26/11	$	96,759.00
Beach Business Bank Manhattan	$	100,000.00	5.00%	5.00%	11/23/07	11/23/11	$	100,184.00
Center Bank Jacksonville, FL	$	99,000.00	5.00%	5.00%	12/15/06	12/15/11	$	99,597.00
Wachovia Bk FSB Houston	$	97,000.00	4.50%	4.50%	01/16/08	01/17/12	$	95,960.00
BMW Bk North America, Salt Lake	$	99,000.00	4.00%	4.00%	03/19/08	03/19/12	$	96,081.00
Imperial Capital Bank, La Jolla	$	99,000.00	4.00%	4.00%	03/28/08	03/28/12	$	96,043.00
Monona St Bank Wisconsin	$	99,000.00	3.80%	3.80%	03/28/08	03/28/12	$	95,345.00
National City Bank, Cleveland	$	99,000.00	4.00%	4.00%	03/31/08	04/02/12	$	96,021.00
Wachovia Mtg FSB Las Vegas	$	97,000.00	4.60%	4.60%	01/16/08	01/16/13	$	95,211.00
Baylake Bank Sturgeon Bay, Wis	$	99,000.00	3.60%	3.60%	04/28/08	10/28/09	$	98,156.00
Flushing Savings Bank, NY	$	99,000.00	3.65%	3.65%	04/30/08	04/30/09	$	97,758.00
Paragon Coml Bank, Raleigh NC	$	100,000.00	4.00%	4.00%	05/09/08	05/09/11	$	98,250.00
Peach State Bank, Gainsville	$	99,000.00	4.00%	4.00%	06/06/08	06/06/11	$	97,164.00
Investors Community Bank	$	99,000.00	3.90%	3.90%	04/18/08	10/18/11	$	96,376.00
Franklin Templeton Bank, SL City, Utah	$	99,000.00	4.00%	4.00%	04/18/08	04/18/12	$	95,929.00
Primesouth Bank, Tallassee, ALA	$	99,000.00	4.05%	4.05%	04/18/08	04/18/13	$	94,548.00
Integrity First Bank WI	$	99,000.00	4.10%	4.10%	04/25/08	04/25/13	$	94,727.00
Goldman Sachs Bank SL City, Utah	$	99,000.00	4.45%	4.45%	05/07/08	05/07/13	$	96,179.00
M&T Bank	$	99,000.00	4.41%	4.41%	05/27/08	05/27/13	$	94,395.00
Lehman Coml Bank, Utah	$	100,000.00	5.00%	5.00%	06/30/08	07/01/13	$	98,913.00
Net credit balance	$	11,845.00					$	11,845.00
TOTAL Financial North Eastern	$	4,769,845.00					$	4,710,792.00
Multi-Bank Securities, Inc. CD's								
Cash Account	$	14,885.61					$	14,885.61
Bank of Texas Devine	$	99,000.00	5.50%	5.50%	07/21/06	07/21/08	$	99,087 12
Syringa Bank Boise Idaho	$	97,000.00	5.50%	5.50%	07/21/06	07/21/08	$	97,081.48
GMAC Automotive Bk Midvale	$	97,000.00	5.60%	5.60%	07/19/06	07/17/09	$	98,351.21
R-G Crown Casselberry, FL	$	100,000.00	5.40%	5.40%	11/22/06	11/23/09	$	100,093.00
Wachovia Bk FSB, Houston, TX	$	98,000.00	4.30%	4.30%	02/29/08	03/07/13	$	94,819.90
TOTAL Multi-Bank Securities:	$	505,885.61					$	504,318.32

City of Clayton Investment Portfolio
April 1, 2008 - June 30, 2008

Investment Description		Carrying Value	Rate	Current Yield to Maturity	Purchase Date	Maturity Date		Market Value
Morgan Stanley								
Cash Account	$	22,199.31					$	22,199.31
Fed Natl Mtg Association (FNMA Bonds)	$	155,000.00	4.55%	4.53%	01/07/08	07/07/11	$	155,581.25
Republic Bank Inc Bountiful, UT	$	99,000.00	4.55%	4.53%	01/16/08	09/16/09	$	99,356.40
Tifton Bkg Co., GA	$	99,000.00	4.55%	4.53%	12/31/07	12/31/09	$	99,356.40
Franklin Bank, Houston, TX	$	97,000.00	4.40%	4.39%	01/16/08	01/19/10	$	97,126.10
Bank First National, WIS	$	98,000.00	3.70%	3.73%	03/13/08	03/12/10	$	96,986.68
Security Bank Gwinnett County	$	99,000.00	4.60%	4.59%	12/27/07	12/27/10	$	99,121.77
Commerce National Bk, Columbus, Ohio	$	99,000.00	4.50%	4.50%	01/10/08	01/10/11	$	98,861.40
American Chartered Bank	$	98,000.00	3.95%	4.01%	03/19/08	03/21/11	$	96,345.76
Capital One Bank, Glen Allen, VA	$	98,000.00	4.00%	4.12%	03/12/08	03/12/12	$	95,140.36
Byron Bank, Michigan	$	98,000.00	3.90%	4.03%	03/14/08	03/14/12	$	94,804.22
Alliance Bank, Syracuse, NY	$	98,000.00	4.05%	4.16%	03/24/08	03/21/12	$	95,267.76
Citizens Bank, Flint, Mich.	$	99,000.00	5.00%	5.00%	12/28/07	12/28/12	$	98,804.97
Capmark Bank, Midvale, UT	$	99,000.00	5.00%	5.02%	01/25/08	01/25/13	$	98,533.71
Broomfield St Bank, IN	$	99,000.00	4.00%	4.03%	06/25/08	06/25/10	$	98,256.51
Southern Community Bank, Fayetteville	$	99,000.00	3.70%	3.76%	04/23/08	10/25/10	$	97,273.44
Crescent St Bank, North Carolina	$	99,000.00	3.75%	3.84%	04/23/08	04/22/11	$	96,679.44
Medallion Bank, Salt Lake City	$	98,000.00	3.90%	3.97%	04/25/08	04/25/11	$	96,090.96
Darby Bank, Vidalia, GA	$	98,000.00	3.90%	3.97%	04/23/08	04/25/11	$	96,090.96
M&I Marshall & Isley Bank	$	98,000.00	4.00%	4.07%	05/23/08	05/23/11	$	96,245.80
Merrick Bank, UT	$	97,000.00	4.30%	4.34%	06/20/08	06/20/11	$	95,960.16
Irwin Un BK & TR, Columbus, Ind	$	98,000.00	4.05%	4.14%	04/25/08	10/25/11	$	95,838.12
First Business BK, Madison, WI	$	98,000.00	4.10%	4.18%	05/16/08	11/16/11	$	95,912.60
Florida Cmnty BK, Immokalee, FL	$	99,000.00	4.50%	4.54%	06/27/08	12/27/11	$	97,993.17
Atlanta Business BK, GA	$	99,000.00	4.20%	4.31%	05/28/08	05/29/12	$	96,446.79
Centennial BK, Fountain Vy, CA	$	99,000.00	4.25%	4.35%	05/30/08	05/30/12	$	96,619.05
American Cmnty BK, Woodstock	$	99,000.00	4.10%	4.28%	04/25/08	04/25/13	$	94,727.16
Broadway Bk, Chicago, IL	$	99,000.00	4.15%	4.32%	04/30/08	04/30/13	$	94,916.25
Amcore Bk, Rockford, IL	$	97,000.00	4.25%	4.41%	04/25/08	04/25/13	$	93,460.47
Mutual BK, Harvey, IL	$	99,000.00	4.50%	4.62%	05/23/08	05/23/13	$	96,312.15
TOTAL Morgan Stanley	**$**	**2,933,199.31**						**$ 2,886,309.12**

		Carrying Value	Percentage of Portfolio	Average Yield to Maturity	Market Value
Local Agency Investment Funds	$	8,513,500.38	51.24%	3.110%	$ 8,513,076.57
Financial Northeastern	$	4,769,845.00	28.35%	4.101%	$ 4,710,792.00
Multi-Bank Securities	$	505,885.61	3.04%	5.260%	$ 504,318.32
Morgan Stanley	$	2,933,199.31	17.37%	4.285%	$ 2,886,309.12
Grand Total Investment Portfolio:	**$**	**16,722,430.30**	**100.00%**		**$16,614,496.01**

2007-08 Budgeted Interest-General Fund	$ 185,000
2007-08 Budgeted interest Received-General Fund	$ 264,645
Percent of General Fund Budget Received	143.05%
2007-08 Average Annual Yield	4.19%
2007-08 Total Interest Income to date	$1,293,097

Merry Pelatier — 8/27/08
Finance Manager — Date:

8/28/08
City Treasurer — Date:

I verify that this investment portfolio is in conformity with State laws and the City of Clayton's investment policy. The City's cash management program provides sufficient liquidity to meet the next six month's expenditures

CITY OF CLAYTON
Founded 1857 . Incorporated 1964

4d

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Merry Pelletier, Finance Manager

DATE: September 2, 2008

SUBJECT: Consideration of Prior Fiscal Year Encumbrances to FY 2008-2009

RECOMMENDATION

It is recommended the City Council adopt the Resolution to approve the June 30, 2008 encumbrances to Fiscal Year 2008-2009.

BACKGROUND

On June 30, 2008 our fiscal year ended leaving several General Fund Department Budgeted with line items open, which is a common occurrence in all budgets. Many of the open items recommended for future payment have not been incurred as of June 30, 2008, but are anticipated for completion within the next fiscal year. Additionally, the Gas Tax Fund, Landscape Maintenance District Fund, Capital Improvement Project Fund, and the Community Gym Fund each have open line items that must be paid in the next fiscal year.

It appears that General Fund revenues will exceed our original budget by $215,801. The excess is indicated in the chart below:

General Fund Revenue Variance 2006-07

Actual General Fund Revenue over Budgeted Revenue	**$215,801**
Secured Property Taxes (Triple-flip)	**$ 24,432**
Sales Tax	**$ 26,579**
Franchise Fees	**$ 26,279**
Fines and Forfeitures	**$ 14,415**
Other In Lieu Fees, Business License, Building Permits	**$ 14,903**
Interest Earnings	**$ 79,645**
Various City services	$133,936
	$320,189

On the other hand real property transfer taxes came in lower than expected ($24,010), other permits and Motor Vehicle In Lieu fees were under budget ($32,999), and booking and processing funds ($28,000) were eliminated by the State. General Fund expenditures are projected to come in under budget by $332,990, yet after encumbrances there will only be a surplus of $25,713 showing that our expenditure budget is fairly accurate. Overall the General

CITY OF CLAYTON
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4d

Approved:
Gary A. Napper City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

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DATE: September 2, 2008

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Fund will have a surplus of $56,355 when matching actual revenues received ($4,000,829) less actual expense paid ($3,944,474) during the fiscal year.

FISCAL IMPACT

Encumbrances for the General Fund (101) total $307,277 and are broken down as follows: employee recognition $292; volunteer appreciation $220; education and training $1,900; computer services $5,000; public works park supplies $6,744; public works medical benefit accrual $6,103; planning salary for intern $3,000; general plan update $26,743; office supplies $1,268; office equipment repairs $851; machinery and equipment maintenance $5,000; police dept. conferences $500; other professional services $2,000; library supplies $730; HVAC maintenance & repairs $24,092; library aide $3,258; and deferred maintenance projects $219,576.

Encumbrances for the Gas Tax Fund (201) total $70,226 and cover costs for street maintenance supplies necessary for sidewalk repairs and professional services contract for street light pole painting.

Encumbrances for the Landscape Fund (210) total $46,213 and cover costs for landscape replacement projects, vehicle maintenance, and F-150 Truck.

Encumbrances for the Capital Equipment Replacement Fund (502) total $8,463 and cover costs to replace dumping trailer for the Community Services Department and software licenses.

Encumbrances for carry-over of Capital Improvement Projects Fund (303) total $2,571,776.

Encumbrances for the Community Gym Fund (701) total $7,334 and cover costs for utilities and supplies from April – June 2008.

Encumbrances for the Endeavor Hall Fund (702) total $2,342 and cover costs for repairs and maintenance.

CONCLUSION

Staff concludes that budgeted funds are available in the General Fund Operations Budget to encumber the $307,277 necessary to cover these expenditures in the current fiscal year. The projected revenue earned for fiscal year ending June 30, 2008 is $4,000,829 and projected expenditures are $3,944,474.

Respectively submitted,

Merry Pelletier

Merry Pelletier
Finance Manager
Attachments:
Resolution with Exhibit A – June 30, 2008 Encumbrances

EXHIBIT A

City of Clayton
June 30, 2008 Encumbrances

Description	Account Number	Amount	Explanation
Employee Recognition	101-7364-02	292	Service recognition supplies
Volunteer Appreciation	101-7365-02	220	Service recognition
Education and Training	101-7373-02	1,900	Training for Code Enforcement / Software Programs
Computer Services	101-7415-02	5,000	Contingency
Public Works Park Supplies	101-7329-03	6,744	Irrigation materials
Public Works Medical Benefit Accrual	101-7246-03	6,103	Employee benefits earned
Deferred Maintenance Projects	101-7347-03	219,576	Various open projects per Council direction 8-15-06
Regular Salaries	101-7111-04	3,000	Salary for Planning Intern
General Plan Diagram Update	101-7419-04	26,743	Planning project initiated 02/03 continuing in FY 08-09
Office Supplies	101-7312-05	1,268	Contingency
Office Equipment Repair	101-7345-05	851	HP 5000 Laser Jet Printer
Machinery & Equipment Maintenance	101-7342-06	5,000	Radio repairs
Conferences	101-7372-06	500	Chief Conference
Other Professional Services	101-7419-06	2,000	Recruitment costs
Office Supplies	101-7312-07	730	Due to Contra Costa County
HVAC Maintenance & Repairs	101-7346-07	24,092	Contingency
Library Aide	101-7423-07	3,258	Due to Contra Costa County
TOTAL GENERAL FUND - 101		**307,277**	
General Supplies	201-7311	6,592	Arterial St. Light supplies
Street Maintenance Supplies	201-7327	23,846	Sidewalk repairs, pole painting, crack seal supplies
Other Professional Services	201-7419	39,788	St. Light pole painting
TOTAL GAS TAX FUND - 201		**70,226**	
Capital Equipment	210-7485	22,794	F-150 Truck
Vehicle Maintenance	210-7343	6,874	Contingency
Landscape Replacement	210-7316	16,545	Future projects
TOTAL LANDSCAPE FUND - 210		**46,213**	
Utility Undergrounding	303-7520-099	105,930	Future Project
Downtown Economic Development	303-7520-104	957,397	Future Project
Clayton Road Trail Connection	303-7520-106	87,866	Construction project fund
Downtown Entry Signage	303-7520-107	43,452	Future Project
Marsh Creek Road Retaining Wall	303-7520-108	282,785	Construction project fund
2008 Pavement Rehab Project	303-7520-112	1,094,346	Construction project fund
TOTAL CAPITAL IMPROVEMENT FUND - 303		**2,571,776**	
Supplies & Equipment	701-7310	938	Invoice due for April-May-June 08 services
Gas & Electricity	701-7335	6,396	Invoice due for April-May-June 08 services
TOTAL COMMUNITY GYM FUND - 701		**7,334**	

RESOLUTION NO. –

A RESOLUTION APPROVING CARRY-OVER/ENCUMBRANCE OF UNEXPENDED OPERATING BUDGET, CAPITAL IMPROVEMENT AND CAPITAL OUTLAY FUNDS FROM FISCAL YEAR 2007 – 2008 AND AMENDING THE 2008 – 2009 CITY BUDGET ACCORDINGLY

THE CITY COUNCIL
City of Clayton, California

WHEREAS, on 17 June 2008, the Clayton City Council adopted the Fiscal Year 2008 – 2009 annual City Budget; and

WHEREAS, certain funds unexpended in the 2007 – 2008 annual City Budget remain available and must be carried over into the next fiscal year for the necessary completion of specified and authorized City projects, operations and contingencies; and

WHEREAS, City staff has identified the essential operational and capital outlay services that require completion in Fiscal Year 2008 – 2009, the Finance Manager has verified the monies are available in the maximum amounts outlined in "Exhibit A" – June 30, 2008 Encumbrances, attached hereto and incorporated herein, and the City Manager has reviewed the list and recommends the carry-over/encumbrance of said funds; and

WHEREAS, the carry-over and encumbrance of prior year unexpended funds requires the appropriation approval by the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California, does hereby approve the encumbrances listed in "Exhibit A" attached hereto and incorporated herein by reference, and does herewith amend the 2008 – 2009 City Budget with the noted maximum carry-over appropriations from Fiscal Year 2007 – 2008; and

BE IT FURTHER RESOLVED that the City Manager of Clayton is hereby authorized to expend said funds in accordance with the laws of the State of California and the ordinances of the City of Clayton, pursuant to the adopted and amended Fiscal Year 2008 – 2009 Budget.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular meeting thereof held the 2nd day of September 2008 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

____

Gregory J Manning, Mayor

ATTEST:

____

Laci J. Jackson, City Clerk

Agenda Date: 9-2-08
Agenda Item: 4e

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: SEPTEMBER 2, 2008

SUBJECT: RESOLUTION APPROVING COVENANT REGARDING THE OPERATION AND MAINTENANCE OF STORMWATER FACILITIES ON PRIVATE PROPERTY IN SUBDIVISION 8931 (MITCHELL CREEK PLACE)

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The improvements in the Mitchell Creek Place subdivision included the construction of stormwater treatment facilities in accordance with the requirements of the City's General Stormwater Discharge Permit ("Permit") as issued by the Regional Water Quality Control Board. The developer has formed a homeowners association ("HOA") to maintain common improvements such as the driveway, landscaping and the stormwater treatment facilities. The HOA will also be responsible for the inspection and reporting requirements associated with the stormwater facilities.

Since the City's Permit places the ultimate responsibility for stormwater treatment and the enforcement of stormwater regulations on the City, a covenant has been prepared obligating the HOA to perform the required maintenance, inspections and reporting. If necessary, the City is provided a right of entry in order to perform any work required and the HOA is obligated to reimburse the City for all of its incurred costs.

Upon approval by the City Council, the Covenant will be recorded to provide notice to the future homebuyers of the HOA's obligations and the City's rights.

FISCAL IMPACT

The City is obligated by the Regional Water Quality Control Board to treat increased stormwater runoff due to new development before it enters our creeks or storm drain system. Since the Board did not provide for a funding source for such treatment, the City has no choice but to obligate the property owners involved and directly benefitted in such new developments.

While it is hoped that the HOA will fulfill its maintenance obligations, the City is still responsible should the HOA fails in its responsibilities. Approval of the attached Covenant will allow the City to recoup its costs in the event actions must be taken against the HOA.

CONCLUSION

Staff recommends the City Council approve this Resolution approving the attached Covenant for the Stormwater Management Facility Operations and Maintenance Agreement, and Right of Entry for Subdivision 8931, Mitchell Creek Place.

Attachments: Resolution
Covenant

RESOLUTION NO. -2008

A RESOLUTION APPROVING A COVENANT FOR RECORDATION ON REAL PROPERTY TITLE FOR STORMWATER MANAGEMENT FACILITY OPERATIONS AND MAINTENANCE, AND RIGHT OF ENTRY, IN SUBDIVISION 8931 (MITCHELL CREEK PLACE).

THE CITY COUNCIL
City of Clayton, California

WHEREAS, the construction of the improvements in Subdivision 8931, Mitchell Creek Place, have recently been completed; and

WHEREAS, the terms of the City's General Stormwater Discharge Permit, issued by the Regional Water Quality Control Board, requires treatment of stormwater runoff from new construction prior to such runoff entering the City's creeks or storm drain system, and further makes the City responsible for such treatment and the enforcement of all stormwater regulations; and

WHEREAS, in accordance with these regulations, the City required the installation of stormwater treatment facilities as a condition of approval of the subdivision's tentative map; and

WHEREAS, such stormwater treatment facilities were constructed with the other improvements in the subdivision; and

WHEREAS, such treatment facilities require ongoing maintenance, inspection and reporting by the property owner in perpetuity; and

WHEREAS, the Subdivider has prepared an Operations and Maintenance Plan which designates the Homeowners Association as the responsible party, specifies the required operations, maintenance and reporting tasks, and which plan has been reviewed and approved by the City Engineer; and

WHEREAS, in order to provide notice to future property owners regarding the Homeowners Association's obligations relating to stormwater treatment as well as the City's obligation to enforce such requirements, the attached covenant has been prepared for approval by the Clayton City Council and recording in the Contra Costa County Recorder's Office; and

WHEREAS, the City Attorney has reviewed and approved the terms and wording of said covenant;

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

1. The City Council hereby approves the attached document entitled "Covenant Running With The land, Stormwater Management Facility Operations and Maintenance Agreement, And Right Of Entry" and authorizes the Mayor to sign the document on behalf of the City.

2. The City Clerk is hereby directed to file the executed document in the Office of the Recorder of Contra Costa County.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on September 2, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY OF CLAYTON, CALIFORNIA

____

Gregory J. Manning, Mayor

ATTEST:

____

Laci J. Jackson, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on September 2, 2008.

____

Laci J. Jackson, City Clerk

Recording Requested By:
CITY OF CLAYTON

Return to: **CITY OF CLAYTON**
Engineering Dept.
6000 Heritage Trail
Clayton, CA 94517

Document Title

CITY OF CLAYTON

COVENANT RUNNING WITH THE LAND,
STORMWATER MANAGEMENT FACILITY OPERATIONS
AND MAINTENANCE AGREEMENT, AND RIGHT OF ENTRY
(Subdivisions with Homeowners' Association)

PROJECT: SUBDIVISION 8931
MITCHELL CREEK PLACE

OWNER'S NAME: MITCHELL CREEK ASSOCIATES, a Limited Partnership

COVENANT RUNNING WITH THE LAND, STORMWATER MANAGEMENT FACILITIES OPERATION AND MAINTENANCE AGREEMENT, AND RIGHT OF ENTRY

This Covenant Running with the Land, Stormwater Management Facilities Operation and Maintenance Agreement and Right of Entry ("Agreement") is made and entered into this __________ day of ______________, 2008, by and between Mitchell Creek Associates, a Limited Partnership, (hereinafter referred to as "Property Owner") and The City of Clayton, a municipal corporation ("City").

The following terms used in this Agreement shall have the meanings specified below:

DEFINITIONS

Association: The term "**Association**" shall mean the association as the term is defined in Civil Code section 1351(a), created by the Property Owner to govern Lots 1 through 9, inclusive, as shown on the Map of Subdivision 8931.

Lot: The term "**Lot**" shall mean Lots 1 through 9, inclusive, as shown on the Map of the Property.

Map: The term "**Map**" shall mean the final map of Subdivision 8931 filed of record on June 29, 2007 in Book 505 of Maps at pages 1 through 4, inclusive in the Official Records of the Contra Costa County Recorder.

Maintain: The term "**Maintain**" or "**Maintained**" shall mean taking all actions deemed reasonably necessary by the City to keep the Stormwater Facility in first class operation, condition and repair, which actions include but are not limited to regular inspections, painting, cleaning, maintenance, refinishing, repairing, replacing and reconstructing the Stormwater Facility, and in the case of landscaping, plant replacement, mulch replacement, irrigating, trimming mowing, and fertilizing the landscaping. The term shall also include the routine maintenance, and the annual inspection and reporting described in the Stormwater Control Operation and Maintenance Plan, and the payment of any applicable City fees.

NPDES Permit: The term "**NPDES Permit**" shall mean the San Francisco Bay Regional Water Quality Control Board's National Pollutant Discharge Elimination System (NPDES) Permit No. CAS0029912 (issued to the City of Clayton) as amended, and as may be superseded by subsequent NPDES permits that are reissued from time to time.

Ordinance: The term "**Ordinance**" shall mean Chapter 13.12 of the City of Clayton Municipal Code (Stormwater Management and Discharge Control), as may be amended from time to time and any other provision of the City of Clayton Municipal Code deemed by the City of Clayton to be applicable to Stormwater Management and Discharge Control.

Property Owner: The term "**Property Owner**" and "**Property Owners**" shall mean the Mitchell Creek Associates, a Limited Partnership, and all heirs, successors, executors, administrators and assigns of the Mitchell Creek Associates, a Limited Partnership, in the real property (including all subsequent owners of any interest in the Property) shown on the Map, it being the intent of the parties hereto that the obligations undertaken in this Agreement, as provided in Civil Code section 1468, run with the real property shown on the Map and constitute a lien against the real property.

Property: The term "**Property**" shall mean that real property shown on the Map.

Plan: The term **"Plan"** or **"Operation and Maintenance Plan"** means the City-approved Stormwater Control Operation and Maintenance Plan prepared by Mitchell Creek Associates, a Limited Partnership, and approved by the City Engineer in writing, which may be subsequently modified from time to time with City Engineer's written approval.

Stormwater Facility: The term **"Stormwater Facility"** means the permanent stormwater management facilities located and constructed on the Property including subsequent alterations thereto consented to in writing by the Clayton City Engineer.

Transfer Date: The term **"Transfer Date"** shall mean the date one year after approval of a resolution by the City Council of the City of Clayton accepting the subdivision improvements.

RECITALS

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

A. The Property Owner is the owner of the real property shown on the Map and more particularly described on the attached Exhibit A.

B. The City is the owner of High Street and Oak Street and its storm drains that are adjacent to the Property, and the City is required to ensure that stormwater run-off from the Property into its storm drains meets the requirements of its NPDES Permit.

C. To meet its obligations under its NPDES Permit the City has required the Property Owner to construct the Stormwater Facilities on the Property.

D. To meet its obligations under its NPDES Permit the City has approved the Property Owner's Operation and Maintenance Plan for the Stormwater Facility.

E. To meet its obligations under its NPDES Permit the City's Ordinance requires proper operation and maintenance in perpetuity of the Stormwater Facility constructed on the Property.

F. The Plan includes an annual inspection and reporting requirement for the Stormwater Facility constructed on the Property.

G. This Agreement memorializes the Property Owners' maintenance, operations, and inspection obligations under the City's Ordinance, the City's NPDES Permit and the Plan.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

SECTION 1

Responsibility for Operation and Maintenance: No portion of the Stormwater Facility may be altered, in any way, by the Property Owner without the prior written consent of the City Engineer of the City of Clayton. The Property Owner shall maintain the Stormwater Facility in first class operating condition, and in compliance with all applicable state, county and city laws and regulations. Applicable regulations include, but are not limited to, the City-approved Stormwater Control Operation and Maintenance Plan, and the provisions of the Ordinance, as they may be amended from time to time.

The Property Owner shall engage a landscape contractor or other licensed contractor to maintain the Stormwater Facility. The City Engineer, in her or his sole absolute discretion, may approve in writing an alternate method for the maintenance of the Stormwater Facility. The City Engineer, also in her or his sole absolute discretion, may revoke the approval of a previously approved alternate method for the maintenance of the Stormwater Facility.

SECTION 2

Inspection by Property Owner: The Property Owner shall cause its contractor to conduct annual inspections during the month of September of each year. The annual inspection report shall include completion of the checklist described in the approved Operation and Maintenance Plan. The Property Owner or its contractor must submit the inspection report to the City Engineer within 30 days after the annual inspection. Any deficiencies noted during the inspection are to be corrected within 45 days of the annual inspection and an updated report to be provided to the City Engineer. A Management and/or Inspection fee established in the City's standard fee schedule shall accompany the annual inspection report.

SECTION 3

Right of Entry and Stormwater Facility Inspection by the City: The Property Owner hereby grants permission to the City, its authorized agents and employees, and the Central Contra Costa Sanitary District, the Contra Costa County Fire Protection District, County Environmental Health Department, the Contra Costa Mosquito and Vector Control District, and the Regional Water Quality Control Board to enter the Property, and to inspect the Stormwater Facility whenever any of the forgoing entities deems necessary to enforce provisions of the City's Ordinance. These entities may enter the premises at any reasonable time to inspect the Stormwater Facility's maintenance and operation, to inspect and copy records related to compliance with stormwater regulations, and to collect samples and take measurements. Whenever possible, these entities will provide notice prior to entry.

SECTION 4

Failure to Perform Required Stormwater Facility Repairs or Maintenance by the Property Owner: If the Property Owner or its successors fail to Maintain the Stormwater Facility in good working order and in accordance with the approved Plan and the City's Ordinance, the City, with prior notice, may enter the Property to return the Stormwater Facility to good working order. The City is under no obligation to Maintain or repair the Stormwater Facility, and this Agreement may not be construed to impose any such obligation on the City. If the City, under this section takes any action to return the Stormwater Facility to good working order, the Property Owner shall reimburse the City for all the costs incurred by the City, including administrative costs (herein :costs of abatement"). The City will provide the Property Owner with an itemized invoice of the City's costs and the Property Owners will have 30 days to pay the invoice. If the Property Owner fails to pay the invoice within 30 days, the City may, without the necessity of any judicial process, secure and record a lien against all real property of the Property Owner in the amount of such costs. In addition the City may make the cost of abatement of the nuisance caused by the failure to maintain the Stormwater Facility a special assessment against the Property that may be collected at the same time and in the same manner as ordinary municipal taxes are collected as provided in Government Code section 38773.5. This Section 4 does not prohibit the City from pursuing other legal recourse against the Property Owner.

SECTION 5

Indemnity: The Property Owner agrees to defend with legal counsel of City's choice, indemnify and holds harmless the City, its officials, employees and its authorized agents from any and all damages, accidents, casualties, occurrences, claims, penalties or fines which might arise or be asserted against the City and which are in any way connected with the construction, operation, presence, existence or maintenance of the Stormwater Facility by the

Property Owner, or from any personal injury or property damage that may result from the City or other public entities entering the Property under Section 3 or 4.

SECTION 6

Obligations of Declarant: The Declarant, as the term is defined in Civil Code section 1351(g), shall complete the initial installation of the Stormwater Facility. The obligations and liabilities of the Declarant, as set forth in Sections 1 through 5 shall be the obligation of the Association and the heirs, successors, executors, administrators and assigns of the Declarant in the Property from and after the Transfer Date and except for obligations and liabilities which arise before the Transfer Date, Declarant shall be relieved of all of all such obligations and liabilities as of the Transfer Date.

SECTION 7

Successors and Assigns: The covenants of the Property Owner set forth in numbered Sections 1 through 6 above shall run with the land, and the burdens thereof shall be binding upon each and every part of the Property and upon the Property Owner, its successors and assigns in ownership (or any interest therein), for the benefit of High Street and Oak Street and its storm drains and each and every part thereof and said covenants shall inure to the benefit of and be enforceable by the City, its successors and assigns in ownership of each and every part of the Street and storm drains.

SECTION 8

Severability: Invalidation of any one of the provisions of this Agreement shall in no way effect any other provisions and all other provisions shall remain in full force and effect.

Recommended for approval:	City of Clayton:
____________________	____________________
City Engineer	Mayor
Reviewed by:	Attest:
____________________	____________________
City Attorney	City Clerk

Property Owner:

Mitchell Creek Associates, LP
a California Limited Partnership
by: Lenox Homes, LLC, General Partner
by: Focus Realty Services, Inc., Manager

Curt Blomstrand

by: Curt Blomstrand, President

Attachments: Acknowledgements
Exhibit A

ALL PURPOSE ACKNOWLEDGMENT

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

On 7/17/08, before me, Margaret Ann Riesberg, A Notary Public, personally appeared Curt Blomstrand, who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signature on the instrument, the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Margaret Ann Riesberg

Signature of Notary Public

My commission expires: 12/10/08

MARGARET ANN RIESBERG
COMM. # 1533319
NOTARY PUBLIC-CALIFORNIA
CONTRA COSTA COUNTY
COMM. EXP. DEC. 10, 2008

EXHIBIT A
Legal description

ALL THAT REAL PROPERTY SITUATE IN THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 1 THROUGH 9, INCLUSIVE, AS SHOWN ON THAT CERTAIN MAP ENTITLED SUBDIVISION 8931, MITCHELL CREEK PLACE, FILED JUNE 29, 2007, IN BOOK 505 OF MAPS AT PAGES 1 THROUGH 4, INCLUSIVE, IN THE OFFICE OF THE RECORDER OF CONTRA COSTA COUNTY.

Agenda Date: 9-2-08
Agenda Item: 4f

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: SEPTEMBER 2, 2008

SUBJECT: RESOLUTION FINDING THE CONSTRUCTION OF IMPROVEMENTS IN SUBDIVISION 8931 (MITCHELL CREEK PLACE) HAS BEEN COMPLETED AND ACCEPTING THE STREET RIGHTS OF WAY AS PUBLIC STREETS AND THE EASEMENTS WITHIN SAID SUBDIVISION AS PUBLIC EASEMENTS

RECOMMENDATION

Approve the Resolution.

BACKGROUND

Lenox Homes has requested acceptance of this subdivision, which has been completed in accordance the terms of the subdivision agreement approved by the City Council in June 2007. The subdivision agreement requires the City to accept the public improvements for maintenance after construction has been satisfactorily completed in the judgment of the City.

The Engineering, Planning and Maintenance personnel have performed their final inspections and Subdivision 8931 is now ready for acceptance. Upon the City Council's approval of this resolution, the Developer will commence a one-year warranty period for the public improvements.

FISCAL IMPACT

Upon acceptance, the City becomes responsible for the maintenance of the public improvements.

The City Council must approve this resolution accepting the public improvements. Failure to approve the resolution will subject the City to significant legal and financial liability.

CONCLUSION

Based upon the above facts, Staff recommends the City Council approve this Resolution finding that the construction is complete and accepting certain street rights of way and public easements, pursuant to the June 2007 Subdivision Agreement.

Attachments: Resolution
Map

RESOLUTION NO.

A RESOLUTION FINDING THE CONSTRUCTION OF IMPROVEMENTS IN SUBDIVISION 8931 (MITCHELL CREEK PLACE) HAS BEEN COMPLETED AND ACCEPTING CERTAIN STREET RIGHTS OF WAY AS PUBLIC STREETS AND THE EASEMENTS WITHIN SAID SUBDIVISION AS PUBLIC EASEMENTS.

THE CITY COUNCIL
City of Clayton, California

WHEREAS, the Developer has requested acceptance of the subdivision improvements constructed for Subdivision 8931, as well as the dedicated rights of way and easements; and

WHEREAS, the improvements have been inspected by City personnel and found to be acceptable and in conformance with the approved plans; and

WHEREAS, a portion of the streets constructed as part of the subdivision improvements are public, have been offered for dedication, and are to be accepted as public streets; and

WHEREAS, the City Engineer has recommended acceptance of the improvements, rights of way and easements.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California hereby finds that the subdivision improvements have been completed as of the date of the adoption of this Resolution for the purpose of filing of liens in cases of action under the Subdivision Agreement; and

BE IT FURTHER RESOLVED that the City Council of Clayton hereby accepts the street right of way designated as Oak Street Widening, as well as the Sanitary Sewer Easements (S.S.E.), and Public Utility Easements (P.U.E.) for public use as said rights of way and easements are delineated and dedicated for public use on the map of Subdivision 8931, filed and recorded on June 29, 2007, in Book 505 of Maps at Pages 1 through 4, inclusive, in the office of the County Recorder of Contra Costa County; and

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to cause a certified copy of this resolution to be recorded with the County Recorder of Contra Costa County, and to send a copy of said resolution to the developer of Subdivisions 8931.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on September 2, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY OF CLAYTON, CALIFORNIA

____
Gregory J. Manning, Mayor

ATTEST:

____
Laci J. Jackson, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on September 2, 2008.

____
Laci J. Jackson, City Clerk

SUBDIVISION 8931
"MITCHELL CREEK PLACE"

PORTION OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 1 NORTH, RANGE 1 WEST, MOUNT DIABLO BASE AND MERIDIAN

CITY OF CLAYTON, CONTRA COSTA COUNTY, CALIFORNIA

JUNE 2007

ALIQUOT
PLANNERS
CIVIL ENGINEERS
SURVEYORS
1390 SOUTH MAIN STREET
SUITE 310
WALNUT CREEK, CA. 94596
(925) 476-7300
FAX (925) 476-2350

OWNER'S STATEMENT

THE UNDERSIGNED, BEING THE ONLY PARTY HAVING A RECORD TITLE INTEREST IN THE LANDS DELINEATED AND EMBRACED WITHIN THE HEAVY BLACK BOUNDARY LINES UPON THIS MAP, DOES HEREBY CONSENT TO THE MAKING AND RECORDATION OF THE SAME AND WE DO HEREBY DEDICATE TO CITY OF CLAYTON FOR PUBLIC USE THOSE PORTIONS OF SAID LANDS DESIGNATED AS "OAK STREET".

THE AREA MARKED "MITCHELL CREEK PLACE" IS A PRIVATE ACCESS EASEMENT (P.A.E.) AND IS NOT OFFERED FOR DEDICATION TO THE GENERAL PUBLIC, BUT IS FOR THE USE OF THE OWNERS OF THIS SUBDIVISION, FOR, BUT NOT LIMITED TO VEHICULAR AND PEDESTRIAN INGRESS, EGRESS, UTILITIES AND DRAINAGE. SAID ACCESS EASEMENT SHALL BE MAINTAINED, MUTUALLY BY THE OWNERS OF LOTS 1 THROUGH 9.

THE AREA MARKED "EMERGENCY VEHICLE ACCESS EASEMENT" (E.V.A.E.) IS NOT OFFERED FOR DEDICATION TO THE PUBLIC BUT IS FOR THE USE OF POLICE, FIRE AND AMBULANCE SERVICE ONLY.

THE AREAS MARKED "PRIVATE STORM DRAIN EASEMENT" (P.S.D.E.) ARE NOT OFFERED FOR DEDICATION TO THE PUBLIC BUT ARE FOR THE USE OF AND MAINTAINED BY THE HOMEOWNERS OF LOTS 1 THROUGH 9. USE OF SAID EASEMENT INCLUDES CLEARING OF OBSTRUCTIONS AND VEGETATION. SAID MAINTENANCE IS ALSO BEING DESCRIBED IN THE CC&R'S OF "SUBDIVISION 8931". IN ADDITION, THE CITY OF CLAYTON AND CONTRA COSTA COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT PERSONNEL OR CONTRACTED FORCES SHALL HAVE THE RIGHT OF ACCESS ON ALL PROPERTIES TO CONDUCT INSPECTIONS AND MAINTENANCE OF ALL PRIVATELY MAINTAINED ON-SITE DRAINAGE DEVICES. LOT OWNERS ARE HEREBY FORBIDDEN TO ALTER THE GRADES AND DRAINAGE PATTERNS ON YARDS WITHIN SAID EASEMENT WITHOUT THE WRITTEN CONSENT OF THE CITY ENGINEER.

THE AREAS MARKED "SANITARY SEWER EASEMENT" OR S.S.E. ARE OFFERED TO THE CITY OF CLAYTON, OR ITS DESIGNEE IN GROSS, SUBSURFACE EASEMENT AND NON EXCLUSIVE, IN GROSS, SURFACE EASEMENT FOR SANITARY SEWER PURPOSES INCLUDING CONSTRUCTION, ACCESS FOR MAINTENANCE OF WORKS, IMPROVEMENTS, AND STRUCTURES, AND THE CLEARING OF OBSTRUCTIONS AND VEGETATION. NO BUILDING OR STRUCTURE MAY BE PLACED ON SAID EASEMENT, NOR SHALL ANYTHING BE DONE TO INTERFERE WITH CITY OF CLAYTON'S FULL ENJOYMENT OF SAID EASEMENT.

THE AREAS MARKED "PUBLIC UTILITY EASEMENT" (P.U.E.) ARE DEDICATED TO THE PUBLIC FOR PUBLIC USE FOR PUBLIC UTILITIES UNDER, ON, AND OVER THOSE CERTAIN STRIPS OF LAND AS SHOWN ON SAID MAP WITHIN SAID SUBDIVISION.

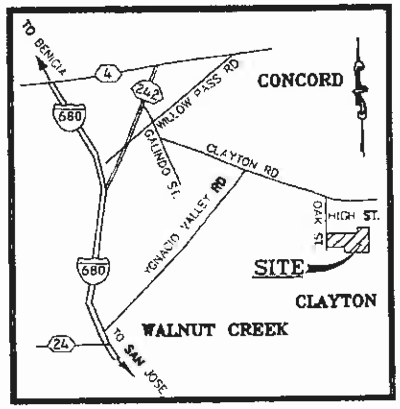
THE AREAS MARKED "USE EASEMENT" (UE) ARE FOR THE USE OF THE ADJACENT LOT OWNER FOR THE PURPOSES OF, BUT NOT LIMITED TO: PATIOS, DRAINAGE, AND LANDSCAPING AS SPECIFICALLY DEFINED IN THE COVENANTS, CONDITIONS AND RESTRICTIONS OF THIS SUBDIVISION.

THE AREAS DESIGNATED AS "CONSERVATION EASEMENT" (CE) ARE OFFERED FOR DEDICATION TO THE CITY OF CLAYTON AS AN EASEMENT TO PRESERVE AN OPEN AND ATTRACTIVE VISUAL CHARACTER. GRADING (EXCEPT FOR SITE GRADING BY THE DEVELOPER AND DRAINAGE IMPROVEMENTS) AND THE CONSTRUCTION OF ALL BUILDINGS AND STRUCTURES SHALL BE PROHIBITED WITHIN THIS EASEMENT AREA. LANDSCAPING (EXCEPT EXISTING AND PROJECT TREES) SHALL NOT EXTEND ABOVE THE 6-FOOT HIGH FENCE ALONG THE EASTERN PROPERTY LINES OF LOTS 7 AND LOT 8. MAINTENANCE OF THIS EASEMENT SHALL BE THE SOLE RESPONSIBILITY (WITHIN THEIR RESPECTIVE LOTS) OF THE RESPECTIVE LOT OWNERS.

THIS MAP SHOWS ALL EASEMENTS ON THE PREMISES, OR OF RECORD.

MITCHELL CREEK ASSOCIATES, LIMITED PARTNERSHIP,
A CALIFORNIA LIMITED PARTNERSHIP
BY: LENOX HOMES, LLC, GENERAL PARTNER
BY: FOCUS REALTY SERVICES, INC., MANAGER

BY: Curt Blomstrand
CURT BLOMSTRAND, PRESIDENT



VICINITY MAP
NO SCALE

OWNER'S ACKNOWLEDGEMENT

STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA

ON JUNE 26, 2007 BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED CURT BLOMSTRAND

PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND. Donna M Jones
(SIGNATURE)
Donna M. Jones
(PRINT)
MY COMMISSION NUMBER: 1631008
MY COMMISSION EXPIRES: Jan. 15, 2010

COUNTY OF PRINCIPAL PLACE OF BUSINESS CONTRA COSTA

APN 119-021-067, 119-021-068

TRUSTEE'S STATEMENT

THE UNDERSIGNED, AS TRUSTEE UNDER THE DEED OF TRUST RECORDED ON JANUARY 19, 2007 AS DOCUMENT SERIAL # 2007-17713 OF OFFICIAL RECORDS, DOES HEREBY JOIN IN AND CONSENT TO THE EXECUTION OF THE FOREGOING OWNER'S STATEMENT AND TO THE PREPARATION AND RECORDATION OF THIS MAP AND ALL DEEDING AND DEDICATIONS THEREON.

OLD REPUBLIC TITLE COMPANY

DATED: JUNE 26, 2007
SIGNATURE Dawn Cabral SIGNATURE
PRINT NAME DAWN CABRAL PRINT NAME
PRINT TITLE ASST VP PRINT TITLE

TRUSTEE'S ACKNOWLEDGEMENT

STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA)

ON JUNE 26, 2007 BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DAWN CABRAL

PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE STATEMENT.

WITNESS MY HAND
SIGNATURE Donna M. Jones
PRINT NAME Donna M. Jones

MY COMMISSION NUMBER: 1631008
MY COMMISSION EXPIRES: Jan. 15, 2010

COUNTY OF PRINCIPAL PLACE OF BUSINESS CONTRA COSTA

6.29.07 10:37 AM 505-1

SOIL REPORT STATEMENT

A PRELIMINARY SOILS REPORT FOR SUBDIVISION NO. 8931, DATED NOVEMBER 2, 2004, WAS PREPARED BY JENSEN-VAN LIENDEN ASSOCIATES, INC., JOB # P203AA.

CITY ENGINEER'S STATEMENT

I, RICK ANGRISANI, CITY ENGINEER, HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED "SUBDIVISION 8931", THAT SAID SUBDIVISION IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF STATE LAWS AND LOCAL ORDINANCES GOVERNING THE FILING OF SUBDIVISION MAPS HAVE BEEN COMPLIED WITH, AND I AM SATISFIED THAT THE SAME IS TECHNICALLY CORRECT.

DATED: 6/26/07

RICK ANGRISANI, CITY ENGINEER
CITY OF CLAYTON
R.C.E. 27662, EXP. 3/31/08

PLANNING COMMISSION'S STATEMENT

I, JEREMY GRAVES, COMMUNITY DEVELOPMENT DIRECTOR, HEREBY STATE THAT THE PLANNING COMMISSION HAS APPROVED THE TENTATIVE MAP UPON WHICH THIS FINAL MAP IS BASED.

DATED: 6/27/07

JEREMY GRAVES, AICP
COMMUNITY DEVELOPMENT DIRECTOR
CITY OF CLAYTON

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF FOCUS REALTY, INC. IN JANUARY 2007. I HEREBY STATE THAT THE MONUMENTS INDICATED HEREON ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED. I FURTHER STATE THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT MONUMENTS WILL BE SET ON OR BEFORE JUNE 2009.

I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP AND THAT THE AREA IS 1.25 ACRES OF LAND, MORE OR LESS.

DATED: 06/26/2007

VINCENT J. D'ALO
L.S. 4210
EXPIRATION DATE JUNE 30, 2008

CITY CLERK STATEMENT

I, THE UNDERSIGNED, LACI J. JACKSON, CITY CLERK AND EX-OFFICIO CLERK OF THE CITY COUNCIL OF THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DO HEREBY STATE THAT THIS MAP CONSISTING OF 4 SHEETS AND ENTITLED "SUBDIVISION 8931" WAS PRESENTED TO SAID COUNCIL AS PROVIDED BY LAW AT A REGULAR MEETING HELD ON THE 26th DAY OF JUNE 2007, AND THAT SAID COUNCIL DID THEREUPON APPROVE SAID MAP AND DID NOT ACCEPT ON BEHALF OF THE PUBLIC ANY STREETS OR EASEMENTS SHOWN THEREUPON AS DEDICATED FOR PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION AND OF THE SUBDIVISION MAP ACT SECTION 66477.5(C).

I HEREBY FURTHER STATE THAT PURSUANT TO SECTION 66477.5 OF THE CALIFORNIA GOVERNMENT CODE, THE LOCAL AGENCY SHALL RECONVEY THE PROPERTY TO THE SUBDIVIDER IF THE LOCAL AGENCY MAKES A FINDING THAT THE SAME PURPOSE FOR WHICH THE PROPERTY WAS DEDICATED DOES NOT EXIST OR ANY PORTION THEREOF IS NOT NEEDED FOR PUBLIC UTILITY, AS SPECIFIED IN SUBDIVISION (C) OF THE SECTION.

IN WITNESS, WHEREOF I HAVE HEREUNTO SET MY HAND THIS 27th DAY OF JUNE, 2007.

Laci J. Jackson
LACI J. JACKSON
CITY CLERK AND EX-OFFICIO
CLERK OF THE CITY COUNCIL
OF THE CITY OF CLAYTON,
COUNTY OF CONTRA COSTA,
STATE OF CALIFORNIA

SUBDIVISION 8931
"MITCHELL CREEK PLACE"

PORTION OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 1 NORTH, RANGE 1 WEST, MOUNT DIABLO BASE AND MERIDIAN

CITY OF CLAYTON, CONTRA COSTA COUNTY, CALIFORNIA
JUNE 2007

ALIQUOT
PLANNERS
CIVIL ENGINEERS
SURVEYORS
1390 SOUTH MAIN STREET
SUITE 310
WALNUT CREEK, CA. 94596
(925) 476-2300
FAX (925) 476-2350

CLERK OF THE BOARD OF SUPERVISORS STATEMENT

I STATE, AS CHECKED BELOW, THAT:

- [x] A TAX BOND ASSURING PAYMENT OF ALL TAXES WHICH ARE NOW A LIEN, BUT NOT YET PAYABLE HAS BEEN RECEIVED AND FILED WITH THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA.
- [ ] ALL TAXES DUE HAVE BEEN PAID CERTIFIED BY THE COUNTY REDEMPTION CENTER.

DATED: June 28th 2007

JOHN ~~SWEETEN~~ CULLEN
CLERK OF THE BOARD OF SUPERVISORS AND COUNTY ADMINISTRATOR
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA

BY: ____

COUNTY RECORDER'S STATEMENT

FILED THIS 29th DAY OF JUNE 2007 AT 10:37 AM, IN BOOK 505 OF MAPS AT PAGE 1 AT THE REQUEST OF OLD REPUBLIC TITLE COMPANY.

#07-189145

STEPHEN L. WEIR
COUNTY RECORDER IN AND FOR THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

BY: ____
DEPUTY COUNTY RECORDER

APN 119-021-067, 119-021-068

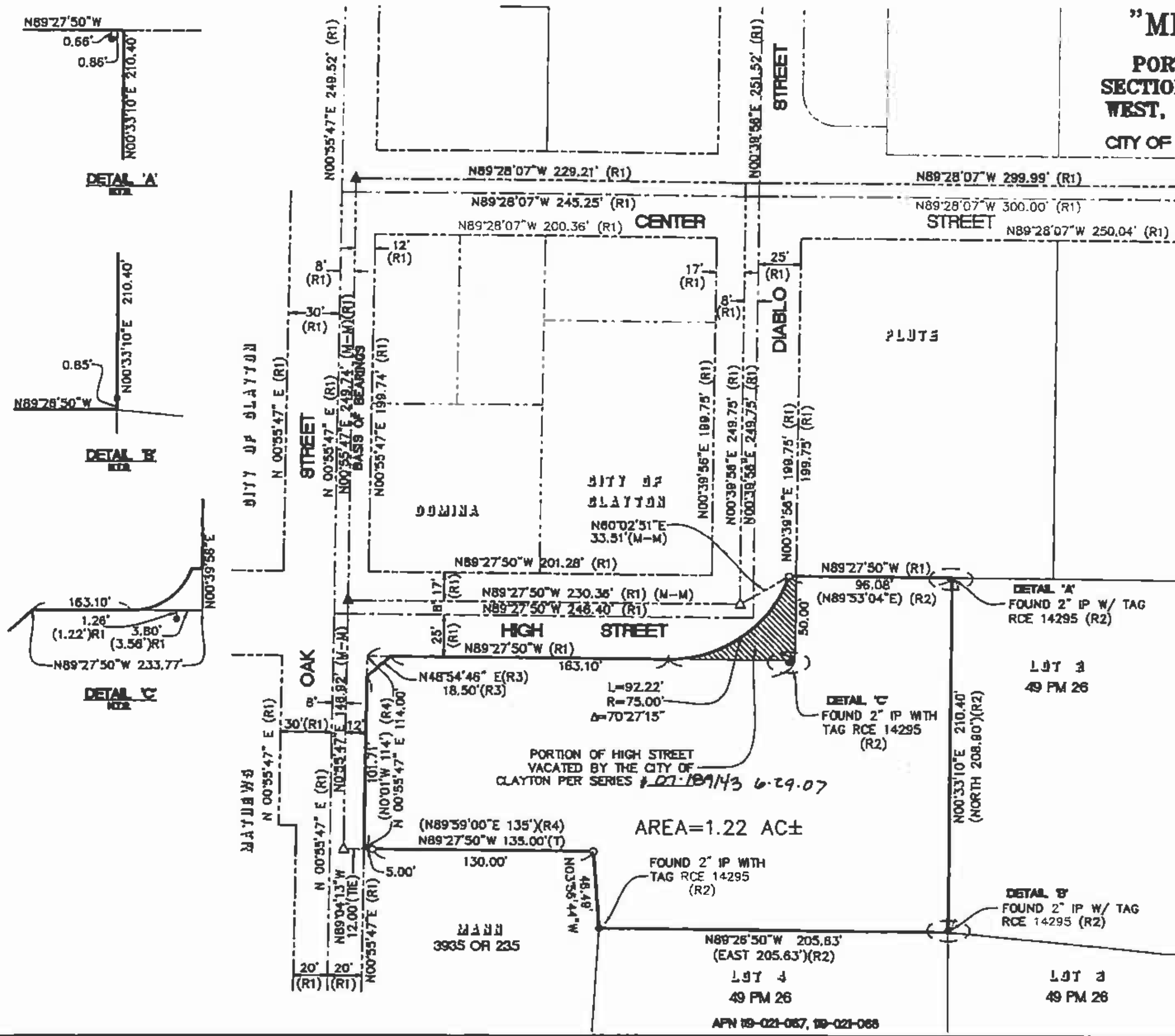
SUBDIVISION 8931
"MITCHELL CREEK PLACE"

PORTION OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 1 NORTH, RANGE 1 WEST, MOUNT DIABLO BASE AND MERIDIAN

CITY OF CLAYTON, CONTRA COSTA COUNTY, CALIFORNIA

SCALE: 1"=40' JUNE 2007

ALIQUOT
PLANNERS
CIVIL ENGINEERS
SURVEYORS
1390 SOUTH MAIN STREET
SUITE 310
WALNUT CREEK, CA 94596
(925) 476-2300
FAX (925) 476-2350



LEGEND

●	FOUND IRON PIPE AS NOTED
▲	FOUND RAILROAD SPIKE
△	SET RAILROAD SPIKE
○	SET #4 REBAR & CAP LS 4210
( )	RECORD DATA
(M-M)	MONUMENT TO MONUMENT
(R)	RADIAL
	BOUNDARY LINE
	LOT LINE
	MONUMENT LINE
	EASEMENT LINE
(T)	TOTAL
L1	LINE DATA
C1	CURVE DATA
(R1)	REFERENCE NUMBER
I.P.	IRON PIPE
FD	FOUND
SF	SQUARE FEET
AC	ACRES
PAE	PRIVATE ACCESS EASEMENT
PSDE	PRIVATE STORM DRAIN EASEMENT
PUE	PUBLIC UTILITY EASEMENT
SSE	SANITARY SEWER EASEMENT
UE	USE EASEMENT
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT

REFERENCES

R1	81 LSM 35
R2	49 PM 26
R3	2002-0493491
R4	2004-0152838

BASIS OF BEARINGS

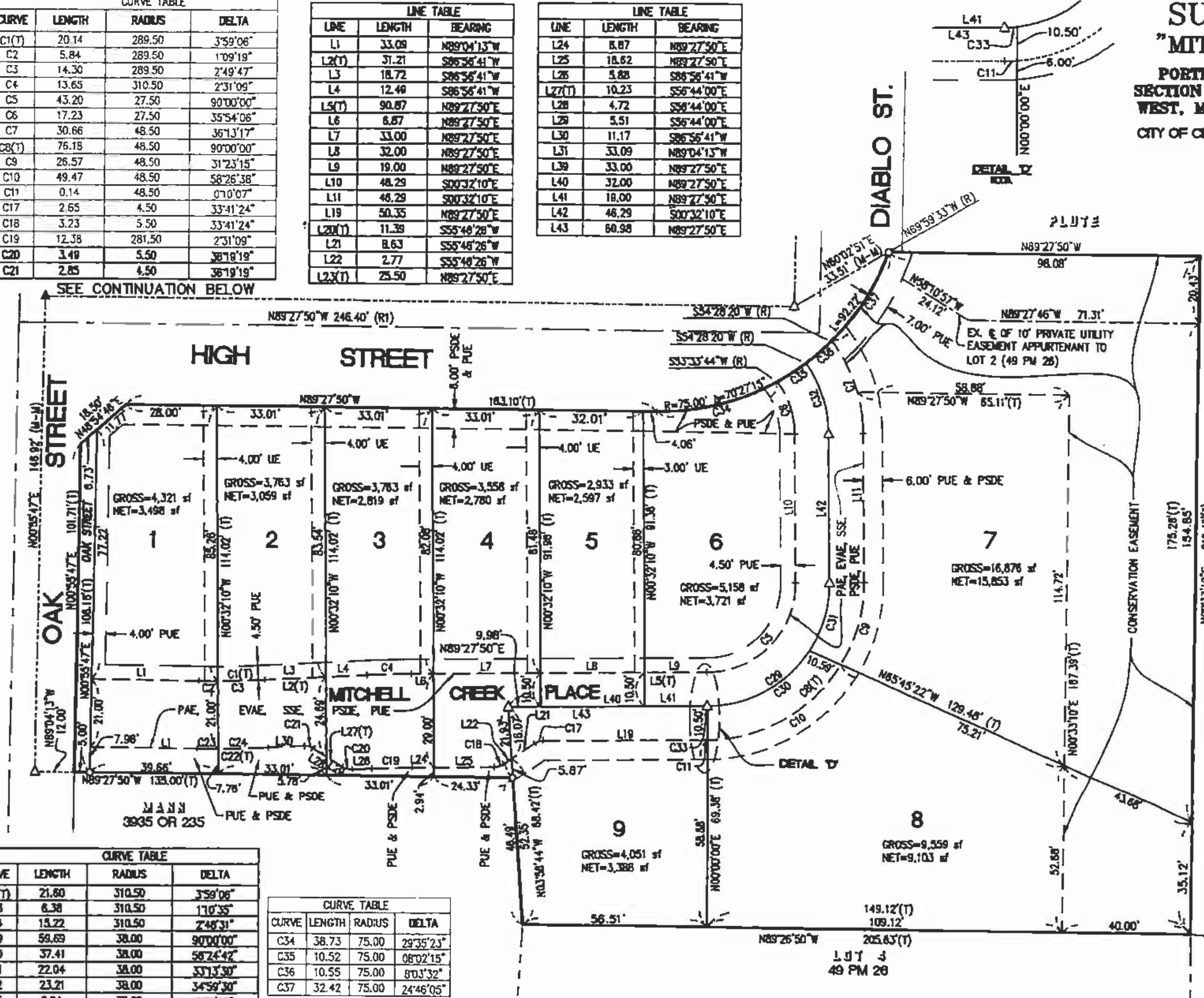
THE MONUMENT LINE AS SHOWN ON 81 LSM 35 BETWEEN TWO FOUND RAILROAD SPIKES IN OAK STREET BEARING BEING NORTH 0°55'47" EAST.

SUBDIVISION 8931
"MITCHELL CREEK PLACE"

PORTION OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 1 NORTH, RANGE 1 WEST, MOUNT DIABLO BASE AND MERIDIAN

CITY OF CLAYTON, CONTRA COSTA COUNTY, CALIFORNIA
SCALE: 1"=40' JUNE 2007

ALIQUOT
PLANNERS
CIVIL ENGINEERS
SURVEYORS
1390 SOUTH MAIN STREET
SUITE 310
WALNUT CREEK, CA. 94596
(925) 476-2300
FAX (925) 476-2350



CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1(T)	20.14	289.50	3°59'06"
C2	5.84	289.50	1°09'19"
C3	14.30	289.50	2°49'47"
C4	13.65	310.50	2°31'09"
C5	43.20	27.50	90°00'00"
C6	17.23	27.50	35°54'06"
C7	30.66	48.50	36°13'17"
C8(T)	76.18	48.50	90°00'00"
C9	26.57	48.50	31°23'15"
C10	49.47	48.50	58°26'38"
C11	0.14	48.50	0°10'07"
C17	2.65	4.50	33°41'24"
C18	3.23	5.50	33°41'24"
C19	12.38	281.50	2°31'09"
C20	3.49	5.50	36°19'19"
C21	2.85	4.50	36°19'19"

SEE CONTINUATION BELOW

LINE TABLE		
LINE	LENGTH	BEARING
L1	33.09	N89°04'13"W
L2(T)	31.21	S86°56'41"W
L3	18.72	S86°56'41"W
L4	12.49	S86°56'41"W
L5(T)	90.87	N89°27'50"E
L6	6.87	N89°27'50"E
L7	33.00	N89°27'50"E
L8	32.00	N89°27'50"E
L9	19.00	N89°27'50"E
L10	46.29	S00°32'10"E
L11	46.29	S00°32'10"E
L19	50.35	N89°27'50"E
L20(T)	11.39	S55°48'26"W
L21	8.63	S55°48'26"W
L22	2.77	S55°48'26"W
L23(T)	25.50	N89°27'50"E

LINE TABLE		
LINE	LENGTH	BEARING
L24	6.87	N89°27'50"E
L25	18.62	N89°27'50"E
L26	5.88	S86°56'41"W
L27(T)	10.23	S56°44'00"E
L28	4.72	S56°44'00"E
L29	5.51	S56°44'00"E
L30	11.17	S86°56'41"W
L31	33.09	N89°04'13"W
L39	33.00	N89°27'50"E
L40	32.00	N89°27'50"E
L41	18.00	N89°27'50"E
L42	46.29	S00°32'10"E
L43	60.98	N89°27'50"E

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C22(T)	21.60	310.50	3°59'06"
C23	6.38	310.50	1°10'35"
C24	15.22	310.50	2°48'31"
C29	59.69	38.00	90°00'00"
C30	37.41	38.00	56°24'42"
C31	22.04	38.00	33°13'30"
C32	23.21	38.00	34°59'30"
C33	0.24	38.00	0°21'48"

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C34	38.73	75.00	29°35'23"
C35	10.52	75.00	08°02'15"
C36	10.55	75.00	8°03'32"
C37	32.42	75.00	24°46'05"

LEGEND

- ● FOUND IRON PIPE AS NOTED
- ▲ FOUND RAILROAD SPIKE
- △ SET RAILROAD SPIKE
- ○ SET #4 REBAR & CAP LS 4210
- ( ) RECORD DATA
- (M-M) MONUMENT TO MONUMENT
- (R) RADIAL
- BOUNDARY LINE
- LOT LINE
- MONUMENT LINE
- EASEMENT LINE
- (T) TOTAL
- L1 LINE DATA
- C1 CURVE DATA
- (R1) REFERENCE NUMBER
- I.P. IRON PIPE
- FD FOUND
- SF SQUARE FEET
- AC ACRES
- PAE PRIVATE ACCESS EASEMENT
- PSDE PRIVATE STORM DRAIN EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- SSE SANITARY SEWER EASEMENT
- UE USE EASEMENT
- EVAE EMERGENCY VEHICLE ACCESS EASEMENT

REFERENCES

- R1 81 LSM 35
- R2 49 PM 26
- R3 2002-0493491
- R4 2004-0152838

BASIS OF BEARINGS

THE MONUMENT LINE AS SHOWN ON 81 LSM 35 BETWEEN TWO FOUND RAILROAD SPIKES IN OAK STREET. BEARING BEING NORTH 0°55'47" EAST.

APN 119-021-067, 119-021-068

505-4

CITY OF CLAYTON
Founded 1857 ... Incorporated 1964

Agenda Date: 9-2-08

Agenda Item: 4g

Approved:
Gary A. Napper City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 02 SEPTEMBER 2008

SUBJECT: RESOLUTION ACCEPTING THE PUBLIC RESTROOM FACILITY AT THE GROVE PARK (CIP NO. 10367) AS COMPLETE AND ORDERING THE FILING OF A NOTICE OF COMPLETION

RECOMMENDATION
It is recommended the City Council adopt the attached Resolution.

BACKGROUND
At its public meeting on 19 June 2007 and at the recommendation of The Zahn Group and staff, the City Council rejected all bids received (2) for construction and installation of a custom-design public restroom facility for placement in the new downtown park. The finding for rejection of bids was they greatly exceeded the Engineer's Estimate. A custom designed public restroom was a major consideration of the citizens' Downtown Park Design Committee as the facility would be prominent on the 1-acre site and its exterior architecture must be harmonious with nearby commercial buildings in existence.

Following this second rejection of all bids due to cost, the City Council adopted Resolution NO. 19-2007 invoking Section 20167 of the California Public Contract Code declaring the Public Restroom Project for The Grove Park can be performed more economically by materials and supplies furnished at a lower price than in the open market, and authorizing the City Manager to proceed accordingly. On 13 July 2007, the City Manager executed a Purchase Agreement with Restroom Facilities LTD (Reno, Nevada), a leading specialized restroom design/build firm since 1988. The negotiated purchase price for the specified custom restroom was $120,800.00.

The contractor, Restroom Facilities LTD., last week completed a refinish of the floors to the facility due to the fact it was not performing per the City's specifications. This component of The Grove Park Project (CIP No. 10367) is now complete and the firm requests the City's acceptance of the work. The City's contract construction management firm, The Zahn Group, completed inspections of the performed work and indicates this project is ready for acceptance.

FISCAL IMPACT

The final project budget amount is $134,605.00 for the custom public restroom at The Grove Park. The following four change orders were necessary and approved during completion of this asset in the park:

Change Order 1:	$7,636.00	Additional custom work pre-fabrication
Change Order 2:	$ 176.00	Substitution of concealed flush valves
Change Order 3:	$4,917.00	Provide/install auxiliary pressurized bladder system to supplement undersized water service and add'l crane hours during site installation.
Change Order 4:	$1,076.00	Install electrical conduits for contractor and stand-by for failed compaction test and pad not ready.

The approved source of funds for this project is Capital Improvement Project (CIP) No. 10367 - the Downtown Park, which monies come from the Clayton Redevelopment Agency. Sufficient funds exist in that account to cover the approved Change Orders.

SUMMATION

This element of The Grove Project is now complete and the work has satisfied the project's specifications, according to The Zahn Group. Therefore, staff recommends approval of the Resolution accepting the work as complete and ordering the filing of a Notice of Completion.

Respectfully submitted,

Gary A. Napper
City Manager

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

RESOLUTION NO. – 2008

A RESOLUTION ACCEPTING THE FABRICATION AND INSTALLATION OF A CUSTOM-DESIGN PUBLIC RESTROOM AT THE GROVE PARK PROJECT AS COMPLETE AND ORDERING THE FILING OF A NOTICE OF COMPLETION (CIP NO. 10367)

THE CITY COUNCIL
City of Clayton, California

WHEREAS, the City Council of Clayton, California did award a contract to Restroom Facilities LTD at its public meeting on 19 June 2007 for design, fabrication, delivery and installation of a public restroom facility at The Grove Park; and

WHEREAS, Restroom Facilities LTD has now stated their work is complete, including recent floor refinish, and they are requesting acceptance by the City; and

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

WHEREAS, The Zahn Group, Inc., serving as construction managers of the stated project, has inspected the work, declares the contract and related project specifications have been fulfilled, and now requests the City Council to accept the work and authorize the filing of a Notice of Completion.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California, does hereby accept as complete, as of the date of adoption of this Resolution, the fabrication and installation of a custom-design public restroom at The Grove park in the Clayton Town Center (CIP No. 10367), and hereby authorizes the City Clerk to file a Notice of Completion with the Contra Costa County Recorder.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California, at a regular public meeting thereof held on the 2nd day of September 2008 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

GREGORY J. MANNING, Mayor

ATTEST:

Laci J. Jackson, City Clerk

Recorded at the request of:

City of Clayton, CA
6000 Heritage Trail
Clayton, CA 94517

NOTICE OF ACCEPTANCE
AND COMPLETION OF PUBLIC WORKS

NOTICE IS HEREBY GIVEN that the City of Clayton did, on or about 13 July 2007, contract with Restroom Facilities LTD, 400 Western Road, Reno, Nevada 89506 for design, fabrication, delivery and installation of a custom public restroom facility for The Grove park project (CIP No. 10367) in accordance with the plans and specifications prepared by ZG Planning and Design, 70 Zoe Street, San Francisco, CA 94105. Said contractor's insurance carrier was and is ISU Stetson-Beemer Insurance, 690 E. Plumb Lane, Suite 100, PO Box 7236, Reno, NV 89510.

NOTICE IS FURTHER GIVEN that The Zahn Group, Inc. has inspected said work of the Contractor and reported to the City of Clayton that the work complies with the approved plans and specifications and recommended its acceptance as complete; also, that the City Council of Clayton, California, by adopting Resolution No. – 2008 on 02 September 2008, accepted said public work as complete.

I hereby certify the foregoing is true and correct and that the aforesaid action of the City Council of Clayton, California, in accepting said public work as complete, was duly entered on the minutes of said Council's meeting of July 15, 2008. I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 03, 2008, at Clayton, California

Laci J. Jackson, City Clerk

Agenda Date: 9-2-08

Agenda Item: 5a

Declaring

September 11, 2008

as

"Fly the Flag Day"

WHEREAS, the citizens of the City of Clayton remember with respect, sadness and concern the events of September 11, 2001; and

WHEREAS, to honor the memory of Americans and innocent victimes who lost their lives in that event and to show support for our military here and abroad, it is fitting to display the American Flag on the anniversary of September 11.

NOW THEREFORE, I, Gregory J. Manning, Mayor of the City of Clayton, on behalf of the City Council, do hereby proclaim September 11, 2008 as "Fly the Flag Day" in the City of Clayton, and do hereby express our support for and encourage the display of the American Flag by the residents and businesses of the City of Clayton on the anniversaries of September 11^{th}.

Agenda Date: 9-2-08

Agenda Item: 9a

CITY OF CLAYTON
Founded 1857... Incorporated 1964

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 02 SEPTEMBER 2008

SUBJECT: THE CONTRA COSTA COUNTY DELTA WATER PLATFORM

RECOMMENDATION

It is recommended the City Council receive the public presentation of information on this critical water supply issue for our County and our State, and then provide City policy direction or position accordingly.

BACKGROUND

Due to an ever-increasing water supply crisis in the State of California, the State Department of Water Resources (DWR) is evaluating water conveyance route alternatives that will impact the Bay-Delta region and our cities and counties. In response to the various proposals and solutions being circulated, the County Board of Supervisors has issued a draft Delta Water Platform and has urged cities in the County to consider the draft Plan and unite in one voice on Delta water issues. The subject is a matter for consideration at the monthly Contra Costa County Mayors' Conference hosted by the City of Antioch on Thursday, September 4th.

Vice Mayor Julie Pierce requested at the last City Council meeting that this draft Plan be placed on the September 2nd agenda in advance of the Mayors' Conference meeting. Antioch City Councilmember Arne Simonsen, who also serves as the current Chair of the CA Delta Protection Commission, has graciously accepted Vice Mayor Pierce's invitation to attend the Clayton City Council meeting to provide the necessary background on this key water resources issue facing California.

Attachment: 1. Draft Delta Water Platform, Contra Costa County [12 pp.]

County Supervisor Mary Nejedly Piepho, District III

CONTRA COSTA COUNTY BOARD OF SUPERVISORS

Gary - Please put on 8/19 or 9/2 agenda. Vote at Mayor's Conf in September

COMMITTEES

Finance Committee

Legislation Committee

Family & Human Services Committee

Transportation, Water & Infrastructure Committee

Local Agency Formation Commission

Delta Protection Commission

State Route 4 Bypass Authority

eBART Partnership Policy Advisory Committee

East Contra Costa Regional Fee & Finance Authority

Central Contra Costa Solid Waste Authority

Airport Ad Hoc Subcommittee

Dougherty Valley Oversight Committee

East Contra Costa Habitat Conservation Plan Association, Executive Governing Board

TRANSPLAN

Tri-Valley Transportation Council

Library Regional: South & East

San Joaquin Valley Rail Committee

South West Area Transportation

August 7, 2008

Contra Costa Mayors' Conference
c/o Don Blubaugh
1867 Ygnacio Valley Rd., #370
Walnut Creek, CA 94598

Re: Delta Water Platform – Delta County Advocacy

Dear Mr. Blubaugh:

Please find attached a copy of the draft Contra Costa County Delta Water Platform prepared by county staff and proposed at a special meeting of the Board of Supervisors on July 29, 2008. I am requesting this be placed on the agenda for consideration at the Mayors' Conference scheduled for September.

It is imperative that cities and counties in the Bay-Delta region become united and speak with one voice on Delta water issues. This has become more urgent as the State Department of Water Resources (DWR) is evaluating water conveyance route alternatives and begun notifying potentially affected landowners (see attached). Unfortunately, DWR did not notify local government that they were beginning local surveys nor of meetings with landowners scheduled to begin as soon as August 12.

Thank you in advance for your assistance in scheduling this item for consideration in September.

Sincerely,

MARY NEJEDLY PIEPHO
County Supervisor, District III

Thank you for recognizing the urgency on this issue,
M.

Cc: Honorable Ellen Tauscher, Congresswoman, 10th District
Honorable George Miller, Congressman, 7th District
Honorable Jerry McNerney, Congressman, 11th District.
Honorable Tom Torlakson, Senator, 7th District
Honorable Mark DeSaulnier, Assemblyman 11th District
Honorable Guy Houston, Assemblyman, 15th District

309 Diablo Road, Danville, CA 94526 • 1200 Central Boulevard, Suite B, Brentwood, CA 94513

Danville Phone: (925) 820-8683 • FAX: (925) 820-6627 • Brentwood Phone: (925) 240-7260 • FAX: (925) 240-7261
Email: Dist3@BOS.CCCounty.us • www.co.contra-costa.ca.us/depart/dis3/index.htm

Contra Costa County
Draft Delta Water Platform

Not in priority order

All policies are listed as bullets and are in bold under the numbered subject categories.

1) Conveyance: Through-Delta and Isolated Conveyance

- **Support through-Delta conveyance.**
- **Support the "common Delta pool" doctrine.**
- **Support study of all other credible alternative conveyance strategies.**

The "common Delta pool" concept is one in which the common resource (the Delta) provides the same quality freshwater supply to all Delta diverters and sharing responsibility to maintain, restore, and protect the resource. Through-Delta conveyance is the method by which this is accomplished, by allowing Sacramento River flow through Delta channels to the south Delta and the export pumps.

- **Isolated Water Transfer: The following key planning issues must be addressed in a timely manner or a renewed opposition position on an Isolated Water Transfer Facility (Peripheral Canal) will be considered:**

  a. **Maintain/Restore Delta water quality and supply for existing area users.**

  b. **Ensure adequate outflow to the Bay for ecosystem health.**

  c. **Consider reduced export scenarios in new (proposed) plans and programs.**

  d. **Incorporate Regional self sufficiency (each region needs to maximize conservation and reuse, implement storage options, and consider desalination to help relieve stress on the Delta) as part of any new water or flood control system.**

  e. **Delta ecosystem improvements and through-Delta conveyance improvements need to be implemented before an isolated facility is substantively planned, designed, and/or constructed.**

  f. **An isolated facility and mitigation related to an isolated facility needs to be paid for by the beneficiaries rather than by the taxpayers.**

  g. **Protections for and improvements to the Delta ecosystem, fisheries, water quality, water supply, and levees need to be incorporated into any new water management plans.**

  h. **Proposed projects and programs must analyze impacts on the whole San Francisco Bay-Delta system, not just the Delta.**

Currently planned isolated water transfer scenarios would affect the common Delta pool, since all diverters would no longer be taking water from the same "pool". There would be no incentive for exporters using a Peripheral Canal to preserve the Delta resource.

Dual conveyance is also being considered, which would allow some through-Delta and some isolated conveyance. Isolated facilities of any kind would degrade water quality in the Delta and compromise outflows from the Delta to the Bay to an as yet unknown degree. (The impact is dependent on a number of factors including amount of exports, when and where water is taken, capacity etc.)

Conveyance studies currently being conducted by DWR on a peripheral canal include an eastern alignment as well as a western alignment that runs through Contra Costa County.

The current state of the Bay-Delta Estuary is negatively impacted by lack of water in the system (i.e. high volume exports, especially during dry years), and the amount of exports are at least partially responsible for the recent collapse of the Delta ecosystem.

Diversion of a significant amount of flow from the Sacramento River will have adverse impacts to water quality by, among other things, creating a saline environment in the west Delta and by allowing more pollutant-laden San Joaquin River water into the Delta (significantly less San Joaquin River water would be pumped south). Current proposals include creating a saline (tidal) ecological environment for the western Delta or with "variable" water quality (brackish/saltwater with fresh flow pulses) in place of the current freshwater regime.

Some studies are illustrating a conflict between a higher water quality standard needed for human consumption and the optimal water quality for ecosystem health, with its myriad of micro-organisms. This could create a conflict for western delta water users.

2) Water Storage

- **Support multi-purpose storage options that incorporate water supply, flood control, surface water and groundwater storage and ecosystem components, (addressing projected climate change impacts).**
- **Support groundwater storage/conjunctive use implementation wherever practicable and as an option that is preferable to surface storage options.**
- **Support continued consideration of Delta island-as-reservoir strategies (such as the Delta Wetlands Project).**

The State's existing water supply and flood control systems are inadequate and, with climate change (decreased Sierra snow-pack, and increased rainfall, flood, and sea level rise), will become even more so. The proposed traditional, large-scale, single-purpose surface storage facilities need to evolve into smaller, regional and subregional, multi-purpose facilities. Multi-purpose facilities can better address climate change impacts and are more cost-efficient than traditional surface storage facilities.

Conjunctive use is the management of groundwater and the aquifer in which it resides through recharge with surplus surface water. Groundwater is then typically used during dry periods when surface water supplies are not as abundant. Conjunctive use has fewer environmental impacts than surface storage options.

3) Protect and Restore the Delta Ecosystem

- **Support ecosystem-based scientific research to determine what is necessary to protect and restore the Delta and support implementation of recommended actions resulting from these studies.**
- **Support acquisition of priority habitat areas (aquatic and terrestrial).**
- **Support habitat improvement projects** (including Dutch Slough, Suisun Marsh).
- **Support and advocate for specific short-term actions for immediate implementation to improve ecosystem, water quality, and the fishery** (including water quality and fishery improvements at Franks Tract, additional and improved fish screens at pumps, habitat improvement projects).

4) Water Conservation

- **Support and encourage water conservation activities as a primary first step in any proposed statewide water management strategy.**
- **Support and encourage water conserving landscapes.**
- **Maximize reuse of reclaimed wastewater.**
- **Support acceleration of mandatory water meter requirements throughout the state.**

- **Support and advocate for improved agricultural water conservation practices.**

  a. **Encourage elimination of high water use crops such as cotton, alfalfa, and rice (except where there are benefits to habitat).**
  b. **Encourage creation of significant water savings through improved agricultural conservation practices.**

The County has historically supported conservation through development of a water conservation landscape ordinance, a dual plumbing ordinance to maximize use of recycled water where feasible, and an ordinance to use recycled water for dust control and compaction for construction purposes during drought. Water conservation is emphasized, as it has multiple benefits: it reduces water demand, reduces water treatment requirements and reduces energy use (source: CCWD).

The recycled water ordinances are dependent upon the level of commitment of the respective water districts and, to some extent, the wastewater agencies, to provide recycled water. It is anticipated that additional state conservation requirements will be forthcoming as a result of the Governor's declaration of a comprehensive water plan (20% reduction in water use by 2020). The County could also consider expansion of greywater use where practicable.

A regional self-sufficiency policy would dictate that conservation, regional groundwater and surface water storage, reuse of reclaimed wastewater and even desalination (where practicable) should be required in areas dependant upon exports from the Delta.

5) Governance

- **Support and strongly advocate for local government representation in any new governance structure(s) contemplated for the Delta.**
- **Support continuance of land use authority in the Delta through the 1992 Delta Protection Act, (which established the Delta Protection Commission, a state agency with local representation) and support greater representation of local elected officials as part of this body.**

The Governor, his Delta Vision Blue Ribbon Task Force, and the Legislature are considering alternate structures for governance of the Delta in the areas of Water Supply and Ecosystem, Land Use and creation of a Delta Conservancy. There is a great deal of concern over development of the Delta floodplain and adjacent areas. As a result, *consideration of alternative land use authorities and new legislation is currently being contemplated.*

6) Levee Restoration

- **Advocate for significant funding for western and central Delta (infrastructure protection) levees, individually and in collaboration with others (beneficiaries also pay).**
- **Support immediate rehabilitation of priority levees on the western and central Delta islands.**
- **Support funding assistance for small urban communities within the Delta to attain 200-year levee standards.**
- **Support using PL-84-99 as a minimum design standard for levees.**
- **Support stockpiling rock in the Delta (and specifically in the western Delta) for levee rehabilitation.**
- **Support a multi-year funding commitment to restore non-project levees and levees outside the State Plan of Flood Control.**
- **Support and advocate for the Delta Long Term Management Strategy (LTMS) and the beneficial reuse of dredged materials for levee rehabilitation.**

The County has long supported the ongoing maintenance and structural restoration of Delta levees and has actively advocated for funding toward this end, establishing the Delta Levee Coalition with the Contra Costa Council. The eight western Delta islands (six of which are within the County) are critically important, not only to residents, but also to the protection of water quality and supply to 25 million Californians by preventing saltwater intrusion into the Delta.

The water exporters and the State Department of Water Resources (DWR) have reevaluated the importance of these western delta levees and are reluctant to commit significant funding (funding that could go to a canal instead) due to several factors. First, DWR has placed rock for "emergency purposes" in several areas of the Delta to block the channels (preventing saltwater intrusion for exporters) in the event of a multiple levee break. Second, the western levees are thought to be at higher seismic risk, due to nearby faults, and as a result, will be more expensive to fix than levees in the larger Delta.

The levees protect many areas that are below sea level due to subsidence, rendering the levees less stable. Climate change impacts of rising sea level and higher flow regimes (due to greater rainfall, less snow) will exacerbate the situation. Recent work by local

Delta engineering firms have established that levee repair costs for western Delta levees are not as high as anticipated by DWR's studies, and there are additional options to reduce seismic risk.

Levees also protect critical infrastructure including EBMUD's aqueducts, highways, railroads, gas wells, electric lines etc.

Smaller communities behind levees, such as Bethel Island, Hotchkiss Tract and other communities should benefit from the same level of protection as larger "urban" communities. Urban communities (over 10,000 population) as defined in recent legislation will be required to have a higher standard of levee protection (from a 100-year to a 200-year standard). Funding support for levee strengthening should also be readily available for small communities protected by levees.

PL-84-99 levee design standards are used by the U.S. Army Corps of Engineers (Corps) for levees over which the Corps has jurisdiction in the Delta. These standards are slightly higher than Hazard Mitigation Plan (HMP) standards currently in use, and are recommended as a minimum standard for Delta islands remaining in agricultural and other non-urban uses. With climate change, it is anticipated that more stringent standards would be required over time. Because of large-scale changes currently being contemplated for the Delta, a number of Delta islands will be converted to other uses, such as habitat (aquatic and terrestrial) and floodplain. As a result, levees on these islands would not be subject to the above-mentioned minimum standards, reducing costs of levee maintenance to some degree.

7) Water Quality, Water Quantity and Delta Outflow

- **Support efforts to protect and improve water quality, water quantity and Delta outflow.**
- **Demand that any proposed changes to water quality, particularly efforts to increase salinity in the western delta, be based upon proven science which illustrates substantial benefit to habitat and addresses impacts to water users.**

The current state of the Bay-Delta Estuary is negatively impacted by lack of water in the system (i.e. high volume exports, especially during dry years), and the amount of exports are at least partially responsible for the recent ecosystem collapse.

San Joaquin River flows have higher levels of salinity and selenium than Sacramento River water. As a result, an isolated transfer facility taking significant amounts of Sacramento River water out of the system will decrease water quality in the Delta by *allowing much more San Joaquin River water into the Delta system. Currently, pumps in the south Delta take some San Joaquin River water south.*

Reduced outflows will result in the migration of the salt water/fresh water interface (X2 zone) eastward from its current location near Antioch, impacting municipal and industrial water intakes and habitat.

Pollutant loading in Delta waters in and around the county can be increased either by reducing the Delta outflow or by modifying current water management practices (such as installing an isolated transfer facility). Increased pollutant loads in the Delta will result in modification of water quality standards in County NPDES and TMDL permits for County creeks and streams that discharge into the Delta. This will significantly increase the cost for permit compliance. (See additional discussion under the Peripheral Canal section).

8) Flood Protection/Floodplain Management

- **Support preparation of a comprehensive Flood Management Plan for the Delta.**
- **Support floodplain management within the watershed to help reduce flood damage within the Delta.**
- **Support identification, acquisition and construction of appropriate flood bypasses in and around the Delta.**
- **Support funding assistance for Flood Control District(s) to bring facilities up to a 200-year level of protection.**
- **Support development of a watershed management plan that would attenuate flood flows naturally by increasing the resident time of stormwater within the entire watershed.**
- **Support efforts to change existing revenue generation requirements for flood control districts and counties that would provide parity with wastewater districts and water districts in setting rates to provide basic infrastructure services.**

Flood protection standards are changing to a 200 year standard. Flood Control Districts are having a hard time funding new facilities or modifying existing facilities to meet the old standard of 100 years, let alone upgrade to a 200 year standard. There needs to be a funding mechanism in place that allows flood control districts and counties to raise revenue similar to a wastewater district or a water district. Currently Proposition 218 exempts wastewater and water districts from voting requirements to *raise rates to properly manage their infrastructure. Proposition 218 needs to be modified to include a similar exemption for flood control and stormwater infrastructure.*

In an undeveloped watershed, stormwater remains within the watershed a long time (resident time). As a watershed develops, resident time is reduced and flood flows increase as stormwater quickly runs off paved surfaces. A watershed management plan is a useful tool to develop strategies to increase resident time and help reduce flood flows in a more natural manner.

9) Water Rights and Legislative Protections

- **Support and preserve existing water rights and legislative protections established for the Delta and its environs.**

The system of water rights in California is governed by 'use', or more specifically, 'beneficial use'. Riparian rights (ownership of land adjacent to a surface water source) are senior water rights over most 'appropriative' water rights (which have required a permit since 1914). Most water users in the Delta use water pursuant to riparian and pre-1914 water rights, which are among the most senior water rights in the state. The State Water Project and Central Valley Project are based on junior appropriative water rights.

The Watershed Protection Act and the Delta Protection Act (county-of-origin and watershed-of-origin laws) were an integral part of the political and legal negotiations to build and export water from the Delta for the Central Valley Project and the State Water Project. These laws protect future reasonable and beneficial water uses for the areas providing the water so these areas would not be deprived when additional water became necessary. The Delta Vision Task Force has reviewed this issue and questions the need for continuance of these laws. These Acts also include the Delta common pool doctrine.

10) Regional Self-Sufficiency

- **Support Regional Self-Sufficiency where all regions are required to implement a variety of local water supply options and institute conservation and reuse programs to reduce reliance on exports from the Delta.**

Conservation programs, maximizing reuse of reclaimed wastewater, groundwater and surface water storage, and consideration of desalination where appropriate should be considered as strategies to enhance water supply in areas dependent on exports.

11) Emergency Response

- **Support collaborative efforts to improve emergency response among the Delta counties to help protect life, diminish suffering, protect property, protect the environment, and speed recovery in the short, medium and long term.**

12) San Luis Drain/Grasslands Bypass

- **Oppose a San Luis Drain and continue to support in-valley, environmentally-responsible resolution of the drainage problem.**
- **Continue to urge reduction in the discharge of agricultural drainage to the San Joaquin River and its tributaries through implementation of the Grasslands Bypass project, including crop fallowing and/or acquisition of problem areas.**

San Luis Drain: The U. S. Bureau of Reclamation is under a court injunction to evaluate and implement options for providing drainage services for the west side of the San Joaquin Valley, which contains toxic concentrations of selenium and other hazardous substances. The San Luis Drain, one option studied, would pass through Contra Costa County to discharge in the Delta. The U.S. Bureau of Reclamation has elected to address the problem without building the Drain but Congress would need to appropriate the funds before this alternative could be implemented and the injunction requiring provision of drainage service still looms.

The County will continue to oppose the San Luis Drain option and support instead drainage solutions in the valley, such as reducing the volume of problem water drainage; managing/reusing drainage waters within the affected irrigation districts; retiring lands with severe drainage impairment (purchased from willing sellers); and reclaiming/removing solid salts through treatment, bird safe/bird free solar ponds and farm-based methods.

Grasslands Bypass: Since 1996, the U. S. Bureau of Reclamation has authorized farmers in the Grasslands area of the San Luis-Delta Mendota Water Authority to discharge drainage through an existing portion of the San Luis Drain to a tributary of the San Joaquin in order to bypass wildlife refuges that were previously downstream of the agricultural drainage. The San Joaquin River is the ultimate destination for the drainage with or without the bypass project, known as the Grasslands Bypass Project.

In addition to avoiding the sensitive wetlands in the refuges, the Grassland Bypass Project requires a number of measures to reduce the downstream impacts of the drainage, including creation of a drainage authority to assume responsibility for the farmers' collective obligations, monitoring of discharges and impacts, limitations on the load of selenium and salt in the drainage and various enforcement measures including provisions to terminate the Project if discharge limits are exceeded. In the first eight years of implementation results have been good and discharges have been steadily declining. The County will support continuing reduction in agricultural drainage through the Project such that agricultural drainage discharges to the River will decline to zero no later than 2019.

13) Climate Change

- **Support addressing the impacts of climate change in any proposed studies and strategies, or in planning, engineering and constructing projects envisioned for the Delta.**

Climate change in the Delta will have wide-ranging impacts, due to decreased Sierra snow-pack, and increased rainfall, flood, and sea level rise. Any current or future planning efforts or implementation measures for the Delta must analyze and address the impacts of climate change.

The State of California is working with Delta residents, local agencies and other interested parties on solutions to sustain the Sacramento-San Joaquin Delta and its many resources. This includes work on flood protection, levee repairs, emergency response, water quality, ecosystem protection, and conveyance.

As part of this broader effort, the Department of Water Resources (DWR) in partnership with the United States Bureau of Reclamation, are evaluating the environmental affects of a comprehensive Delta improvement plan known as the Bay Delta Conservation Plan that includes ecosystem restoration opportunities and water conveyance alternatives.

To prepare these studies and address possible impacts to individual properties, communities, cultural resources and the environment, DWR will use existing data when possible. However, because of the unique nature of the Delta and the need to have the most accurate information on its community and natural resources, additional field studies may be necessary. DWR invites your participation at any of the following meetings to discuss these studies and how our agencies can work most effectively with potentially affected landowners:

Tuesday, August 12 Littleton Community Center 410 Civic Drive Galt 6:00 PM	Wednesday, August 13 Lathrop Community Center Gymnasium 15557 Fifth Street Lathrop 6:00 PM	Thursday, August 14 Contra Costa County Fair Grounds, Poppy Hall 1201 West 10th Street Antioch 6:00 PM
Tuesday, August 19 Jean Harvie Auditorium 14273 River Road Walnut Grove 6:00 PM	Wednesday, August 20 Rio Vista Memorial Bldg. 610 Saint Francis Way Rio Vista 6:00 PM	Thursday, August 21 Stockton Memorial Civic Auditorium Main Hall 525 North Center Street Stockton 6:00 PM

We look forward to working with you to address important issues facing the Delta. If you have questions or comments, please contact Cheryl Allen, DWR, at the following toll free number (866) 688-3227, or by email at delta@water.ca.gov.

CITY OF CLAYTON
Founded 1857 · Incorporated 1964

Agenda Date: 9-2-08

Agenda Item: 9b

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 02 SEPTEMBER 2008

SUBJECT: RESOLUTION SUPPORTING BOND EXTENSION MEASURE WW EAST BAY REGIONAL PARKS DISTRICT (EBRPD) – NOVEMBER 2008 BALLOT

RECOMMENDATION

It is recommended the City Council adopt the attached Resolution endorsing the voter extension of the Regional Open Space, Wildlife, Shoreline and Parks Bond (Measure WW) placed on the November 2008 ballot.

BACKGROUND

At its regular meeting on August 19th, the City Council received a presentation from Ms. Beverly Lane, Board Member on the East Bay Regional Parks District, seeking the Council's support for the District's bond extension measure. Question arose as to the certainty whether the City could use its allocation of $492,883 from passage/extension of the Bond for rehabilitation or improvement of our existing trail system. Although District staff had been contacted on that question and we received an affirmative answer as to project eligibility, the City Council indicated a desire to have that assurance in writing. Consideration of this item was deferred until a subsequent meeting for receipt of written confirmation from the District.

TRAIL REHABILITATION ELIGIBILITY

Contact was made to EBRPD Grants Manager Jeff Rasmussen concerning this clarification. Mr. Rasmussen informed me that EBRPD is very familiar with the need to rehabilitate/restore existing trail systems and submitted the attached written confirmation of eligibility. In short, "*Pavement overlays, shoulder repairs, the replacement of header boards and complete pavement replacements are all eligible activities.*" An example of an ineligible trail maintenance would be crack sealing of an existing trail.

Attachments:
1. Letter from EBRPD [1 pg.]
2. City Resolution {2 pp.]
3. Staff Report for August 19th Council Meeting

East Bay Regional Park District
WWW.EBPARKS.ORG

August 26, 2008

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

Re: Approved Uses of Park Bond Extension Funds

Dear Mr. Napper:

If approve by the voters in November, funds from the East Bay Regional Park District bond extension would be available for the capital development or acquisition of land and/or facilities to improve usage and access for park and recreation purposes. This includes the improvement, rehabilitation, restoration, and enhancement of parks and recreational lands and facilities. The factors determining the eligibility of these park and recreation improvements are that they be fixed to the site and are expected to last 20-years.

In response to your questions and the questions raised by your City Council, trail rehabilitation would be an eligible use of these funds and a use of funds that the District strongly supports. Pavement overlays, shoulder repairs, the replacement of header boards and complete pavement replacements are all eligible activities. Any trail rehabilitation that is fixed to the site and expected to last 20-years would be an eligible use of bond extension funds.

After the measure is approved by the voters, the District will convene a stakeholders meeting to insure that the grant program guidelines meet the needs of the local parks and recreation providers under existing bond law and regulations controlling the uses of bond funding. I look forward to receiving the City's input during that process. If you need any further information, please contact me at jrasmussen@ebpraks.org or 510-544-2204.

Sincerely,

Jeff Rasmussen
Grants Manager

cc: Beverley Lane, EBRPD Board of Directors, Director Ward 6
Pat O'Brien, EBRPD, General Manager
Dave Collins, EBRPD, AGM Management Services

RESOLUTION NO. - 2008

A RESOLUTION ENDORSING THE EAST BAY REGIONAL PARK DISTRICT'S MEASURE WW, PROPOSED EXTENSION OF REGIONAL OPEN SPACE, WILDLIFE, SHORELINE AND PARKS BOND

THE CITY COUNCIL
City of Clayton, California

WHEREAS, the City of Clayton and the East Bay Regional Park District are public agencies each responsible for providing important public services to our resident constituents; and

WHEREAS, the East Bay Regional Park District has expanded by more than 34,000 acres of parkland and shoreline in the last 20 years, largely as a result of funding provided by the 1988 voter approved bond measure AA which also provided $60 million in funding for local parks and recreation projects; and

WHEREAS, in response to continuing community interest, the East Bay Regional Park District Board of Directors did consider and has now placed a bond measure on the November 2008 ballot to extend the Measure AA program; and

WHEREAS, the proposed measure, Measure WW, would replicate and extend the successful $225 million Measure AA bond passed in 1988; and

WHEREAS, specifics of the Park District's proposed park bond extension measure includes the following information:

- The proposed issuance of bonds is structured to retain the property tax rate at or below the existing tax rate of $10 per $100,000 of property value for property owners.
- The $500 million bond initiative must be approved by two-thirds of voters in Alameda and Contra Costa counties in November 2008.
- $125 million (25%) of the bond proceeds will fund local park and recreation projects on a per-capita grant program to Cities and other local agencies.
- The City of Clayton would receive $492,883 in funding from the bond extension measure.
- $375 million (75%) of the bond proceeds will fund regional park acquisitions, open space preservation, park development, habitat restoration, and an emergency reserve.
- A detailed project list has been complied and is available to the public on the District's website, www.ebparks.org

- The Park District Board of Directors will conduct annual public hearings on projects to be selected and funded by the Measure.
- EBRPD's Park Advisory Committee provides oversight review.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby endorse the passage and voter approval of Measure WW, the East Bay Regional Park District's Proposed Extension of Regional Open Space, Wildlife, Shoreline and Parks Bond, which is placed on the November 4, 2008 ballot in Alameda and Contra Costa Counties.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 2nd day of September 2008 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

____

Gregory J. Manning, Mayor

ATTEST:

____

Laci J. Jackson, City Clerk

Agenda Date: 8-19-08

Agenda Item: 9a

Approved:

Gary A. Napper
City Manager/Executive Director

CITY OF CLAYTON
Founded 1857 Incorporated 1964

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 19 AUGUST 2008

SUBJECT: RESOLUTION ENDORSING BOND EXTENSION MEASURE – NOVEMBER 2008 EAST BAY REGIONAL PARK DISTRICT (EBRPD)

RECOMMENDATION

Following presentation of request by the Board of Directors of the East Bay Regional Park District, it is recommended the City Council adopt the attached Resolution supporting voter extension of the Regional Open Space, Wildlife, Shoreline and Parks Bond scheduled for consideration on the November 2008 ballot.

BACKGROUND

In 1998 voters in Contra Costa and Alameda Counties approved Measure AA, a $225 million bond measure that aided the East Bay Regional Park District (EBRPD) in preserving 34,000 acres of open space, the creation of 17 new Regional Parks, added over 100 miles of trails, and funded 235 neighborhood recreation projects. A portion of Measure AA bond proceeds ($60 million) were allocated to local jurisdictions to fund similar local projects in harmony with the purpose of the Bond Measure.

The City of Clayton received a total of $235,491 in Measure AA bond monies, of which $42,947 were merged with additional Clayton Redevelopment Agency revenues to preserve the integrity of the historic resource known as the Keller Ranch House (2005). The bulk of local Measure AA monies ($192,544) were spent in 1992-1994 on improvements and additions to the City's Trail System, the scope of which covered the following segments:

- Cardinet Trail
  Bridges at Westwood Park and Lydia Lane Park. Asphalt overlay of trail from new Westwood Park bridge to Lydia Lane. Rock trail spur from Lydia Lane Park to N. Mitchell Canyon Road.
- Mt. Diablo Creek Trail
  Chip seal and widened from Hamburg Circle south to Regency Drive.

- Donner Creek Trail
  New rock trail and creek crossing from Marsh Creek Road south to City limits.

- Oak Street Trail
  Connector trail from Oak Street to Marsh Creek Road.

DISTRICT BOND EXTENSION MEASURE

Attached is a written request by the Board of Directors of the East Bay Regional Park District for the Clayton City Council to endorse the District's proposed park bond extension measure slated for the November 2008 election. The bond extension measure would raise an additional $500 million in tax funding to continue the District's mission to preserve and protect open space, ridge lands, shorelines, parks and trails. Seventy-five percent (75%) of the new monies ($375 million) would fund targeted regional park acquisitions, open space preservation, park development and habitat restoration. The balance of bond monies ($125 million) would be directed to cities and special park districts on a per capita basis for use on local park and recreation capital projects.

If passed by voters, the City of Clayton would receive $492,883 in bond extension monies. The City has been informed by District Board Member Beverly Lane that use of these monies to improve deteriorated existing City Trails is an eligible local project. One of the policy concerns expressed regarding the proposed bond extension measure is its limitation for use on capital improvement projects that inherently require obligation of unfunded local monies to operate and maintain the new capital assets thereafter.

FISCAL IMPACT

According to the District, the issuance of bonds for this measure has been structured to keep the real property tax rate at or below existing tax rate of $10 per $100,000 of assessed property value. Therefore, a property owner residing in a home (and real property) valued at $700,000 would pay $70 per tax year. Publicly-owned real properties (City) are exempt from levy of the bond tax.

Respectfully submitted,

Gary A. Napper
City Manager

Attachments:
1. Request by EBRPD [1 pg.]
2. City Resolution [2 pp.]
3. Bond Measure literature [12 pp.]

Consider Endorsement of East Bay Regional Park District's Extension of Regional Open Space, Wildlife, Shoreline and Parks Bond

The East Bay Regional Park District's Board of Directors has requested the City Council of Clayton consider endorsement of the Park District's proposed park bond extension measure to be placed on the November 2008 ballot. Park District Board Member Beverly Lane will be present at the August 19, 2008 City Council meeting to make a presentation and provide background information on plans for the measure.

To summarize, the Park District's Board of Directors has acted to place a bond measure on the November 2008 ballot which would extend the 1988 voter approved Measure AA that made possible the addition of more than 34,000 acres of regional parkland and shoreline as well as provided $60 million in funding for local parks and recreation projects. Clayton received $235,491 in funding from Measure AA for City trail projects and preservation work on the historic Keller Ranch House.

With the population in the East Bay growing faster than the number of parks and trails serving residents, the future of local parks and recreation projects and regional parks projects depend on funding from an extension of Measure AA.

The bond extension measure as developed by the Park District's Board of Directors would provide $500 million in funding to permanently protect open space, ridge lands and shorelines for future generations. Twenty five percent (25%) or $125 million of the bond revenue would go directly to local parks and recreation departments (and special park districts) on a per capita basis to meet local park needs. Clayton would receive $492,883 in funding from this measure to meet local parks and recreation capital project needs.

Seventy five percent (75%) of the funds would go to the East Bay Regional Park District to fund regional park acquisitions, open space preservation, park development and habitat restoration.

The bond extension measure must be approved by two-thirds of voters in Alameda and Contra Costa Counties. Importantly, this extension will not increase the existing tax rate for property owners because the issuance of bonds will be structured to retain the property tax rate at or below the existing tax rate of $10 per $100,000 of assessed value for property owners.

East Bay
Regional Park District

Fact Sheet

Extension of Regional Open Space, Wildlife, Shoreline and Parks Bond

The East Bay Regional Park District Board of Directors voted to place a $500 million park bond extension measure on the November 4, 2008 ballot. This measure is an extension of Measure AA, passed by East Bay voters 20 years ago, that helped preserve 34,000 acres of open space, develop over 100 miles of new trails, and fund hundreds of local parks and recreation projects. While much has been accomplished, the growing East Bay population further increases the need for acquiring new parklands, protecting and restoring natural habitat, and helping communities with their local park and recreation facilities. If approved by the voters, this park bond extension will be used to continue to restore urban creeks; protect wildlife; purchase and save open space, wetlands, and bay shoreline; and acquire, develop, and improve local and regional parks, trails, and recreational facilities close to home for East Bay residents.

Quick Facts:

- $500 million bond extension must be approved by two-thirds of voters in Alameda and Contra Costa counties.
- **This extension will not increase the tax rate above the present maximum rate of $10 per year per $100,000 of assessed valuation** (i.e. a home assessed at $400,000 will pay $40 per year).
- $375 million (75%) of revenue will fund Regional Park acquisitions and capital projects, with $26.2 million (7%) of that amount held in reserve for unanticipated future needs and opportunities.
- $125 million (25%) of proceeds will go to cities, special park and recreation districts, county service areas, and the Oakland Zoo for much-needed local park and recreation projects. Livermore area voters are not part of this extension tax as Murray Township was not within the East Bay Regional Park District's jurisdiction in 1988 when the initial bond measure was passed. EBRPD continues to serve this community through new acquisitions of parklands.
- The Park Advisory Committee will provide citizens' oversight to monitor all bond expenditures.

Regional Park Project Summary:

Over 67 current and future parks, open space, trails, and shoreline projects will benefit from this measure. Some of the high priority projects include:

- Acquiring and restoring urban creeks.
- Expanding and developing the Bay Trail, East Bay Greenway Trail, Delta Trail, and Ridge Trail.
- Developing the Oakland and North Richmond shorelines.
- Renovating Eastshore State Park.
- Developing a new Regional Park at the Concord Naval Weapons Station.
- Increasing access at Briones, Sunol, and Pleasanton Ridge.
- Acquiring sensitive property at Doolan Canyon.
- Completing the Tidewater Recreation Area at Martin Luther King Jr. Regional Shoreline.

The complete project list can be found on the District's Web site at www.ebparks.org, or can be sent electronically by emailing a request to info@ebparks.org.

About Us:

The East Bay Regional Park District operates 65 regional parks, on 98,000 acres, and 1,100 miles of trails serving the more than 2.4 million residents of Alameda and Contra Costa counties. Measure AA, a $225 million bond approved by voters in 1988, helped the District preserve 34,000 acres of open space, create 17 new Regional Parks, add over 100 miles of trails, and fund 235 neighborhood recreation projects. The Park District nearly doubled the investment, leveraging money to secure "matching" funds at no cost to taxpayers. Most future local and Regional Park projects depend on funding from an extension of this bond.

East Bay Regional Park District
2950 Peralta Oaks Ct
Oakland CA 94605
1-888-EBPARKS
www.ebparks.org

Revised: 7/16/2008

REGIONAL OPEN SPACE, WILDLIFE, SHORELINE AND PARKS BOND EXTENSION LOCAL PARK AGENCY ALLOCATIONS

ALAMEDA COUNTY

2008 AA Local Grant	2008 Population	2008 Allocation
CITIES		
Alameda	75,823	$3,465,489
Albany	16,877	$771,363
Berkeley	106,697	$4,876,584
Dublin	46,934	$2,145,118
Emeryville	9,727	$444,572
Fremont	213,512	$9,758,562
Newark	43,872	$2,005,169
Oakland	420,183	$19,204,456
Piedmont	11,100	$507,325
Pleasanton	69,388	$3,171,377
San Leandro	81,851	$3,740,998
Union City	73,402	$3,354,837
Cities Subtotal	**1,169,366**	**$53,445,852**
HAYWARD AREA RECREATION AND PARK DISTRICT		
Hayward	149,205	$6,819,412
Ashland	21,576	$986,120
Castro Valley	59,448	$2,717,064
Cherryland	14,357	$656,202
Fairview	9,826	$449,094
San Lorenzo	22,722	$1,038,530
Mt. Eden	881	$40,262
HARD Subtotal	**278,015**	**$12,706,683**
Unincorporated EBRPD	**11,612**	**$530,722**
Oakland Zoo	–	**$4,000,000**

CONTRA COSTA COUNTY

2008 AA Local Grant	2008 Population	2008 Allocation
CITIES		
Antioch	100,361	$4,586,998
Brentwood	50,614	$2,313,312
Clayton	10,784	$492,883
Concord	123,776	$5,657,180
Danville	42,629	$1,948,358
El Cerrito	23,320	$1,065,840
Hercules	24,324	$1,111,728
Lafayette	23,962	$1,095,183
Martinez	36,144	$1,651,961
Moraga	16,138	$737,587
Oakley	33,210	$1,517,862
Orinda	17,542	$801,757
Pinole	19,193	$877,216
Pittsburg	63,652	$2,909,214
Pleasant Hill RPD	33,377	$1,525,495
Richmond	103,577	$4,733,985
San Pablo	31,190	$1,425,538
San Ramon	59,002	$2,696,685
Walnut Creek	65,306	$2,984,810
Cities Subtotal	**878,101**	**$40,133,590**
UNINCORPORATED, CSA's / CSD's / RPD's		
Alamo and Green Valley	17,896	$817,931
Bay Point (Ambrose RPD)	24,662	$1,127,177
Clyde	795	$36,321
Crockett	4,532	$207,144
Port Costa	266	$12,138
Discovery Bay	10,286	$470,124
El Sobrante	14,041	$641,740
Green Valley RPD	1,507	$68,873
Kensington	5,653	$258,358
Bayview-Montalvin	5,731	$261,953
Tara Hills	6,106	$279,086
Pleasant Hill Area RPD	4,555	$208,171
Rodeo	9,984	$456,305
Unincorporated EBRPD	67,560	$3,087,831
Unincorporated Subtotal	**173,573**	**$7,933,153**

Note:

- Allocations are per capita based on California Department of Finance 2008 Population Estimates.
- 5% local grant administration by EBRPD.
- Local agencies will set local priorities and select projects for funding.

East Bay Regional Park District

East Bay Regional Park District

Updated 7/1/2008

2008 Regional Parks Bond Project List

#	Location	Project	Description	Total $
1	Alameda Point	Trail expansion and development of regional recreation	$6.5 million to protect wildlife habitat, create regional recreation opportunities on San Francisco Bay, and extend the Bay Trail around Alameda Point in cooperation with City of Alameda. Restore shoreline areas including beach and dune grass habitat.	$ 6,550,000
2	Alamo Canal Trail	Construct trail undercrossing of highway 580	$630,000 to complete the key bicycle, pedestrian and equestrian trail connection under the 580-680 interchange, creating the first trail connection linking the communities of Dublin and Pleasanton.	$ 630,000
3	Anthony Chabot	Complete acquisition of park boundaries	$2 million to acquire last remaining open space to establish final park boundaries to buffer sensitive wildlife habitats and create new access for all users.	$ 2,025,000
4	Ardenwood	Improvement and renovation of park picnic and interpretive facilities	$2.2 million to improve facilities and increase opportunities for school classes and families to experience early California life at the historic Ardenwood Farm.	$ 2,250,000
5	Bay Point	Park expansion, marsh restoration and improved public access	$1.6 million to expand and restore wetlands to enhance habitat for Delta Smelt and other species. Provide water access to the Pittsburg/Bay Point shoreline. Establish the first section of the Great Delta Trail project linking the East Bay to the Delta and Central Valley.	$ 1,575,000
6	Bay Trail	Complete Bay Trail from Fremont to Martinez	$12.3 million to connect urban communities to shoreline access and wildlife viewing opportunities by completing the 86 mile Bay Trail along the East Bay shoreline. Acquire and develop trail links to close the remaining gaps between Martinez and Fremont.	$ 12,298,000
7	Bay Water Trail	Create boat launch, landing and camping sites from Fremont to the Delta	$5.9 million to establish safe and environmentally sound launch sites, wildlife viewing, camping, and other facilities to support the new Bay Water Trail, providing places for kayakers, canoers, and other small boats to travel the length of the East Bay shoreline and ultimately circumnavigate the Bay.	$ 5,890,000
8	Big Break Shoreline	Expand Delta Science Center	$2.6 million to enhance delta shoreline access and expand interpretative/educational opportunities for East Contra Costa County schools and families to experience the Delta in a natural setting. Protect and enhance habitat for the threatened California Black Rail and Giant Garter Snake, restore coastal prairie grassland.	$ 2,600,000

East Bay Regional Park District

2008 Regional Parks Bond Project List

Updated 7/1/2008

#	Location	Project	Description	Total $
9	Black Diamond	Expand park and wildlife corridors. Complete visitor education facility and park improvements	$4.5 million to complete the underground trail and Mining Museum and to preserve important open space, enhance wetland and riparian habitat in partnership with the East Contra Costa County Habitat Conservation Plan.	$ 4,500,000
10	Briones	Preserve open space and improve public access	$7.8 million to preserve additional ridge top and hillside open space surrounding and near the park in partnership with other agencies. Improve Alhambra Valley and Buckeye Ranch access, develop staging area and trail connections for all users, renovate picnic areas and group camps.	$ 7,785,000
11	Byron Vernal Pools	Resource preservation	$3 million to acquire rare vernal pool habitat and wetlands near Byron to expand, preserve, protect and interpret rare species including Tiger Salamander, Fairy Shrimp and vernal pool wildflowers in partnership with the East Contra Costa County Habitat Conservation Plan.	$ 2,970,000
12	Calaveras Ridge Trail	Acquire and construct trail from Carquinez Strait to Sunol	$11.3 million to acquire open space and park corridor and construct this trail for all users connecting six regional parks along the 680 corridor serving all communities from Sunol to the Carquinez Strait.	$ 11,323,000
13	Carquinez Strait	Improve public access and expand park	$4.1 million to complete the shoreline scenic corridor between Martinez and Crockett. Expand outdoor recreation opportunities, preserve shoreline areas, and connect park trails for all users from historic Port Costa to the San Francisco Bay and Ridge Trails.	$ 4,050,000
14	Clayton Ranch	Expand park and wildlife corridors	$2 million to preserve open space and complete this critical wildlife corridor for Alameda Whipsnake, Red Legged Frog and rare plants between Mt. Diablo and Black Diamond Mines Regional Preserve in partnership with the East Contra Costa County Habitat Conservation Plan. Provide initial staging and new trail opportunities for all users.	$ 2,025,000
15	Concord Naval Weapons Station	Acquire open space and develop public access on former military base	$16 million to work in partnership with Concord and the National Park Service to acquire, restore and develop a major new regional park on the inland portion of former Concord Naval Weapons Station. Protect open space and wildlife habitat for Tiger Salamanders and Red Legged Frogs and restore Mt. Diablo Creek. Develop regional recreation facilities including picnic areas, trails for all users, parking and camp sites. Provide interpretive and education facilities and partner with the National Park Service to provide services in the area.	$ 15,950,000

2008 Regional Parks Bond Project List

#	Location	Project	Description	Total $
16	Coyote Hills	Complete park boundaries, restore marsh, build public use facilities	$8.1 million to acquire remaining lands adjacent to Coyote Hills to complete park boundaries and preserve sensitive riparian wildlife habitat. Restore and expand existing marsh complex to include seasonal wetlands, coastal prairie grassland and reduce cattails. Enhance habitat for Salt Marsh Harvest Mouse and California Black Rail. Replace the aging visitor center with a state of the art facility to interpret the significant cultural and natural resources of the area. Add family camping opportunities at the reclaimed Dumbarton Quarry site and provide trail links to the Don Edwards Wildlife Refuge and Bay Trail.	$ 8,100,000
17	Crockett Hills	Expand park and improve public access	$4 million to acquire scenic open space to expand this park near the West County communities of Crockett, Hercules and Rodeo. Build new public access, trails for all users and camp sites easily accessible from Highway 4 and the Cummings Skyway.	$ 4,050,000
18	Crown Beach	Improve visitor center, restore beach, complete park boundary	$6.5 million to replace and expand the Crab Cove interpretive center, currently located in an outdated military building. Expand and restore Alameda Beach to increase space for beach recreation and protect the shoreline. Acquire appropriate surplus federal property if it becomes available.	$ 6,480,000
19	Deer Valley	Park acquisition and development	$3.6 million to establish a new park near the communities of Brentwood and Oakley. When matched with funding from the East Contra Costa County Habitat Conservation Plan, the park will preserve a regional wildlife corridor for San Joaquin Kit Fox, Tiger Salamander, and other threatened species between Los Vaqueros and Black Diamond and will preserve the rural ranching history of the area.	$ 3,600,000
20	Delta Access	Park expansion and development at Orwood Tract	$5 million to open a new regional park on the Delta providing swimming, boating, fishing, picnicking and camping close to East Contra Costa communities. Work with federal and state agencies to provide both Delta recreation and wildlife habitat for threatened California Black Rails, Giant Garter Snakes and migratory waterfowl.	$ 4,950,000
21	Delta Recreation	Develop new park at Jersey Island	$1 million for new public access, trails, family camping and picnicking in the Delta on Jersey Island and the San Joaquin River.	$ 1,000,000
22	Delta Trail	Establish the Great Delta Trail connecting Bay Point to Big Break to the Contra Costa County line	$4.1 million to provide a new trail for all users connecting the communities of Bay Point, Brentwood, Pittsburg, Antioch, and Oakley to the shoreline. Work with State and local agencies to develop the Great Delta Trail improving urban access to fishing and boating in the Delta.	$ 4,050,000

East Bay Regional Park District

Updated 7/1/2008

2008 Regional Parks Bond Project List

#	Location	Project	Description	Total $
23	Diablo Foothills/ Castle Rock	Expand open space adjacent to Mt. Diablo State Park and improve Castle Rock picnic and recreation area	$7.2 million to preserve open space and habitat in central Contra Costa County adjacent to Mt. Diablo State Park, complete renovation of picnic areas, play areas, and trail access improvements for all users.	$ 7,200,000
24	Doolan Canyon/ Tassajara Hills	Establish new park and preserve open space and ridges	$5.7 million to acquire land for a new park preserving the last major undeveloped expanse of the Tassajara Hills north of the communities of Dublin and Pleasanton. Restore grassland and seasonal wetland habitat for Tiger Salamanders, Golden Eagles, Prairie Falcons and other species. Provide trails for all users, public access, and scenic resources, rolling hills and open grassland valleys.	$ 5,675,000
25	Dry Creek	Acquisition and Meyers Estate improvements	$6.7 million to acquire and preserve scenic ridge lands in the Union City Hills along Walpert Ridge, complete the renovation of the historic Meyers Estate and garden for intimate community gatherings. Complete multi-use Ridge Trail connections.	$ 6,700,000
26	Dublin Hills	Open space preservation and regional trail connections	$4.7 million to complete this new park along the ridgelines in the scenic west Dublin hills. Preserve wildlife corridor and connect community residents to regional trails for all users and nearby natural areas. Restore ponds and enhance riparian habitats and grasslands.	$ 4,725,000
27	Dunsmuir Heights Trail	Complete trail connection through Dunsmuir Heights to Anthony Chabot	$2.3 million to acquire and construct an urban open space and multi use trail corridor connecting Oakland and San Leandro neighborhoods to Anthony Chabot park through the Dunsmuir Heights area.	$ 2,350,000
28	East Bay Greenway Trail	Trail corridor protection partnerships with local cities	$400,000 to partner with local cities to secure public use of this abandoned rail right of way to serve urban residents from Oakland to Fremont.	$ 400,000
29	Eastshore State Park	Park expansion, restoration and development	$27 million to expand and restore this eight-mile long urban shoreline park adjacent to the East Bay communities of Oakland, Berkeley, Emeryville, Albany, and Richmond. Consistent with the Eastshore State Park General Plan, develop access improvements, restore upland and wetland areas to enhance wildlife habitat, and to complete east shore segments of the Bay Trail.	$ 27,000,000

2008 Regional Parks Bond Project List

#	Location	Project	Description	Total $
30	Garin	Complete park acquisition and improve public access	$2.9 million to acquire and protect scenic ridges and wildlife habitat adjacent to Union City, Fremont and Hayward communities. Expand park trail system to improve recreational opportunities for all users and connect to the Ridge Trail.	$ 2,925,000
31	Garin to Pleasanton Ridge Trail	Acquire and construct trail connection	$2 million to acquire and construct trail connecting Garin Park to Pleasanton Ridge for hiking, biking and equestrian use.	$ 2,025,000
32	Gateway Shoreline	Park acquisition and development	$5.4 million to establish a new regional shoreline park as a bicycle trail hub connecting the new Bay Bridge bicycle access to the East Bay and the Bay Trail in cooperation with other agencies. This inter-modal node will include parking, promenade, fishing access, landscape improvements, and facilities to interpret the natural and historic resources of this site.	$ 5,400,000
33	Hayward Shoreline	Expand park and construct public access and education improvements	$4.5 million to restore and protect shoreline bird habitat, strengthen and repair levees along this shoreline to address climate change impacts, improve public trail access and cooperate on shoreline interpretive improvements with other state and local agencies. Dredge channels to improve water circulation and enhance habitat on islands for endangered Least Terns.	$ 4,500,000
34	Iron Horse to Mount Diablo Trail	Complete trail corridor	$1.4 million to complete trail corridors between Las Trampas, Sycamore Valley and Mount Diablo.	$ 1,350,000
35	Iron Horse Trail	Extend Iron Horse Trail north and south	$2.2 million to complete extensions north of Concord and south to Pleasanton of this 28 mile-long urban bicycle trail.	$ 2,250,000
36	Lake Chabot	Acquisition to complete park boundary	$1.8 million to preserve hillside areas, connect trails and add public access along the western park boundary.	$ 1,800,000
37	Las Trampas	Construct interpretive facility, acquire open space and construct public access improvements	$8.3 million to establish interpretive visitor facility and indoor meeting space to serve the increasing population in the San Ramon Valley. Develop access for all users to recently acquired properties in the Lafayette, Moraga and San Ramon Valley areas including staging, trails, and camping areas.	$ 8,325,000

East Bay
Regional Park District

Updated
7/1/2008

2008 Regional Parks Bond Project List

#	Location	Project	Description	Total $
38	Leona Open Space	Acquire land to complete park boundaries	$2.5 million to acquire remaining land to complete the park and improve public access.	$ 2,500,000
39	Marsh Creek Trail	Complete and open trail extension from Brentwood to Round Valley	$900,000 to complete the Marsh Creek Trail connecting the Brentwood area through the State Historic Park at Cowell Ranch to Round Valley Regional Preserve.	$ 900,000
40	Martin Luther King Jr. Shoreline	Expand Bay Trail, Tidewater and Shoreline Center facilities	$12.3 million to expand existing public use, shoreline access and Bay Trail improvements at the Tidewater and Shoreline Center areas of the Martin Luther King Jr. Shoreline.	$ 12,320,000
41	Mission Peak	Acquire open space and improve public access	$5.4 million to expand ridgeline corridor on Mission Ridge and improve trails and staging areas including Stanford Avenue.	$ 5,400,000
42	Morgan Territory	Complete park acquisition and improve public access	$8.1 million to expand wildlife corridors in partnership with the East Contra Costa Habitat Conservation Plan. Provide trails for all users and additional access to the ridge lands south of Mt. Diablo.	$ 8,100,000
43	North Richmond Shoreline	Acquire and restore Wildcat Creek and San Pablo Creek marshes	$3.6 million to preserve San Pablo and Wildcat Creek Marsh and creek deltas to protect and restore the two largest remaining marsh areas along the North Contra Costa Shoreline. Connect the trail corridor from the north Richmond Wetlands to Point Pinole. Develop appropriate public access for wildlife viewing and education programs.	$ 3,650,000
44	Oak Knoll to Ridge Trail	Develop trail connection from Oak Knoll to Redwood Park	$720,000 to join with the City of Oakland and community groups to create trail connections between the Oak Knoll redevelopment project and Leona Heights Open Space.	$ 720,000
45	Oakland Shoreline	Oakland shoreline acquisition, resource restoration and public access	$10.8 million to join with Oakland to develop new access for urban residents to the Oakland Shoreline. Cleanup and restore marshes to benefit nesting birds, improve water circulation through dredging, and construct improvements on shoreline sites along the Bay Trail from San Leandro Bay, through the Oakland Estuary, and north to connect to Gateway Shoreline Park. Assist with the City's Estuary Plan trail and access projects, including public use facilities.	$ 10,800,000

2008 Regional Parks Bond Project List

#	Location	Project	Description	Total $
46	Ohlone	Acquire additional wilderness lands	$7.4 million to expand Alameda County's largest wilderness park, preserve park wilderness values, protect wildlife habitat and high mountain ridge resources. Develop trail loops and expand public access and camping opportunities. Restore failing ponds to support Tiger Salamander and Red Legged Frog populations.	$ 7,425,000
47	Oyster Bay	Complete public access improvements	$2.1 million to complete the development of this 200 acre urban shoreline park and Bay Trail connection by working with the City of San Leandro to provide recycled water for the irrigation of new turf meadows, construct picnic and play areas, parking, restrooms and landscaping.	$ 2,070,000
48	Pleasanton Ridge	Acquire and construct public access, trail and recreation and interpretive facilities	$13.7 million to acquire park land on scenic Pleasanton and Sunol ridges and Devaney canyon, complete bicycle loop trail system, construct parking, staging areas, access, picnic, camping and visitor facilities.	$ 13,725,000
49	Point Pinole	Construct new park access, visitor center, and maintenance amenities	$7.5 million to develop new Atlas Road access to the park with parking, picnic areas, meadows, play areas, environmental maintenance facility, and new visitor/interpretive center. The center will provide an introduction to the rich natural and cultural resources found at this site. Complete park boundary and wetland restoration. Enhance and restore wetland and coastal prairie habitats.	$ 7,540,000
50	Point San Pablo Peninsula	Acquire, preserve and make accessible new shoreline open space	$4.5 million to acquire and restore shoreline and complete Bay Trail spur north of the Richmond/San Rafael Bridge to provide new public access to this scenic north bay shoreline.	$ 4,450,000
51	Quarry Lakes	Expand recreation facilities	$4.5 million to complete the development of this regional recreation area by providing new turf meadows, picnic and play areas, restrooms and landscaping. Complete park boundaries in this urban recreation area.	$ 4,500,000
52	Rancho Pinole	Establish new park	$3.2 million to preserve open space in West Contra Costa County and establish a new park. Acquire land and provide access for all users in cooperation with Muir Heritage land trust to connect the Ridge Trail to Crockett Hills, Franklin Ridge and West County communities.	$ 3,150,000

2008 Regional Parks Bond Project List

Updated 7/1/2008

#	Location	Project	Description	Total $
53	Redwood	Expand park, protect habitat, construct interpretive and public use facilities	$5.2 million to acquire and restore Redwood Creek to protect rare native trout habitat; cooperate with the City of Oakland and Chabot Space and Science Center to support youth camping and facilities to interpret the historic and natural features of the East Bay's only native redwoods. Enhance Serpentine prairie for rare plants, improve Whipsnake habitat and rare Manzanita groves.	$ 5,200,000
54	Ridge Trail	Complete Bay Ridge Trail, Carquinez Strait to Mission Peak	$12.7 million to acquire and construct trail corridor segments to close gaps in the existing 25 mile long East Bay Ridge Trail alignment. Providing a continuous trail connection through 16 regional parks from Martinez to Fremont.	$ 12,690,000
55	Roberts	Renovate swimming pool	$1.4 million to update existing pool and facilities to accommodate regional swimming meets and events.	$ 1,350,000
56	Round Valley	Acquire open space, improve access	$7.2 million to expand park to protect this unique pristine valley. Acquire lands in cooperation with the East Contra Costa County Habitat Conservation Plan. Expand trail access for all users, staging, picnic and camping opportunities. Connect trail corridors to adjacent State Parks and to Morgan Territory Regional Preserve. Improve grasslands for Kit Fox and Golden Eagle habitat.	$ 7,200,000
57	San Pablo Bay	Preserve shoreline and provide bay trail access	$855,000 to acquire and restore the scenic San Pablo Bay shoreline to provide access and wildlife viewing to bayside natural resources. Provide Bay Trail amenities to enhance public use of the bay shoreline.	$ 855,000
58	Sibley / Huckleberry	Expand park and construct visitor amenities	$5.9 million to acquire additional open space south of Sibley Regional Preserve between Oakland, Orinda and Moraga. Expand trails including connection to Lake Temescal, construct new trailhead and develop new camping opportunities. Restore ponds and riparian habitat.	$ 5,900,000
59	Sunol	Renovate visitor center and expand park	$5 million to expand wilderness area to protect Alameda Creek watershed, preserve wildlife habitat, remove barriers to Steelhead migration and to renovate and/or replace the aging visitor center, picnic and campground facilities.	$ 4,950,000
60	Sycamore Valley Open Space	Acquisition and trail connections	$925,000 to acquire lands to complete open space boundaries and trail connections, both inside the park and to Mt. Diablo. Enhance Red Legged Frog habitat.	$ 925,000
61	Tassajara Creek Trail	Develop trail connections	$875,000 to acquire and develop the regional trail connecting Tassajara Creek in Dublin to Mt. Diablo. Cooperate with the Cities of Dublin, San Ramon and Contra Costa County to complete this trail.	$ 900,000

East Bay Regional Park District

2008 Regional Parks Bond Project List

Updated 7/1/2008

#	Location	Project	Description	Total $
62	Tilden Park	Remodel visitor centers	$2 million to renovate and/or expand Tilden Park's visitor facilities at the Botanic Garden and Environmental Education Center for public interpretive programs, lectures and research.	$ 2,040,000
63	Urban Creeks	Acquire and restore creeks in urban core	$8 million to work with cities and community organizations to restore urban creeks and acquire creek easements, such as BART to Bay and other urban creek projects.	$ 8,040,000
64	Vargas Plateau	Expand park and develop public access	$7.6 million to expand park, develop access and construct parking, picnic areas, trails for all users, and camp sites at this new park. Preserve Alameda Creek watershed, extend the Ridge Trail, connect the park to Fremont and Sunol, protect hillside vistas and open space east of Fremont and south of Niles Canyon. Restore wetlands and enhance grasslands.	$ 7,649,000
65	Vasco Caves	Improve safe access to site	$ 4.7 million to expand the preserve to protect unique natural and cultural resources in partnership with the East Contra Costa County Habitat Conservation Plan. Improve habitat for Kit Fox, Golden Eagles and enhance wetlands. Provide suitable, guided public access, parking and visitor facilities.	$ 4,725,000
66	Wildcat Canyon	Acquire parkland and improve access	$900,000 to expand park boundaries along the San Pablo Ridge, improve access to park for all users.	$ 900,000
67	Wildcat Creek Trail	Richmond Parkway	$900,000 to work with the City of Richmond and Contra Costa County to safely re-open the Wildcat Creek Trail crossing under the Richmond Parkway to connect north Richmond communities to the bay shoreline.	$ 900,000

Subtotal, District Project List	**$ 348,750,000**
7% Reserve for unanticipated future needs or opportunities	$ 26,250,000
Total, District Project List	**$ 375,000,000**
Local Grant Program Amount	$ 125,000,000
Total Amount of Bond	**$500,000,000**

San Pablo Bay
Suisun Bay
DELTA RECREATION
POINT PINOLE
SAN PABLO BAY SHORELINE
CROCKETT HILLS
CARQUINEZ STRAIT SHORELINE
BAY POINT
BIG BREAK
NORTH RICHMOND WETLANDS
RANCHO PINOLE
CONCORD NAVAL WEAPONS STATION
WILDCAT CANYON
POINT SAN PABLO
URBAN CREEKS
BRIONES
BLACK DIAMOND MINES
DEER VALLEY
DELTA ACCESS
TILDEN PARK
DIABLO FOOTHILLS
CLAYTON RANCH
SIBLEY / HUCKLEBERRY
EASTSHORE STATE PARK
REDWOOD
ROUND VALLEY
GATEWAY SHORELINE
BYRON VERNAL POOLS
MORGAN TERRITORY
OAKLAND SHORELINE
ROBERTS
LAS TRAMPAS
SYCAMORE VALLEY OPEN SPACE
VASCO CAVES
ALAMEDA POINT
LEONA OPEN SPACE
DOOLAN CANYON / TASSAJARA HILLS
CROWN BEACH
MLK JR SHORELINE
ANTHONY CHABOT
URBAN CREEKS
LAKE CHABOT
DUBLIN HILLS
OYSTER BAY
PLEASANTON RIDGE
HAYWARD SHORELINE
GARIN
DRY CREEK
QUARRY LAKES
VARGAS PLATEAU
ARDENWOOD
COYOTE HILLS
SUNOL
MISSION PEAK
OHLONE WILDERNESS
San Francisco Bay
MURRAY TOWNSHIP
Park and Open Space Project
Flagship Project
Regional Trail Project
Water Trail Project
Existing Regional Trail
EBRPD Parkland
Other Open Space
N

CITY OF CLAYTON
Founded 1857, Incorporated 1964

Agenda Date: 9-2-08

Agenda Item: 4c

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CHIEF OF POLICE

DATE: SEPTEMBER 2, 2008

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 418 ADDING SECTIONS 10.36.320 AND 10.04.155 TO TITLE 10 OF THE CLAYTON MUNICIPAL CODE TO PROHIBIT PARKING IN PUBLIC PARKING FACILITIES BETWEEN THE HOURS OF ONE A.M. AND FOUR A.M.

RECOMMENDATION

It is recommended that the City Council receive public comments on Ordinance No. 418, and approve the following motions:

1. Motion to have the City Clerk read Ordinance No. 418 by title and number only and to waive further reading; and

2. Following the City Clerk's reading, a motion to adopt Ordinance No. 418.

BACKGROUND

On August 19, 2008 during a public meeting the City Council introduced and held the first reading of proposed Ordinance No. 418 which adds sections 10.36.320 and 10.04.155 prohibiting parking in public parking facilities between the hours of one A.M. and four A.M. After holding the public meeting the City Council approved the first reading and continued this matter until September 2, 2008 for second reading and a motion to adopt Ordinance No. 418. City Council Agenda Report, dated August 19, 2008 and Ordinance No. 418 are attached for review.

Attachments: Attachment- 1. Ordinance No. 418 [3 pp.]
2. City Council Agenda Report, Aug 19, 2008 [2 pp.]

ORDINANCE NO. 418

AN ORDINANCE ADDING SECTIONS 10.36.320 AND 10.04.155 TO TITLE 10 OF THE CLAYTON MUNICIPAL CODE ENTITLED VEHICLES AND TRAFFIC TO PROHIBIT PARKING IN PUBLIC PARKING FACILITIES BETWEEN THE HOURS OF ONE A.M. AND FOUR A.M.

THE CITY COUNCIL
City of Clayton, California

THE CITY COUNCIL OF THE CITY OF CLAYTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1 Findings Purpose and Intent

The City Council of the City of Clayton ("City") has determined that it is necessary to restrict parking in public parking facilities to control overnight parking and storage of privately owned vehicles. Accordingly, this Ordinance is adopted to amend Title 10 of the Clayton Municipal Code in order to control overnight parking and storage of privately owned vehicles. The Ordinance is adopted based upon the matters set forth herein and as set forth in the Staff Report which accompanies this Ordinance, said Staff Report being incorporated herein by reference.

Section 2 Amendment of Title 10 of the Clayton Municipal Code

Sections 10.36.320 and 10.04.155 are added to Title 10 of the Municipal Code to read as follows:

"10.36.320 Restricted Public Off Street Parking

No person shall stop, park, or leave standing any vehicle whether attended or unattended, between the hours of One A.M. and Four A.M. on any "public parking facility".

Section 10.04.155 Public Parking Facility

"Public Parking Facility" means any public parking lot or parking structure owned or otherwise possessed by the City in which parking by the general public is permitted by the City.

Section 3 Action to Challenge This Ordinance

Any action or proceeding to attack, review, set aside, void or annul this ordinance must be commenced and the service made on the City no later than ninety (90) days after its effective date.

Section 4 Conflicting Ordinances Repealed

Any ordinance or part thereof, or regulations in conflict with the provisions of this ordinance, are hereby repealed. The provisions of this ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with the provisions of this ordinance.

Section 5 Severability

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council has declared that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause or phrase thereof be declared unconstitutional, invalid or ineffective.

Section 6 Effective Date and Publication

This ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after the passage of the ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the 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 August 2008.

PASSED, ADOPTED AND ORDERED POSTED at a regular public meeting of the City Council of Clayton, California on the ____ day of ______ 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

____

Gregory J. Manning, Mayor

ATTEST:

____

Laci J. Jackson, City Clerk

APPROVED AS TO FORM:	APPROVED AS TO ADMINISTRATION:
______________________________	______________________________
J. Daniel Adams, City Attorney,	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 the ___ day of August 2008, and was duly adopted, passed and ordered posted at a regular meeting of the City Council held on _________________, 2008.

____

Laci J. Jackson, City Clerk

Agenda Date: 8-19-08

Agenda Item: 9b

CITY OF CLAYTON

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CHIEF OF POLICE

DATE: AUGUST 19, 2008

SUBJECT: CONSIDER THE INTRODUCTION AND FIRST READING OF A PROPOSED ORDINANCE ADDING SECTIONS 10.36.320 AND 10.04.155 TO TITLE 10 OF THE CLAYTON MUNICIPAL CODE TO PROHIBIT PARKING IN PUBLIC PARKING FACILITIES BETWEEN THE HOURS OF ONE A.M. AND FOUR A.M.

RECOMMENDATION

1) Receive the staff report; 2) Receive public comment; 3) Motion to have the City Clerk read the Ordinance No. 418 by title and number only and waive further reading; and 4) Following the City Clerk's reading, a motion to approve Ordinance No. 418 for Introduction and First Reading.

BACKGROUND

When the City of Clayton incorporated in 1964, Title 10 of the Clayton Municipal Code was established in order to address parking issues that occur within the City's limits. Since its inception the Municipal Code has been amended on several occasions to address changing and different parking issues that have occurred over time.

DISCUSSION

With the increase of residential development occurring near City owned public parking facilities, staff has noticed an increase in the number of vehicles that utilize City owned public parking facilities for overnight parking and storage of privately owned vehicles. There could be several reasons for this activity. First, the majority of these residences have little or no off-street parking, except for their garages, or short driveways. Secondly, many of the home owners may have two to three vehicles, or recreational vehicles and boats. Lastly, many residential garages have dedicated space to storage instead of vehicle parking.

In order to prevent an increasing practice of overnight parking and storage of vehicles in City owned parking lots, it is necessary to limit times for parking in these facilities. By restricting parking between the hours of 1am to 4am, the practice of overnight parking and storage of privately owned vehicles could be prevented. If the proposed additions (Attachment) to the *Clayton Municipal Code* are adopted it would provide the police department with an effective enforcement tool to mitigate illegal overnight parking and storage of vehicles. In addition, the police department's enforcement philosophy would include an educational approach for first time violators of the new *Municipal Code* section with either verbal warnings or letters left with the unattended vehicle. Written citations could be issued for future repeat violators involving the same privately owned vehicles. The penalty for a violation of this section has not been set at this time. If the City Council adopts this new section for parking restrictions, staff will recommend an appropriate penalty (monetary citations) at a subsequent City Council meeting.

FISCAL IMPACT

Fiscal impact to the City is unknown at this time. However, if *Clayton Municipal Code* Section 10.36.320 is added and adopted, there would be nominal expenses incurred when issuing warnings or issuing citations for repeat violators. Staff estimates that revenue from parking fines returned to the City would be minimal.

Attachments: Attachment- Proposed Ordinance [3 pp.]

CITY OF CLAYTON
Founded 1857 . Incorporated 1964

Agenda Date: 9-2-08

Agenda Item: 4d

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 02 SEPTEMBER 2008

SUBJECT: CONSIDERATION OF PROPOSED GENERAL BUSINESS RESOLUTIONS 2008 ANNUAL CONFERENCE, LEAGUE OF CA CITIES

RECOMMENDATION

It is recommended the City Council consider and provide direction (as necessary) as to the Clayton City Council's written position on the four (4) general business resolutions submitted for action at the General Assembly during the 2008 Annual Conference of the League of CA Cities (September 24th – 27th).

BACKGROUND

Each year the membership of the League of CA Cities assembles in an annual conference to consider matters of municipal and local concern within the state of California. Issues are discussed and debated in various forums and workshop sessions, general meetings, and departmental meetings of elected and appointed city officials. Delegates at the Conference receive and share a wide variety of information and news about the latest technologies available to cities. They also examine state legislation and laws/practices employed by other cities to enhance the effectiveness of their public agencies to improve the quality of life for its citizens and businesses.

The League's Annual Conference culminates in a General Assembly wherein matters of legislative and policy concerns are voted on to direct the course of work and affairs in the ensuing year for the League of CA Cities. Each city in California with a delegate in attendance at the Conference gets one (1) vote to cast in behalf of its city on each general resolution submitted before the General Assembly.

Due to recurring State "takeaways" of local revenues to balance its budget in prior years (running total of $4.5 million) coupled with hovering threats of more State "takeaways" and downturns in our own local revenues, the City slashed many expenses in order to balance its local budget for FY 2008-09. One of the programs reduced to nil was employee and elected official attendance at select training workshops and seminars, and sending its Voting Delegate to this annual League Business Conference. While the overall saving for the Conference attendance is minimal (approx. $1,200 per person), the elimination of this expense is truly symbolic of our City's tight fiscal picture and our commitment to provide essential public services to our community as its first priority. It must be noted the vast majority of cities in California will still be in attendance at the League Conference (with multiple city officials), despite universal budget woes, as City representation at this training and networking conference is indeed valuable.

At its August 19th meeting, the City Council reaffirmed its budget-balancing decision to forego sending a Voting Delegate. However, opportunity to communicate the City Council's position on the known General Resolutions may still be effected by written communication to the League of CA Cities. Therefore, the matter has been placed on the Council agenda for consideration of the four (4) General Resolutions.

PROPOSED GENERAL RESOLUTIONS

The General Assembly will meet in its Annual Business Session on Saturday morning, September 27th (8:30 a.m.) to consider the filed general resolutions. "Petition Resolutions" may also surface at the Conference itself by delegates over the four (4) days, and authorized delegates must critique such general resolutions while in attendance at the Business Session. At this time, four (4) general resolutions have been tendered for General Assembly action.

The four (4) General Resolutions submitted for consideration at this time are:

A. ADMINISTRATIVE SERVICES POLICIES

1. *Resolution relating to League Bylaws Amendments* (2/3rds approval required).

   Various technical amendments and additions to the bylaws are proposed, which will: a) clarify how each city's population is determined for membership dues assessments and eligibility for Board of Director's seats; b) clarify the grounds for finding a directorship has become vacant; c) clarify the effective date of a vacancy from League office; and d) make other minor technical amendments.

   Of most interest is this proposal will grant representation on the League Board of Directors to special interest Caucuses affiliated with the League of CA Cities. Presently, there are four (4) caucuses recognized by the League Board: 1) African-American Caucus; 2) Asian Pacific Islander Caucus; 3) Gay Lesbian Bisexual Transgender Local Officials Caucus; and 4) Latino Caucus.

Currently, the League Board of Directors is comprised of 47 seats (representations) plus 5 officers (total: 52-member Board). While initially it may seem reasonable to a member of each Caucus to have special representation on the Board, is it not also reasonable to expect that out of 52 opportunities for city officials statewide to serve on the Board, a Caucus' individual interest is already represented or served? Further question arises as to how many other unique caucuses would be formed thereafter in order to receive automatic representation on the League Board (e.g. Pro-Life Caucus; Gun Owners' Caucus). An interesting policy question.

B. COMMUNITY SERVICES POLICIES

1. *Resolution relating to the 2-1-1 California Telephone Service*

The statewide 9-1-1 telephone system is the primary communication access to police and fire emergency responders for property and life threatening situations. However, increasingly this system is burdened daily by non-emergency callers seeking information related to human and community service needs, or road closure, evacuation, sheltering and recovery resources during disasters. The California 2-1-1 telephone system offers an alternative source of information for these types of calls and provides corresponding relief to dispatch centers and dispatchers as personnel concentrate on true emergency calls.

This Resolution calls for League support of the 2-1-1 telephone system and instructs the League to collaborate with state and regional partners to promote the service throughout California. Contra Costa County is presently served by the 2-1-1 system; for the first time this year, cities were asked to financially contribute. Due to severely-constrained budgets, proposed annual allocations by many cities were deferred to future budgets ($2,000 cost to Clayton; $190,000 desired from all cities and county).

C. ENVIRONMENTAL QUALITY POLICIES

1. *Resolution in support of extension of the federal Section 45 Production tax Credit.*

State law mandates that electric power generation by utility companies from renewable power sources are to be 20% by 2010 and 33% by 2020. The federal tax credit offered to attract capital investments to develop biomass power plants (Section 45) is due to expire on 31 December 2008 unless extended by Congress and the President. This Resolution supports the extension.

2. *Resolution relating to comprehensive Statewide Water Infrastructure Plan.*

Emerging from the South San Joaquin Valley Division of the League, the Resolution declares that California's growing water crisis is largely due to aging, decaying and inadequate infrastructure and associated fishery habitat and related environmental concerns. Citing the State Water Project directly supports a $300 billion share of the California annual economy, reliable and affordable water supplies that can meet present and future state needs are essential. The Resolution urges the League to support the State of California in efforts to implement a comprehensive statewide water infrastructure improvement plan.

FISCAL IMPACT

There is no direct impact to the City of Clayton, its operations or financial condition, relative to these General Resolutions being proposed for the 2008 Annual Conference of the League of CA Cities.

Respectfully submitted,

Gary A. Napper
City Manager

Attachments: 1. General Resolutions Packet – 2008 Annual Conference [19 pp.]

1400 K Street
Sacramento, CA 95814
PH: (916) 658-8200
FX: (916) 658-8240

LEAGUE OF CALIFORNIA CITIES

www.cacities.org

August 5, 2008

TO: Mayors, City Managers and City Clerks
League Board of Directors
General Resolutions Committee Members
Members, League Policy Committees to Which Resolutions Are Referred

RE: Annual Conference Resolutions Packet
Notice of League Annual Meeting

Enclosed please find the 2008 Annual Conference Resolutions packet.

Annual Conference in Long Beach. This year's League Annual Conference will be held September 24-27 at the Long Beach Convention Center. The conference announcement has previously been sent to all cities and we hope that you and your colleagues will be able to join us. More information about the conference is available on the League's Web site at www.cacities.org/ac. We look forward to welcoming city officials to the conference.

Annual Business Meeting - Saturday, September 27, 8:30 a.m. The League's Annual Business Meeting will be held at the Long Beach Convention Center, Grand Ballroom.

Resolutions Packet. At the Annual Conference, the League will consider the four resolutions introduced by the deadline, Friday, July 25, 5 p.m., for submittals by regular mail, or Saturday, July 26, midnight, for submittals by email or fax. These resolutions are included in this packet. We request that you distribute this packet to your city council.

We encourage each city council to consider the resolutions and to determine a city position so that your voting delegate can represent your city's position on each. A copy of the resolutions packet is posted on the League's website for your convenience: www.cacities.org/resolutions.

This resolutions packet contains additional information related to consideration of the resolutions at the Annual Conference. This includes the date, time and location of the meetings at which resolutions will be considered.

Voting Delegates. Each city council is encouraged to designate a voting delegate and two alternates to represent their city at the Annual Business Meeting. A letter asking city councils to designate their voting delegate and two alternates has already been sent to each city. Copies of the letter, voting delegate form, and additional information are also available at: www.cacities.org/resolutions.

Please Bring This Packet to the Annual Conference
September 24 - 27 — Long Beach

I.
INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: This year, four resolutions have been introduced for consideration by the Annual Conference and referred to the League policy committees. The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

POLICY COMMITTEES: Five policy committees will meet at the Annual Conference to consider and take action on resolutions referred to them. They are: Administrative Services; Community Services; Environmental Quality; Housing, Community and Economic Development; and Public Safety. The committees will meet on Wednesday, September 24, at the Hyatt Regency Hotel, located next to the Long Beach Convention Center. Please see page iii for the policy committee meeting schedule. The sponsors of the resolutions were notified of the time and location of the meetings.

In addition, two policy committees will meet at the Annual Conference even though a resolution was not referred to them: Employee Relations, and Revenue and Taxation. One committee will not meet at the Annual Conference: Transportation, Communication & Public Works.

GENERAL RESOLUTIONS COMMITTEE will meet at 1:30 p.m. on Friday, September 26, at the Long Beach Convention Center, Rooms 203 B/C, to consider the reports of the five policy committees regarding the four resolutions. This committee includes one representative from each of the League's regional divisions, functional departments, standing policy committees, as well as other individuals.

ANNUAL BUSINESS MEETING AND GENERAL ASSEMBLY will be held at 8:30 a.m. on Saturday, September 27, at the Long Beach Convention Center, Grand Ballroom.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Session of the General Assembly. This year, that deadline is 8:30 a.m., Friday, September 26. If the petitioned resolution is substantially similar in substance to a resolution already under consideration, the petitioned resolution may be disqualified by the General Resolutions Committee.

Resolutions can be viewed on the League's Web site: www.cacities.org/resolutions.

Any questions concerning the resolutions procedure may be directed to Linda Welch Hicks at the League office: lhicks@cacities.org or (916) 658-8224.

II.
GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities and the League is through the League's eight standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.

2. The issue is not of a purely local or regional concern.

3. The recommended policy should not simply restate existing League policy.

4. The resolution should be directed at achieving one of the following objectives:

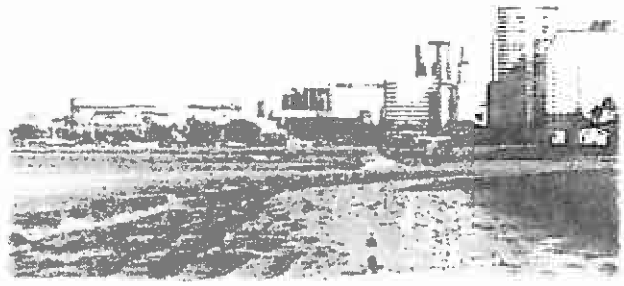
   (a) Focus public or media attention on an issue of major importance to cities.

   (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the Board of Directors.

   (c) Consider important issues not adequately addressed by the policy committees and Board of Directors.

   (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

III.
LOCATION OF MEETINGS



Policy Committee Meetings
Wednesday, September 24, 2008
Hyatt Regency Hotel
(Located next to the Long Beach Convention Center)
200 South Pine Street
Long Beach, CA 90802

POLICY COMMITTEES MEETING AT ANNUAL CONFERENCE
(NOTE: * Indicates the committees with a resolution referred to them.)

10:00 a.m. - Noon

* **Administrative Services** – Regency A
* **Environmental Quality** – Regency B/C

Revenue and Taxation – Beacon Ballroom

* **Housing, Comm. & Econ. Dev.** – Regency D/E/F

12:30 - 2:30 p.m.

* **Community Services** – Regency A

Employee Relations – Regency B/C

* **Public Safety** – Beacon Ballroom

Note: Transportation, Communication & Public Works will NOT meet at the Annual Conference.

General Resolutions Committee
Friday, September 26, 2008, 1:30 p.m.
Long Beach Convention Center (Rooms 203 B/C)
300 E. Ocean Blvd *(Corner of Pine Ave. and Shoreline Blvd.)*
Long Beach, CA 90802

Annual Business Meeting and General Assembly
Saturday, September 27, 2008, 8:30 a.m.
Long Beach Convention Center (Grand Ballroom)
300 E. Ocean Blvd *(Corner of Pine Ave. and Shoreline Blvd.)*
Long Beach, CA 90802

IV.
KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned. Please note that two resolutions have been assigned to more than one committee. These resolutions are noted by this sign (◆).

Number	Key Word Index	Reviewing Body Action 1	2	3

1 - Policy Committee Recommendation to General Resolutions Committee
2 - General Resolutions Committee
3 - General Assembly

ADMINISTRATIVE SERVICES POLICY COMMITTEE

		1	2	3
1	League Bylaws Amendments			

COMMUNITY SERVICES POLICY COMMITTEE

		1	2	3
◆2	2-1-1 California Telephone Service			

ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
3	Extension of Federal Section 45 Production Tax Credit			
◆4	Comprehensive Statewide Water Infrastructure Plan			

HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT POLICY COMMITTEE

		1	2	3
◆4	Comprehensive Statewide Water Infrastructure Plan			

PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
◆2	2-1-1 California Telephone Service			

Please note: Some Policy Committees without resolutions will still meet. Notification will be mailed to all committee members. Information will also be posted on each committee's page on the League Web site: www.cacities.org.

RESOLUTIONS INITIATED BY PETITION AT THE ANNUAL CONFERENCE

		General Resolutions Committee Recommendation	General Assembly Action

KEY TO ACTIONS TAKEN ON RESOLUTIONS *(Continued)*

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

Action Footnotes

* Subject matter covered in another resolution

** Existing League policy

*** Local authority presently exists

KEY TO ACTIONS TAKEN

A - Approve

D - Disapprove

N - No Action

R - Refer to appropriate policy committee for study

a - Amend

Aa - Approve as amended

Aaa - Approve with additional amendment(s)

Ra - Amend and refer as amended to appropriate policy committee for study

Raa - Additional amendments and refer

Da - Amend (for clarity or brevity) and Disapprove

Na - Amend (for clarity or brevity) and take No Action

W - Withdrawn by Sponsor

Procedural Note: Resolutions that are approved by the General Resolutions Committee, as well as all qualified petitioned resolutions, are reported to the floor of the General Assembly. In addition, League policy provides the following procedure for resolutions approved by League policy committees but *not* approved by the General Resolutions Committee:

Resolutions initially recommended for approval and adoption by all the League policy committees to which the resolution is assigned, but subsequently recommended for disapproval, referral or no action by the General Resolutions Committee, shall then be placed on a consent agenda for consideration by the General Assembly. The consent agenda shall include a brief description of the basis for the recommendations by both the policy committee(s) and General Resolutions Committee, as well as the recommended action by each. Any voting delegate may make a motion to pull a resolution from the consent agenda in order to request the opportunity to fully debate the resolution. If, upon a majority vote of the General Assembly, the request for debate is approved, the General Assembly shall have the opportunity to debate and subsequently vote on the resolution.

V

2008 ANNUAL CONFERENCE RESOLUTIONS

RESOLUTION REFERRED TO ADMINISTRATIVE SERVICES POLICY COMMITTEE

1. RESOLUTION RELATING TO LEAGUE BYLAWS AMENDMENTS (2/3 vote at General Assembly required to approve)

Source: League Board of Directors
Referred to: Administrative Services Policy Committee
Recommendation to General Resolutions Committee:

WHEREAS, the League of California Cities is a nonprofit mutual benefit corporation under California law and, as such, is governed by corporate bylaws; and

WHEREAS, the League's Board of Directors periodically reviews the League's bylaws for issues of clarity, practicality, compliance with current laws, and responsiveness to membership interests; and

WHEREAS, the League's Board of Directors has recognized four diversity groups, commonly referred to as caucuses, as follows: African-American Caucus, Asian-Pacific Islander Caucus, Gay Lesbian Bisexual Transgender Local Officials Caucus, and Latino Caucus; and

WHEREAS, the leadership of the four caucuses have requested that they each be given a seat on the Board of Directors to help ensure that the Board and the League as an organization continue to reflect California's diversity, and to help ensure that the Board will reflect each caucus's unique community within the League; and

WHEREAS, League staff and the Board's Executive Committee have identified various technical amendments and additions to the bylaws that: a) clarify how each city's population is determined for purposes of assessing dues and determining eligibility for Board seats, b) clarify the grounds for finding a directorship that has become vacant, c) clarify the effective date of a vacancy from League office, and d) make various minor technical amendments; and

WHEREAS, the League's Board offers amendments and additions to the following sections of the bylaws for the membership's consideration:

1. Article IV, Section 1: Establishment of Dues
2. Article VII, Sections 2(e), (g) and (h): Composition of Board of Directors
3. Article VII, Section 3(a)(ii): Board of Directors Terms
4. Article VII, new subsection 4(f): Caucus Directors
5. Article VII, new subsection 6(f): Grounds for Vacancy in Directorship
6. Article X, section 1(a): Listing of Existing Departments
7. Article XII, Section 2(b): Effective Date of Vacancy from League Office;

now, therefore, be it

RESOLVED, by the General Assembly of the League of California Cities assembled in Annual Conference in Long Beach, September 27, 2008, that the League include a representative from each League diversity group caucus on the Board of Directors and make the other technical additions and amendments to the League's bylaws by amending the above-referenced sections of the League bylaws, as indicated on Attachment A.

[Please see ATTACHMENT A, following background information, for text of proposed bylaws amendments.]

/////////

Background Information on Resolution No. 1

Source: League Board of Directors
Title: Resolution Relating to League Bylaws Amendments

Background

In response to requests received from the chairs of the League's four diversity groups, the League Executive Committee, with the concurrence of the League Board of Directors, is recommending that the League's bylaws be amended to authorize one Director from each League diversity groups (or "caucus") for a two-year term. The League has had caucuses since the early 1990s, and they have grown into important parts of the lifeblood of the organization. They routinely organize training and other events of importance to the League, and they do so in a way that complements the programming of the overall League.

Despite their ongoing involvement in helping accomplish the goals of the League, the caucuses are the only League subunits that are not represented on the board of directors. The Executive Committee and League Board agree it is time for this to change, and the attached amendments would implement the addition of one board member from each caucus, under certain terms and conditions.

In addition, some unrelated technical amendments have been accruing since the last amendments to the bylaws in 2007, and they have been included as well.

Overview of the Proposed Bylaws Amendments

Population Information. Currently, Article IV, Section 1 provides that the Board may establish dues annually according to city population, and that city population is determined by the State Controller's population figures for making the most recent allocation of subventions to cities. In order to obtain more accurate population numbers for determining dues, the amendment provides that city population be that population as determined by the Department of Finance Demographic Unit and that the Board be allowed to adopt a different method for determining city population upon the recommendation of the Executive Director.

Caucuses. This provision would place a representative of each of the League's four diversity groups, or caucuses, by recommendation of each caucus president of an officer of the caucus to the Executive Committee and later approval by the state league board. In order to be eligible to nominate a caucus officer to serve on the board, the League's Executive Director must certify that the caucus has received formal recognition by the League Board, that the caucus is open to all elected and appointed officials, and that the caucus is operating in full compliance with the League's Bylaws and all League Board-adopted policies. The initial terms for the first Director appointments from the caucuses will be staggered with two Directors appointed to an initial term of one-year and two Directors appointed to an initial term of two-years. The initial term for each Director will be determined by a random drawing.

Large City Representatives. Article VII, section 2(f) provides that the eight largest cities may designate a Director for a two-year term. This section is amended to provide that the mayors of the eight largest cities may designate a Director. This is consistent with board policy and city practice.

Population Information. Currently, Article VII, Section 2 provides that the population of the eight largest cities shall be determined by the State Controller's population figures for making the most recent allocation of subventions to cities. In order to obtain more accurate population numbers for this purpose, the amendment provides that city population be that population as determined by the Department of Finance Demographic Unit and that the Board be allowed to adopt a different method for determining city population upon the recommendation of the Executive Director.

Timing of Election of Desert-Mountain Division Officers. Currently the League board representative from the Desert Mountain Division is elected in odd-numbered years. This is proposed to be changed by the officers of the Division, who believe changing to even-numbered years will put the election process on a schedule that balances with the political timetable in their counties.

Caucus Directors. A new section is proposed to be added to provide that caucus directors will be recommended by their respective caucus presidents to the Board's Executive Committee and approved by either the Board or the Executive Committee. The new section further provides that the proposed Board member from each caucus be a current elected mayor or council member.

Grounds for Vacancy. Under the current bylaws, it is clear a vacancy occurs when an official resigns or leaves their official office, but there are no provisions for a vacancy for violation of league bylaws or the policies of the board. This amendment simply clarifies that a vacancy in a directorship shall occur due to resignation, by vacating an elective or appointive office, or by noncompliance with the League bylaws or the rules of the board.

Department Renaming. Article X, Section 1(a) lists the names of the 11 functional departments of the League. The amendment provides that "Recreation, Parks, and Community Services" be changed to read "Community Services" to reflect the Board-approved name change.

Effective Date of Vacancy Caused by Leaving City Service. Currently, Article XII, Section 2(b) provides that the effective date of a vacancy caused by an officer leaving city service is 3 months after the officer ceases to hold the city office. The proposed amendment to this subsection provides that a vacancy becomes effective upon the date the officer ceases to hold the city office. It also proposes that the Board may approve a written request from the officer to remain in office beyond the effective date of the vacancy for a period not to exceed 3 months from the effective date except that, upon a finding of good cause, the Board is authorized.to allow an officer to remain in office for a longer period.

ATTACHMENT A

Amendments to League Bylaws Proposed by Resolution 1
Changes indicated by **bold ~~strikeout~~ and underlining**

Please review in conjunction with summary provided in background information of Resolution 1

Article IV: Dues

Section 1: Establishment.

The League Board establishes the League's dues annually according to city population. The population of each city is the **most current** population **~~used by the State Controller in making the most recent allocation of subventions to cities~~** **as determined by the California Department of Finance, Demographic Research Unit, or its successor agency or unit. Upon the recommendation of the Executive Director, the League Board may approve an alternative method for determining city population than is set forth in this Section.**

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Article VII: Board of Directors

Section 2: Composition.

The League's Board is composed of the following:

(a) A President, First Vice-President and Second Vice-President/Treasurer, who each serve a term of one year;[1]

(b) The Immediate Past President who serves for a term of one year, immediately succeeding his or her term as President;

(c) Ten Directors-at-Large,[2]

(i) Who serve staggered two-year terms, and

(ii) At least one of whom is a representative of a small city with a population of 10,000 or less.

(d) One Director to be elected from each of the regional divisions and functional departments of the League, each of whom serves for a term of two years;

(e) One Director who is an officer of each League diversity group ("caucus") for a two-year term who is recommended by the president of each caucus to the League Executive Committee and approved by the League Board, provided that the League's Executive Director has certified that the caucus has received formal recognition by the League Board, that the caucus is open to all elected and appointed officials, and that the caucus is operating in full compliance with the League's Bylaws and all League Board-adopted policies. The initial terms for the first Director appointments from the caucuses will be staggered with two Directors appointed to an initial term of one year and two Directors

[1] *See* Article VIII §3 for information about officer elections.

[2] *See* Article VII, §§ 4 and 5 for information about Director-at-Large elections. *See also* Article VII, § 6(c) relating vacancies of at-large directorships.

__appointed to an initial term of two years. The initial term for each Director will be determined by a random drawing.__

(**__f__** ~~e~~) Members of the National League of Cities Board of Directors who hold an office in a Member City; and

(**__g__** ~~f~~) Eight Directors ~~**which**~~ **__that__** may be designated by **__the mayors of__** each of the eight largest cities in California to serve two-year terms.

(**__h__** ~~g~~) **__For purposes of this section, the population of each city is the most current population as determined by the California Department of Finance, Demographic Research Unit, or its successor agency or unit. Upon the recommendation of the Executive Director, the League Board may approve an alternative method for determining city population than is set forth in this Section.__** ~~**For purposes of this section, city populations will be the population figures used by the State Controller in making the most recent allocation of subventions of cities.**~~

(**__i__** ~~h~~) Directors hold office until their successors are elected and qualified or, if they sit on the League Board by virtue of their membership on the National League of Cities Board of Directors, until their terms on the National League of Cities Board of Directors conclude.

Section 3: Staggered Terms.

The terms of the Directors are staggered, so that the terms of approximately one-half of the members of the League Board expire each year.

(a) Even-Numbered Year Terms. The following directorship terms expire in even-numbered years:

(i) Departments. Directors from the Fiscal Officers, Public Works Officers, Mayors and Council Members, Planning and Community Development, Fire Chiefs, and City Clerks departments;

(ii) Divisions. Directors from the Central Valley, **__Desert-Mountain__**, Imperial County, Monterey Bay, North Bay, Orange County, Redwood Empire, Sacramento Valley and San Diego County divisions; and

(iii) At Large. Directors from five of the ten at-large directorships.

(b) Odd-Numbered Year Terms. The following directorship terms expire in odd-numbered years:

(i) Departments. Directors from the City Attorneys, City Managers, Police Chiefs, Recreation, Parks and Community Services, and Personnel and Employee Relations departments;

(ii) Divisions. Directors from the Channel Counties, Inland Empire, ~~**Desert Mountain**~~, East Bay, Los Angeles County, Peninsula, Riverside County and South San Joaquin Valley divisions; and

(iii) At Large. Directors from five of the ten at-large directorships.

Section 4: Election of Directors.

(a) Functional Department Directors. Unless their respective functional department bylaws provide otherwise, Departmental Directors are elected by their respective departments at the Annual Conference.

(b) Regional Division Directors. Unless their respective regional division bylaws provide otherwise, Regional Directors are elected at the regional division meeting immediately preceding the Annual Conference.

(c) At-Large Directors. Directors-at-Large are elected by the League Board at its organization meeting.

(d) Commencement of Terms. The term of office of all newly elected Directors commences immediately on the adjournment of the Annual Conference; however, the newly constituted League Board may meet prior to the adjournment of the Annual Conference for the purpose of organization.

(e) Additional Directors. In the event of the creation of additional regional divisions or functional departments of the League, each regional division or functional department may elect a representative to the League Board. When a new functional department or regional division is created at any Annual Conference, the League Board may select a Director to represent such functional department or regional division until the entity organizes and elects a Director in the regular manner. The League Board may fix the initial term of any such Director from a new regional division or functional department at either one or two years, so as to keep the number of terms expiring on alternate years as nearly equal as possible.

(f) Caucus Directors. Caucus Directors shall be recommended by the respective caucus presidents to the League Executive Committee and approved by the League Board of Directors or its Executive Committee. Each Caucus Director shall be a current or former caucus officer and a current elected mayor or council member.

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Section 6: Vacancies.[3]

(a) Functional Departmental Directorships. In the event of a vacancy in a functional departmental directorship, the president of the department may become a member of the League Board or may appoint a member of his or her department to fill the vacancy.

(b) Regional Division Directorships. If a vacancy occurs in the regional division directorship, the regional division in question may elect a new Director at the next regular meeting of the regional division.

[3] Note that League Board officer vacancies are filled as provided in Article VIII, section 4

(c) **At-Large Directorships.** If a vacancy occurs in an at-large directorship, the League Board may elect a new Director to fill the vacancy at the next regular board meeting. The League president may nominate individuals for consideration by the League Board.

(d) **Large City Directorships.** In the event of a vacancy in a large-city seat, that large city may designate a new representative.

(e) **Terms.** The person elected or appointed to fill a vacancy holds office for the remainder of the term of the office in question (see Article VII, section 3).

(f) Grounds for Vacancy. A vacancy in a directorship shall occur due to resignation, a vacancy in elective or appointed office held by the director, or if the League Board determines the department, division, or caucus that elected the director, or an appointed director, is not complying with these bylaws or the policies of the League Board.

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Article X: Functional Departments

Section 1: Listing.

(a) **Existing Departments.** The League includes the following functional departments:

Mayors and Council Members
City Attorneys
Fiscal Officers
Public Works Officers
City Managers
Planning and Community Development
Police Chiefs
Fire Chiefs
~~Recreation, Parks and Community Services~~ Community Services
City Clerks
Personnel and Employee Relations

(b) **New Departments.** Additional functional departments may be formed through an amendment to these bylaws (Article XVI).

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Article XII: Qualifications to Hold Office and Vacancies

Section 2: Vacancies.

(a) Vacancy Defined. A League office becomes vacant when an individual resigns, misses three consecutive convened meetings or leaves city service.[4]

[4] *See also* Cal. Corp. Code §7221 (board may declare a director's seat vacant if a court declares the director of unsound mind or the director has been convicted of a felony).

(b) **Effective Date of Vacancy Caused by Leaving City Service.** The effective date of a vacancy caused by a departure from city service is ~~**three months (92 days) after**~~ **the date** an individual ceases to occupy the same or comparable city office as the individual had when the individual was elected or appointed to League office. **Upon written request of the individual, the League Board may allow the individual to continue in the League office for a period not to exceed 3 months from the effective date of the vacancy, which time period may be extended by the Board upon a finding of good cause.**

(c) **Effective Date of Resignations.** For the effective dates of resignations, see Article VII, section 7 (effective date of League Board resignations), Article IX, section 8 (effective date of regional division officer resignations), and Article X, section 2(f) (effective date of department officer resignations).

(d) **Filling Vacancies.** Vacancies will be filled as provided in these bylaws, see Article VII, section 6 (filling League Board vacancies), Article IX, section 7(d) (filling regional division officer vacancies), and Article X, section 2(d) (filling functional department officer vacancies).

(e) **Successor Terms.** An individual filling a vacancy serves the unexpired term of his or her predecessor

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RESOLUTION REFERRED TO COMMUNITY SERVICES POLICY COMMITTEE

◆2. RESOLUTION RELATING TO THE 2-1-1 CALIFORNIA TELEPHONE SERVICE

Source: Public Safety Policy Committee
Referred to: Community Services Policy Committee and Public Safety Policy Committee
Recommendation to General Resolutions Committee:
◆ Community Services Policy Committee:
◆ Public Safety Policy Committee:

WHEREAS, every hour of every day, someone in California seeks essential human and community services from the more than 1.5 million non-profit organizations in the United States, whether it is to find an after-school program, secure adequate care for a child or an aging parent, or connect with financial management or job training services; and

WHEREAS, with numerous agencies and help-lines, Californians may not know where to turn for assistance and could go without necessary services because they are unable to find help; and

WHEREAS, in times of disaster, demand increases dramatically for the most up-to-the-minute information on road closures, evacuations, shelters, and recovery resources, creating an additional burden on emergency response personnel and 9-1-1 telephone systems; and

WHEREAS, an alternate public information resource for non-emergency, human and community services needs would reduce the number of inappropriate calls to 9-1-1, alleviating demand on emergency response agencies; and

WHEREAS, the 2-1-1 California telephone service provides an easy to remember telephone number with free access to information 24 hours a day, 7 days a week, in over 100 languages, and connects people with important human and community services including rent assistance, food banks, affordable housing, health resources, child and elderly care, financial literacy and job training programs; and

WHEREAS, the 2-1-1 California telephone service facilitates the availability of a single repository where comprehensive information is collected, maintained, and updated regularly, reducing costs and duplication of efforts; and

WHEREAS, the reliable, consistent information provided through the 2-1-1 California telephone service helps to better assess the needs of California's communities and to immediately mobilize resources toward those needs; now, therefore, be it

RESOLVED, by the General Assembly of the League of California Cities assembled at the Annual Conference in Long Beach, September 27, 2008, that the League supports the 2-1-1 California telephone service as a non-emergency, human and community services and disaster information resource; and, be it further

RESOLVED, that the League of California Cities will collaborate with state and regional partners to continue the promotion of the 2-1-1 California telephone service throughout California.

/////////

Background Information on Resolution No. 2

Source: Public Safety Policy Committee
Title: Resolution Relating to the 2-1-1 California Telephone Service

Background:

The 2-1-1 California Partnership is seeking to establish local and statewide partners as they pursue their mission to create and sustain a statewide network that brings together high-quality local and 2-1-1 call centers and provides benefits beyond what is possible independently. Currently the 2-1-1 telephone system exists on a county-by-county basis, with 18 currently active systems operating. Nationally, the 2-1-1 telephone system covers all or part of 40 states plus Washington D.C. and Puerto Rico, serving over 62% of the United States population.

In regards to disaster planning and response, the 2-1-1 California system effectively diverts non-emergency calls from 9-1-1, reducing expense and alleviating call volumes for first-responder agencies. During the 2007 San Diego area firestorms, the 2-1-1 Southern California system handled more than 130,000 calls in the five days following the outbreak of the fires and is credited with providing vital, localized information on road closures, emergency shelters, and how to locate disaster relief supplies.

Integrated 100% statewide coverage is essential for reaping the full benefits of 2-1-1 in California. This includes continuous high-quality service during disasters, consistent information about services anywhere in the state, and reduced costs from creating and maintaining new statewide 800 numbers to promote human services.

2-1-1 California system is operated by certified call professionals, trained to provide personal assistance to the caller and is available 24 hours a day, seven days a week. Services are provided in the caller's language through bilingual staff and tele-interpreting services and callers are linked to local human service organizations that can give immediate help in areas such as suicide prevention, senior services, family counseling, child care, or volunteerism.

California currently invests $14 million annually in community-based comprehensive information and referral services, with a major local program funding from counties, First 5, United Way, and private foundations to supplement awarded grant monies. It is estimated that achieving the statewide integrated system will cost $2 million in infrastructure and data integrations and network, with an annual estimated operating cost of $30 million. However, this telephone system is also projected to save nearly an equal amount through streamlined service operations, facilitating access to health and human services programs, and providing coordinated disaster response information.

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RESOLUTIONS REFERRED TO ENVIRONMENTAL QUALITY POLICY COMMITTEE

3. RESOLUTION IN SUPPORT OF EXTENSION OF THE FEDERAL SECTION 45 PRODUCTION TAX CREDIT

Source: City of Fort Bragg
Referred to: Environmental Quality Policy Committee
Recommendation to General Resolutions Committee:

WHEREAS, the State of California Renewable Portfolio Standard (RPS) law mandates that electric power generation goals for utility companies are 20% by 2010 and 33% by 2020 from renewable sources; and,

WHEREAS, biomass power plants create electric power from renewable sources like forestry practices, timber product manufacturing, agricultural trimmings and urban wood waste; and,

WHEREAS, the federal Section 45 Production Tax Credit is due to expire on December 31, 2008, unless extended by Congress and the President, and this federal tax measure is essential to attracting capital to develop biomass power plants; now, therefore, be it

RESOLVED, by the General Assembly of the League of California Cities, assembled in Annual Conference in Long Beach, September 27, 2008, that the California Congressional Members and the President of the United States are urged to extend the federal Section 45 Production Tax Credit, as it has done five times in past years, beyond December 31, 2008; and, be it further

RESOLVED, that a copy of this resolution be provided to the President of the United States, to U.S. Senators Boxer and Feinstein and to each Member of Congress from the State of California.

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◆4. RESOLUTION RELATING TO COMPREHENSIVE STATEWIDE WATER INFRASTRUCTURE PLAN

Source: South San Joaquin Valley Division
Referred to: Environmental Quality Policy Committee and Housing, Community & Economic Development Policy Committee
Recommendation to General Resolutions Committee:
◆ Environmental Quality Policy Committee:
◆ Housing, Community and Economic Development Policy Committee:

WHEREAS, adequate, reliable and affordable supplies of high-quality water are the most vital need of all Californians and the many cities in which they live; and

WHEREAS, water is also essential in sustaining the economic activity that supports California's existing population, as well as its anticipated growth; and

WHEREAS, the water supplies upon which millions of Californians depend for beneficial municipal, business, industrial and agricultural uses are at risk because of court-ordered water pumping export reductions for Sacramento-San Joaquin Bay-Delta Estuary endangered species protection, other environmental protection demands and mandates, as well as the effects of drought; and

WHEREAS, curtailments in water supplies, without exception, result in decreased economic activity, which quickly leads to losses in employment, resulting in family and community hardships and other negative social impacts; and

WHEREAS, California's growing water crisis is largely the result of aging, decaying and inadequate infrastructure and associated fishery habitat and related environmental concerns, particularly within the Sacramento-San Joaquin Bay-Delta Estuary through which much of the state's water supply must pass; and

WHEREAS, the Sacramento-San Joaquin Bay-Delta Estuary is plagued by aging and fragile levees, water quality problems, declining and endangered species, invasive species and other problems adversely affecting its environmental and ecological health; and

WHEREAS, the state is also confronted with the very real potential of climate change which may result in more extended and pronounced drought periods, less snowfall and more rainfall in higher elevations in the mountains, creating more abrupt runoff in mountain rivers and streams that California's existing reservoir system would be inadequate to capture to prevent flooding while sustaining the state's population, as well as economic and social activity during dry periods; and

WHEREAS, California's existing system of surface and groundwater storage facilities is no longer adequate to meet demands posed by a rapidly growing population, and radical swings in water supplies generated by the state's cycles of wet and dry years; and

WHEREAS, despite California's population boom, skyrocketing housing needs and multi-billion-dollar agriculture industry, investments in the state's water system have been woefully inadequate, leaving the state with an aging water infrastructure system that neither meets current demands nor prepares the state for anticipated growth; and

WHEREAS, the well being of the people of California must be protected and enhanced with water supply, quality, safety and conservation consideration that results in a wide-ranging approach to resolving the present water crisis and existing water demands while providing for adequate, reliable and affordable water supplies that can meet future needs; and

WHEREAS, cities of necessity must rely upon the State of California to address broad statewide water problems, needs and demands, while assisting cities with development of conservation and reclamation programs; and

WHEREAS, cities cannot grow without additional water infrastructure improvements; now, therefore, be it

RESOLVED, by the General Assembly of the League of California Cities assembled in Annual Conference in Long Beach, September 27, 2008, that the League support the State in efforts to implement a comprehensive statewide water infrastructure improvement; and, be it further

RESOLVED, that such a comprehensive statewide water infrastructure plan result in immediate resolution to environmental, water supply, infrastructure and water quality problems within the Sacramento-San Joaquin Bay-Delta Estuary to restore water supply certainty for the people of California; and, be it further

RESOLVED, that such a comprehensive program result in longer-term improvements and rehabilitation of California's water infrastructure to provide safe, adequate and reliable water supplies for a growing population; meet future water management needs; solve environmental problems and enhance flood control safety by providing increased conservation and reclamation, infrastructure and conveyance improvements, and increased storage, both above and below ground.

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Background Information on Resolution No. 4

Source: South San Joaquin Valley Division
Title: Resolution Relating To Comprehensive Statewide Water Infrastructure Plan

Background:

California is confronted with a major water crisis caused by a number of converging factors, among which is the state's failure to develop its water supply, conveyance, storage and flood management infrastructure to keep pace with water demands caused by rapidly growing population and expanding residential, business and industrial development. The state also needs to provide for anticipated significant future growth. More people mean a rising need for clean water. The state's population is expected to grow by as much as 30 percent within 20 years, comparable to adding three cities the size of Los Angeles. Without proper planning and adequate conservation, this growth could mean a need for up to 3.8 million additional acre-feet of water per year by 2030.

The situation has been exacerbated over the past several months by a combination of severe drought conditions occurring atop court ordered curtailments in water export supply pumping from the Sacramento-San Joaquin Bay-Delta Estuary to protect the threatened Delta Smelt under the federal Endangered Species Act. Water supplies to many cities have been reduced and strict use limits are having to be imposed upon customers. The Delta provides water to 25 million Californians and must be made healthy and sustainable in the long-term. Aging levees, new development and seismic risks, paired with a long-overdue need for investment and conservation have compromised the Delta's environmental and ecological health. In addition, there's a 66 percent chance that catastrophic Delta flooding will occur within the next 50 years. Such pressures on the Delta compromise its ability to provide safe drinking water and maintain a vibrant ecosystem. Scientists agree that without immediate changes, the Delta will fail as a reliable water source and a healthy estuary.

Further clouding California's long-term water supply outlook are prospects for dramatic changes in precipitation, rain, snow and runoff patterns that may result from climate change. Current weather trends and climate models suggest that California will lose at least 25 percent of its annual snowpack by 2050. More rapid runoff from rain events occurring at higher elevations will require adequate water storage facilities to prevent flooding and provide supplies to sustain Californians during dry periods. At the other extreme, climate models also predict longer and more severe droughts, creating a great need for water reserves that can only be accomplished through additional water storage facilities.

New storage requires balance between groundwater recharge and banking facilities, and new or expanded surface facilities. Numerous areas within California have aquifers capable of storing vast quantities of groundwater. However, percolation required to recharge or bank groundwater is, by its nature, a slow process. It relies upon adequate surface storage to capture runoff from rain and snowmelt events as those discharges from watersheds are occurring because of the impossibility of instantaneously conveying and recharging more than a very small amount of runoff. Failure to capture excess runoff as it is occurring means that much of that water must be released as floodwater and be lost to beneficial human use, increasing flood management problems and flooding threats.

Along with the billions of dollars in economic activity and social benefits provided by adequate and affordable supplies of water in cities and towns across California, the state's water supply system and infrastructure also support an agricultural industry that provides much of the food consumer by Californians and their fellow Americans. Agricultural exports are among the nation's most important tools in foreign trade and are relied upon by nations in all parts of the world. The nation's two most highly productive agricultural counties are Fresno and Tulare. In many parts of the San Joaquin Valley, the effects of drought and supply curtailments resulting from the Endangered Species Act court orders have resulted in hundreds of thousands of acres being fallowed as state and federal agencies have imposed water supply rationing and cuts. Without those crops, food prices in the state will continue to rise and Californians will be forced to rely upon food imported from other states or nations whose protective food safety regulations may not be as strong as those within California.

The State Water Project alone directly supports a $300 billion share of the California economy. A more reliable water supply means that this economy can continue to grow and provide jobs and prosperity for our state.

Such reliability is a centerpiece in a comprehensive water infrastructure program that has been proposed by Governor Schwarzenegger and Senator Feinstein. This plan would provide much of the funding necessary for crucially needed infrastructure repairs and improvements, environmental solutions and habitat improvements, enhanced conservation, and development of needed water supplies.

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RESOLUTION REFERRED TO HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT POLICY COMMITTEE

◆4. RESOLUTION RELATING TO COMPREHENSIVE STATEWIDE WATER INFRASTRUCTURE PLAN

Resolution #4 also referred to Environmental Quality Policy Committee. Please see Environmental Quality section for the resolution and background information.

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RESOLUTION REFERRED TO PUBLIC SAFETY POLICY COMMITTEE

◆2. RESOLUTION RELATING TO THE 2-1-1 CALIFORNIA TELEPHONE SERVICE

Resolution #2 also referred to Community Services Policy Committee. Please see Community Services section for the resolution and background information.

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[NOTE: No resolutions were assigned to the following policy committees: Employee Relations; Revenue and Taxation; and Transportation, Communication & Public Works.]

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