



AGENDA
REGULAR MEETING
* * *
CLAYTON CITY COUNCIL
TUESDAY, May 19, 2009
7:00 p.m.

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

Mayor: Julie K. Pierce
Vice Mayor: Hank Stratford

Council Members
Howard Geller
Joseph A. Medrano
David T. Shuey

- 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 ***
May 19, 2009

7:00 p.m.

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

2. **CLOSED SESSION** – None.

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

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 joint special meeting of the City Council and Planning Commission of April 28, 2009 and regular meeting of May 5, 2009. ([View Here](#))
- (b) Approve Financial Demands and Obligations of the City. ([View Here](#))
- (c) Adopt a Resolution Approving Engineer's Report and Declaring Intention to Levy and Collect Assessments for the Street Lighting Assessment District for Fiscal Year 2009-2010, and Giving Notice of the Notice of the Time and Place for Hearing on the Levy of the Proposed Assessment. ([View Here](#))

5. **RECOGNITIONS AND PRESENTATIONS**

- (a) Proclamation declaring a "Wellness Challenge" in the City of Clayton. ([View Here](#))
- (b) Certificates of Appreciation to Pete Barra and the Clayton Pioneer for their support services preparing advertisements of the 2009 Concerts in The Grove. ([View Here](#))

6. **REPORTS**

- (a) Planning Commission – no meeting held to report.
- (b) Trails and Landscaping Committee – (to be determined; meeting on May 18th)
- (c) City Manager/Staff
- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.
- (e) Other

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 submitting 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 approach the public podium and adhere to the time limit. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked, or may 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 as each item is considered by the City Council.

8. PUBLIC HEARINGS - None.

9. ACTION ITEMS

- (a) Council Member request to discuss the present enrollment of elected City officials in the California Public Employees Retirement System (CalPERS).
(Council Member Medrano) ([View Here](#))

Staff recommendation: Provide policy direction to staff concerning the optional inclusion of elected City officials in CalPERS.

- (b) Council Member request to discuss the frequency of Planning Commission meetings. ([View Here](#))
(Council Member Medrano)

Staff recommendation: Provide policy direction to staff regarding any desired modifications to the frequency of City Planning Commission meetings.

- (c) Consideration of a Resolution finding a severe local fiscal hardship will exist if additional local property tax funds are seized or additional unfunded mandates are enacted by the State of California. ([View Here](#))
(City Manager)

Staff recommendation: Adopt the prepared Resolution.

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

11. ADJOURNMENT– the next regularly scheduled City Council meeting is June 2, 2009.

#

MINUTES
JOINT SPECIAL MEETING
CLAYTON CITY COUNCIL
AND
CLAYTON PLANNING COMMISSION

Agenda Date: 5-19-09

Agenda Item: 4a

TUESDAY, April 28, 2009

1. **CALL TO ORDER & ROLL CALL** – The joint meeting was called to order at 7:02 p.m. by Mayor Pierce and Chairperson Catalano, in Hoyer Hall, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Pierce, Vice Mayor Stratford, Councilmembers Geller, Medrano (arrived at 7:10 p.m.), Councilmember Shuey (arrived at 8:08 p.m.). Councilmembers Absent: None. Planning Commissioners present: Chairperson Catalano, Commissioners Johnson, Haydon, and Hartley. Commissioners absent: Vice Chairperson Armstrong. Staff present: City Manager Gary Napper, Community Development Director David Woltering, and City Clerk Laci Jackson.

2. **CLOSED SESSION-** None.

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

4. **ACTION ITEMS**

- (a) Joint Study Session to discuss and provide general instructions to staff and its consultant on the City's Housing Element Update, as a requirement of State law.

The Community Development Director presented the staff report, stating the last time the City's Housing Element was updated was 2005. He introduced Jennifer Gastelum and Michaela Jennings from PMC, the firm hired to prepare the Housing Element Update for the City.

Jennifer Gastelum, PMC Project Manager, presented a PowerPoint presentation which outlined jurisdictional requirements to be addressed in the Housing Element including, emergency shelters, SB 375 (sustainability), and affordable housing numbers for above moderate, moderate, low, very low and extremely low income households. Throughout the presentation Councilmembers and Commissioners commented and asked questions regarding the requirements of the update.

Ms. Gastelum indicated during key goals, policies, and programs of the Housing Element Updated would address the following topics:

- adequate sites
- regulatory relief
- rental and homeowner assistance
- equal access
- energy conservation
- regional planning

The City Manager commented that the last Housing Element the Council had expected a portion of its housing requirement to come through the encouragement of the "granny" or secondary units however this measure was not successful.

City Council and Planning Commission comments and questions included the following:

Mayor Pierce indicated the Association for Bay Area Government (ABAG) Projections 2009 anticipate that Clayton will add a total of 150 new dwelling units through 2035, while ABAG's assigned regional housing numbers allocation (RHNA) to Clayton for the period shorter 2007-2014 is also 151. Mayor Pierce suggested this conflicting timetable information be footnoted in the Housing Element.

Commissioners Keith Haydon and Ed Hartley suggested a flexible approach to including a requirement for "inclusionary affordable housing" as part of future development projects. Councilmember Shuey agreed with the Commissioners. Chairperson Catalano indicated that mandatory "inclusionary housing" programs typically work better in larger cities.

Vice Mayor Stratford indicated support for including a down payment assistance program in the Housing Element so long as Redevelopment Agency would share in equity appreciation.

Councilmember Geller asked for clarification about how individuals would learn about a Down Payment Assistance Program. Ms. Gastelum indicated the Clayton Redevelopment Agency could use advertisements.

Mayor Pierce agreed with a comment made by City Manager Napper that various underutilized sites, including the Clayton Community Church site in Clayton's Town Center, should be considered for housing to meet the assigned RHNA. Mayor Pierce added the Easely Ranch property should be considered as well.

Councilmember Medrano suggested as part of this project the City should be reviewing the provisions of AB 811 to determine the potential for financing as an incentive for energy efficiency improvements. Mayor Pierce indicated ABAG will be evaluating opportunities on a larger scale to implement AB 811.

Chairperson Catalano asked if the Redevelopment Agency could establish its own criteria for qualifying for residences offered through its Affordable Housing Program? Ms. Gastelum indicated it would be possible for the Agency to establish its own criteria.

Mayor Pierce clarified the Housing Element Update was a tool to encourage development on sites the Council and Planning Commission see fit for housing development.

Ms. Gastelum stated the updated measures would need to be flexible and not inhibit development in the City. Ms. Gastelum then requested specific guidance from the City Councilmembers and Planning Commissioners on how to approach the following subjects:

1. Inclusionary Housing;
2. A possible Down Payment Assistance Program; and
3. Issues of Green Building, Universal Design (design features that make homes more assessable to the disabled) and sustainability.

Councilmembers and Commissioners all indicated support for addressing these subjects in the Housing Element, but in a manner that encourages the use of incentives and flexibility (i.e. options) to address various circumstances that may be associated with different projects.

Ms. Gastelum then reviewed the project schedule, indicating she anticipates being able to bring a draft Housing Element back to the Planning Commission and the City Council at noticed public hearings sometimes in June 2009. Ms. Gastelum indicated the draft Housing Element would be placed on the City's website to allow public access of the document.

Mayor Pierce and Chairperson Catalano thanked Ms. Gastelum for her presentation.

5. **ADJOURNMENT**– On call by Mayor Pierce the City Council meeting adjourned at 8:54 p.m. On call by Chairperson Catalano the Planning Commission adjourned at 8:54 p.m.

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Julie K. Pierce, Mayor

APPROVED BY THE CLAYTON PLANNING COMMISSION

Tuija Catalano, Chairperson

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 5-19-09

Agenda Item: 4a

TUESDAY, May 5, 2009

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:30 p.m. by Mayor Pierce in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Pierce, Vice Mayor Stratford, Councilmembers Geller, Medrano, and Shuey. Staff present: City Manager Gary Napper, City Attorney Dan Adams, City Engineer Rick Angrisani, Maintenance Supervisor Mark Janney, and City Clerk Laci Jackson.

2. **CLOSED SESSION-** Conference with Labor Negotiator
Government Code Section 54957.6.
Instructions to City-designated negotiator: City Manager

- (a) Employee Organization: Clayton Police Officers Association (CPOA)
- (b) Employee Organization: Undesignated City Employees Unit

7:36 p.m.- Report out of Closed Session: Mayor Pierce reported the Council gave direction to the City-designated negotiator.

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

4. **CONSENT CALENDAR-** The City Manager asked that item 4(b) be pulled so that Obligation No.15848 (\$404,570.00) can be removed. He stated it was a check from the Redevelopment Agency to the County Auditor Controller. He stated the money was required by the State to pay for public education and schooling and was to be sent by May 10th. On April 30th the California Redevelopment Association won a lawsuit which declared the money shift/diversion from redevelopment agencies as unconstitutional. The judge ruled Redevelopment money could only be used for Redevelopment projects, therefore the City had no authority now to send this money to the State. He noted the State would likely appeal, but at this time there was no constitutional authority for the money.

It was moved by Councilmember Shuey, seconded by Councilmember Geller to approve the Consent Calendar as amended on Item 4(b) (Passed; 5-0 vote).

- (a) Approved the minutes of the regular meeting of April 21, 2009.
- (b) Approved Financial Demands and Obligations of the City (as amended).
- (c) Adopted Resolution 08-2009 calling for the preparation of the annual Engineer's Report for levy of FY 2009-2010 assessments in the Clayton Street Lighting Assessment District (pursuant to the Street Lighting Act of 1919).
- (d) Adopted Resolution 09-2009 approving a California Department of Transportation Disadvantaged Business Enterprise Program (DBE) Implementation Agreement for Local Agencies.

5. **RECOGNITIONS AND PRESENTATIONS**

Vince from the Pacific Coast Farmers' Market stated the Clayton Market begins on Saturday May 9th and will run until October 31st. This year's market will include music and cooking demonstrations and should be a great event. The hours have changed to 8 a.m.- Noon.

- (a) Presentation on the proposed Reuse Plan for the Concord Naval Weapons Station.

Michael Wright (Director - Community Reuse Plan, City of Concord) presented a PowerPoint presentation of the Reuse Plan for the Concord Naval Weapons Station. He responded to questions from the Council.

6. **REPORTS**

- (a) Planning Commission – no meeting held to report.

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

- (c) The City Manager reported the Clayton Farmers' Market starts May 9th and the Concerts in The Grove series begin May 16th. He then invited Jennifer Beck from the Mt. Diablo YMCA forward to discuss upcoming recreation services at the Clayton Community Gym.

Ms. Beck stated the spring sports were up and running including soccer, t-ball, and volleyball. She stated for the first time the YMCA would be holding a summer program at the Gym for ten weeks from 7 a.m. to 6 p.m. She stated the program would include field trips and should be entertaining for the children involved. She stated the cost for the program would be \$115 per week per child. She stated there would also be a weekly outing for teens scheduled.

The City Council expressed its compliments and favorable impressions of the summer programming.

- (d) City Council

Councilmember Geller reported May 16th is the first Concert in The Grove from 6 p.m. to 8 p.m. The first band is LAVA a Latin salsa band and he reminded citizens to walk down, eat at the restaurants and Shop Clayton First.

Councilmember Shuey met with school groups regarding Measure D (parcel tax for the Mt. Diablo School District) and encouraged everyone to look into it because many children will be affected if the measure does not pass.

Mayor Pierce attended a Transportation Authority Meeting and the ABAG General Assembly. She also attended the Clayton Cleans Up and thanked the *Clayton Pioneer* for organizing the day. She had presented Kent Ipsen and Skip Ipsen with the Proclamation declaring May 3, 2009 as "Skipolini's Day," in honor of its 35 years in Clayton, and noted the next CERT class starts May 11th, and will run for the next six weeks.

- (e) Other – None.

7. **PUBLIC COMMENT ON NON-AGENDA ITEMS**- None.

8. **PUBLIC HEARINGS** – None.

9. **ACTION ITEMS**

- (a) Discuss the scope and cost of improvements in the low bid for the proposed Town Center Entry Improvements Project (CIPs No. 10402 & 10403), and then approve the award of contract to Maxicrete, Inc. in the amount of \$199,167 for the Improvement Project.

City Engineer presented the staff report and stated the bids for the project were opened on April 17th. The City received 13 bids and Maxicrete Inc. was the lowest bidder. He stated the bid was broken down into specific projects to be paid for by each of the following: the Redevelopment Agency, the CBCA Daffodil Hill Committee, and the CBCA Tractor Committee. The costs were apportioned and the CBCA Daffodil Hill cost for the project was reduced because of drought restrictions and the Committee's decision to remove the seat wall. The City Engineer stated to date the City had not heard from the Tractor committee. He stated the construction for the project without the tractor pads would be approximately \$178,000 with a 15% contingency totaling \$204,000 (assuming CBCA increased funding to pay for their portion of the Daffodil Hill project). He stated the project would be over budget by approximately \$31,000. He stated without the CBCA improvements funding would need to be augmented by \$17,600. He recommended the Council approve the contract to Maxicrete and transfer the necessary money from the CIP.

Councilmember Medrano questioned the cost of the entry signs asking why the price would be more for a two sided sign compared to a one sided sign? The City Manager stated that in the public bidding process various contractors put their profit margin in different areas but overall Maxicrete has the lowest bid. He also explained the process for awarding bids is complex and specific items cannot be picked out of several bids because the City is required to award contract to the lowest responsible bidder overall.

Vice Mayor Stratford asked what the Engineers Estimate was for the project? The City Engineer responded \$250,000. Vice Mayor Stratford asked if the references were checked for Maxicrete, Inc. The City Engineer responded the references were checked for the top three bidders and he stated Maxicrete, Inc. received good reports.

Councilmember Geller asked about the tractors installation. The City Engineer stated the City had not heard from the Tractor Committee.

Councilmember Medrano stated he talked with the CBCA Board and the project will likely need to go before the CBCA membership again and its re-approval process. The City Manager stated the Council could move forward and make change orders if the CBCA decided to eliminate funding.

Councilmember Medrano stated seeing the breakdown of the 3 lowest bids would be helpful so that the Council could re-bid the project if the CBCA portion was left out to better price for the City signs. The City Engineer responded the bid cannot be picked apart and the Council would need to re-bid the project to see different prices. Councilmember Medrano stated maybe the project should be re-bid.

Vice Mayor Stratford asked about the 15% contingencies. The City Manager indicated the City had covered 100% of the cost up until this point and the contingency was for inspections and work yet to be done by the City Engineer's office.

No public comments were received.

Councilmember Medrano asked to postpone the projects approval until the CBCA made their decision. Vice Mayor Stratford stated the Council should move forward and select the favorable low bidder at this time.

The Council then discussed the cost of re-bidding the project and the monetary difference doing so might make to the cost of the project. Mayor Pierce asked how long the City had to award contract. The City Manager responded 30 days unless the Council extended the deadline for awarding the contract.

The City Manager stated the Daffodil Hill committee's first priorities were the monument sign and landscaping.

It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey to adopt Resolution 10-2009 awarding a contract to Maxicrete, Inc. in the amount of \$199,167 as the lowest responsible bidder (Passed 4-1; Medrano-no).

It was moved by Councilmember Geller, seconded by Vice Mayor Stratford to authorize the allocation of additional CIP interest-earned monies to the project, as necessary, up to \$31,000 (Passed 4-1; Medrano-no).

- (b) Consider and approve the City's required Water Conservation Plan for irrigation of City facility grounds and public landscaped areas during the declared drought period starting May 1, 2009.

Mark Janney, Maintenance Supervisor presented the Water Conservation Plan stating the City must cut water usage by 45% for landscaping and 15% for buildings as required by the Contra Costa Water District (CCWD). He stated the Maintenance Department will be monitoring the water usage and will encourage people to conserve water. For the Landscaping Maintenance District he stated the Plan will require pooling the meters in order to save the newest landscaping while letting turf and older landscaping bear the brunt of the reduction in water. He stated most of the groundcover would not survive but the Plan calls for keeping the trees and medians alive. For the City Parks (excluding The Grove) the Plan will try to keep the playing areas semi-green and playable but the water will be turned off on the edges. He stated as plant die they will be removed. For The Grove park, a nearby abandoned well could be tested for feasibility of use and the Department would be monitoring the use.

The Council questioned the feasibility of the well near The Grove park. The City Manager stated the Maintenance Department was doing its due diligence in researching ways to keep the park green.

Mr. Janney stated that since May 1st the sprinklers had been turned off and that water banking from one month to the next was not allowed by the CCWD regulations.

It was moved by Councilmember Shuey, seconded by Vice Mayor Stratford to approve the City's Water Conservation Plan for City facility grounds and public landscaped areas (Passed 5-0 vote).

10. **COUNCIL ITEMS**

Councilmember Medrano asked that discussion be held about removing CalPERS as a benefit for Councilmembers and discuss a reduction in the stipend of the Planning Commission based on fewer meetings.

11. **ADJOURNMENT**– On call by Mayor Pierce the meeting adjourned at 9:38 p.m. in memory of Dee Munk (1942-2009).

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Julie K. Pierce, Mayor



Agenda Date: 05/19/09

Agenda Item: 4b

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER

DATE: MAY 19, 2009

SUBJECT: OBLIGATION SUMMARY

RECOMMENDATION Approve the following obligations.

<u>RUN DATE</u>	<u>OBLIGATION NUMBERS</u>	<u>TOTALS</u>
05/14/09	15881 – 15939	\$400,466.24

- Invoices - Summary Report
 - o the current invoices by obligation number
 - o the vendor numbers and names
 - o brief descriptions of the invoices
 - o the amounts expensed or paid for the current invoices
 - o vendor invoice numbers (if any)
 - o grand totals on the last page, may be a combination of expensed & paid
 - o the stage date is the date of input to the system
- Invoice Distribution Report
 - o the account numbers affected by the current invoices listed numerically; these numbers correspond to the "line item" numbers listed in the City's budget
 - o the account descriptions
 - o the obligation numbers
 - o the vendor numbers and names
 - o the amount of the invoices
 - o a grand total of all invoices on the last page

Attachments:

Invoices - Summary Report 05/14/09 (6 pages)

Invoice Distribution Report 05/14/09 (17 pages)

Run date: 05/14/2009 @ 13:24
 Bus date: 05/14/2009

City of Clayton
 Invoices - Summary Report

OTSUM.L02 Page 1

Vendor Name / Obligat'n Description	Pre-Encumbered	Encumbered	Expensed	Paid	Stage	Stage Date
1467 LarryLogic Productions						
15881 Video City Council Mtg 5/5/09	.00	.00	.00	360.00	Paid	05/14/2009
Obligation.....: 15881	Invoice number.: 952					
1467 LarryLogic Productions						
15882 Upgrade A/V Equipment 5/09	.00	.00	.00	2,002.50	Paid	05/14/2009
Obligation.....: 15882	Invoice number.: 949					
960 NBS Govt. Finance Group						
15883 CFA 07 Arbitrage Svc 5/09	.00	.00	.00	1,700.00	Paid	05/14/2009
Obligation.....: 15883	Invoice number.: F05080902-JR					
1779 Access One						
15884 Long Distance 4/09	.00	.00	.00	46.95	Paid	05/14/2009
Obligation.....: 15884	Invoice number.: 916321					
1243 AT&T/ CalNet 2						
15885 Local Phone Svc 4/09	.00	.00	.00	356.34	Paid	05/14/2009
Obligation.....: 15885	Invoice number.: 5/3/09					
2205 Pacific Telemanagement Svc						
15886 CH Outside Phone Booth 5/09	.00	.00	.00	53.00	Paid	05/14/2009
Obligation.....: 15886	Invoice number.: 114383					
2460 Globalstar LLC						
15887 PD Command Trl Sat Phn 4/09	.00	.00	.00	26.72	Paid	05/14/2009
Obligation.....: 15887	Invoice number.: 4/16/09					
1459 Clean Street						
15888 Street Sweeping 4/09	.00	.00	.00	3,500.00	Paid	05/14/2009
Obligation.....: 15888	Invoice number.: 56773					
170 Western Exterminator						
15889 Monthly Svc 4/09	.00	.00	.00	311.50	Paid	05/14/2009
Obligation.....: 15889	Invoice number.: 426356					
1538 All City Management Services,						
15890 PD-Crossing Guard WE 4/25/09	.00	.00	.00	225.75	Paid	05/14/2009
Obligation.....: 15890	Invoice number.: 16331					

Run date: 05/14/2009 @ 13:24
Bus date: 05/14/2009

City of Clayton
Invoices - Summary Report

OTSUM.L02 Page 2

Vendor Name / Obligat'n Description	Pre-Encumbered	Encumbered	Expensed	Paid Stage	Stage Date
1160 Arlene H. Kikkawa-Nielsen 15891 Library Volunteer 5/09 Obligation.....: 15891	.00 Invoice number.: 5/09	.00	.00	820.00 Paid	05/14/2009
2507 Stericycle Inc 15892 PD Haz Mat Disposal 5-7/09 Obligation.....: 15892	.00 Invoice number.: 3000447434	.00	.00	165.84 Paid	05/14/2009
2500 Employee Benefit Specialists. 15893 FSA Acct Admin 4/09 Obligation.....: 15893	.00 Invoice number.: 0046181-IN	.00	.00	100.00 Paid	05/14/2009
1573 Verizon Business 15894 Admin ISDN Line 4/09 Obligation.....: 15894	.00 Invoice number.: 69666460	.00	.00	211.70 Paid	05/14/2009
201 CalPERS 15895 Retirement PPE 5/3/09 Obligation.....: 15895	.00 Invoice number.: PPE 5/3/09	.00	.00	22,472.25 Paid	05/14/2009
2547 David & Kathrine Kreske 15896 Refund LLA 01-07 Dep Less Fee Obligation.....: 15896	.00 Invoice number.: MAP 01-07	.00	.00	825.42 Paid	05/14/2009
2094 Morgan Stanley 15897 CD Investment 5/09 Obligation.....: 15897	.00 Invoice number.: Cowlitz Bk 5/09	.00	.00	98,020.00 Paid	05/14/2009
2161 Financial Northeastern Corp 15898 CD Investment 5/09 Obligation.....: 15898	.00 Invoice number.: Repb Bk 5/11/09	.00	.00	99,020.00 Paid	05/14/2009
2161 Financial Northeastern Corp 15899 CD Investment 5/09 Obligation.....: 15899	.00 Invoice number.: Eurobnk 5/11/09	.00	.00	99,000.00 Paid	05/14/2009
2546 Daniel & Anne Condon 15900 Refund Map 02-05 Dep Less Fee Obligation.....: 15900	.00 Invoice number.: MAP 02-05	.00	.00	994.22 Paid	05/14/2009

Run date: 05/14/2009 @ 13:24
 Bus date: 05/14/2009

City of Clayton
 Invoices - Summary Report

OTSUM.L02 Page 3

Vendor Name / Obligat'n Description	Pre-Encumbered	Encumbered	Expensed	Paid Stage	Stage Date
2545 Thomas & Norine Seeno TRE 15901 Refund Map 03-04 Dep Less Fee Obligation.....: 15901	.00 Invoice number.: MAP 03-04	.00	.00	1,729.37 Paid	05/14/2009
2544 Harold Klein 15902 Refund EP 2791 Dep 5/09 Obligation.....: 15902	.00 Invoice number.: EP 2791	.00	.00	402.28 Paid	05/14/2009
2548 SL Adventures 15903 Refund Dep UP 03-08, 01-09 5/ Obligation.....: 15903	.00 Invoice number.: UP 03-08, 01-09	.00	.00	138.78 Paid	05/14/2009
2543 David Benedict 15904 Refund UP 08-07 Dep less fees Obligation.....: 15904	.00 Invoice number.: UP 08-07	.00	.00	869.33 Paid	05/14/2009
2542 Wireless Facilities, Inc 15905 Refund UP 01-06 Unused Dep 5/ Obligation.....: 15905	.00 Invoice number.: UP 01-06	.00	.00	2,476.32 Paid	05/14/2009
2541 Robert Staehle 15906 Refund Dep SPR 09-08 5/09 Obligation.....: 15906	.00 Invoice number.: SPR 09-08	.00	.00	513.37 Paid	05/14/2009
1837 Safeway, Inc. 15907 Refund Dep UP 04-04 5/09 Obligation.....: 15907	.00 Invoice number.: UP 04-04	.00	.00	879.72 Paid	05/14/2009
2340 James & Katherine Hawk 15908 Refund EP 2748 Deposit 5/09 Obligation.....: 15908	.00 Invoice number.: EP 2748	.00	.00	500.00 Paid	05/14/2009
2535 Paul Kent 15909 Grove Concert Band 5/30/09 Obligation.....: 15909	.00 Invoice number.: 5/30/09	.00	.00	1,200.00 Paid	05/14/2009
2421 Christopher G Rossi 15910 Grove Concert Band 6/13/09 Obligation.....: 15910	.00 Invoice number.: 6/13/09	.00	.00	750.00 Paid	05/14/2009

Run date: 05/14/2009 @ 13:24
 Bus date: 05/14/2009

City of Clayton
 Invoices - Summary Report

OTSUM.L02 Page 4

Vendor Name / Obligat'n Description	Pre-Encumbered	Encumbered	Expensed	Paid Stage	Stage Date
2422 Drew Harrison 15911 Grove Concert Band 6/27/09 Obligation.....: 15911	.00 Invoice number.: 6/27/09	.00	.00	2,000.00 Paid	05/14/2009
2376 Don Stone 15912 Grove Concert Sound 6/27/09 Obligation.....: 15912	.00 Invoice number.: 6/27/09	.00	.00	500.00 Paid	05/14/2009
2376 Don Stone 15913 Grove Concert Sound 6/13/09 Obligation.....: 15913	.00 Invoice number.: 6/13/09	.00	.00	500.00 Paid	05/14/2009
2376 Don Stone 15914 Grove Concert Sound 5/30/09 Obligation.....: 15914	.00 Invoice number.: 5/30/09	.00	.00	500.00 Paid	05/14/2009
882 Westwood Property Owners Assn 15915 Refund CH Conf Rm Dep 4/30/08 Obligation.....: 15915	.00 Invoice number.: CH 4/30/08	.00	.00	100.00 Paid	05/14/2009
2399 Placer Title Company 15916 Park N Ride Feasibility 5/09 Obligation.....: 15916	.00 Invoice number.: 615-10936-101	.00	.00	800.00 Paid	05/14/2009
1908 Quill Corp. 15917 Cash Receipt Books 5/09 Obligation.....: 15917	.00 Invoice number.: 6468671	.00	.00	229.26 Paid	05/14/2009
1 Donaghu Graphic Designs 15918 New Website Banner 4/09 Obligation.....: 15918	.00 Invoice number.: 4/29/09	.00	.00	680.00 Paid	05/14/2009
2410 ASCAP 15919 Concerts in the Grove 2009 Obligation.....: 15919	.00 Invoice number.: 2850688	.00	.00	308.67 Paid	05/14/2009
1454 Sign A Rama 15920 Grv Concerts Banner Updt 5/09 Obligation.....: 15920	.00 Invoice number.: 17250	.00	.00	158.41 Paid	05/14/2009

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Vendor Name / Obligat'n Description	Pre-Encumbered	Encumbered	Expensed	Paid Stage	Stage Date
1454 Sign A Rama					
15921 Farmers Mkt Banner Updt 4/09	.00	.00	.00	81.94 Paid	05/14/2009
Obligation.....: 15921	Invoice number.: 17239				
2386 Economic Development Systems					
15922 Downtown Project 3/09	.00	.00	.00	8,944.00 Paid	05/14/2009
Obligation.....: 15922	Invoice number.: 3/31/09				
113 PG&E					
15923 LMI 280 Stranahan Final 4/09	.00	.00	.00	28.76 Paid	05/14/2009
Obligation.....: 15923	Invoice number.: 4/09				
159 Turner, Huguet & Adams					
15924 GHAD Lawsuit Lgl Svc 3/09	.00	.00	.00	1,239.50 Paid	05/14/2009
Obligation.....: 15924	Invoice number.: 1246				
159 Turner, Huguet & Adams					
15925 GHAD Lawsuit Lgl Svc 4/09	.00	.00	.00	240.50 Paid	05/14/2009
Obligation.....: 15925	Invoice number.: 1273				
468 J & R Floor Services					
15926 Janitorial Services for 4/09	.00	.00	.00	4,999.84 Paid	05/14/2009
Obligation.....: 15926	Invoice number.: APR2009				
2133 American Cleanway Inc					
15927 PW Wash Rack Mtn 4/09	.00	.00	.00	225.00 Paid	05/14/2009
Obligation.....: 15927	Invoice number.: 36655				
2110 Sprint Comm (PW & ADM)					
15928 PW & Adm Cell Phones 4/09	.00	.00	.00	281.46 Paid	05/14/2009
Obligation.....: 15928	Invoice number.: 084 4/09				
2070 John Deere Landscapes Inc					
15929 PW Landscape Supp 4/09	.00	.00	.00	35.10 Paid	05/14/2009
Obligation.....: 15929	Invoice number.: 51028832				
62 Concord Garden Equipment					
15930 PW Equipment Maint 4/09	.00	.00	.00	327.37 Paid	05/14/2009
Obligation.....: 15930	Invoice number.: 377868-8213				

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Vendor Name / Obligat'n Description	Pre-Encumbered	Encumbered	Expensed	Paid Stage	Stage Date
1756 Contra Costa Tractor Mobile S					
15931 PW Equipment Repair 4/09	.00	.00	.00	673.08 Paid	05/14/2009
Obligation.....: 15931	Invoice number.: 014121				
2182 SonBright Window Cleaning Svc					
15932 EH Window Cleaning 4/09	.00	.00	.00	180.00 Paid	05/14/2009
Obligation.....: 15932	Invoice number.: 4186				
2549 Bill Schwarck Electric					
15933 Library Electrical Outlets 4/	.00	.00	.00	1,200.00 Paid	05/14/2009
Obligation.....: 15933	Invoice number.: 4/24/09				
67 Contra Costa Water Dist.					
15934 City Water Usage 3-4/09	.00	.00	.00	15,990.22 Paid	05/14/2009
Obligation.....: 15934	Invoice number.: K Series 3-4/09				
2010 Raney Planning & Management.					
15935 Rivulet Planning Svc 4/09	.00	.00	.00	542.02 Paid	05/14/2009
Obligation.....: 15935	Invoice number.: 0806P-9				
116 PERMCO, Inc.					
15936 Eng Svc 4/25/09-5/8/09	.00	.00	.00	10,424.95 Paid	05/14/2009
Obligation.....: 15936	Invoice number.: 8832-8846				
2349 US Bank Corp Pymt System					
15937 Adm: Misc Charges 4/09	.00	.00	.00	3,004.03 Paid	05/14/2009
Obligation.....: 15937	Invoice number.: 4/09				
2349 US Bank Corp Pymt System					
15938 PW Misc Charges 4/09	.00	.00	.00	4,416.63 Paid	05/14/2009
Obligation.....: 15938	Invoice number.: 4/09				
2349 US Bank Corp Pymt System					
15939 PD Misc Charges 4/09	.00	.00	.00	2,184.14 Paid	05/14/2009
Obligation.....: 15939	Invoice number.: 4/09				
*** Report total ***	.00	.00	.00	400,466.24	

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-5791-00.0.0-000 - Overhead cost recovery			
15900 Refund Map 02-05 Dep Less Fees	2546 Daniel & Anne Condon 2 OH Rec MAP 02-05	Paid	-29.25
Invoice number.: MAP 02-05			
15902 Refund EP 2791 Dep 5/09	2544 Harold Klein 2 OH Cost Rec EP 2791	Paid	-6.22
Invoice number.: EP 2791			
A101-5791-00.0.0-000 - Overhead cost recovery	*** Account total ***		-35.47
A101-7220-01.0.0-000 - PERS Retirement			
15895 Retirement PPE 5/3/09	201 CalPERS 1 Legislative 5/3/09	Paid	421.06
Invoice number.: PPE 5/3/09			
A101-7220-01.0.0-000 - PERS Retirement	*** Account total ***		421.06
A101-7220-02.0.0-000 - PERS Retirement			
15895 Retirement PPE 5/3/09	201 CalPERS 2 Admin 5/3/09	Paid	4,214.87
Invoice number.: PPE 5/3/09			
A101-7220-02.0.0-000 - PERS Retirement	*** Account total ***		4,214.87
A101-7220-03.0.0-000 - PERS Retirement			
15895 Retirement PPE 5/3/09	201 CalPERS 3 PW 5/3/09	Paid	2,460.09
Invoice number.: PPE 5/3/09			
A101-7220-03.0.0-000 - PERS Retirement	*** Account total ***		2,460.09
A101-7220-04.0.0-000 - PERS Retirement			
15895 Retirement PPE 5/3/09	201 CalPERS 4 Planning 5/3/09	Paid	1,397.01
Invoice number.: PPE 5/3/09			
A101-7220-04.0.0-000 - PERS Retirement	*** Account total ***		1,397.01
A101-7220-06.0.0-000 - PERS Retirement			
15895 Retirement PPE 5/3/09	201 CalPERS 5 Police 5/3/09	Paid	13,060.69
Invoice number.: PPE 5/3/09			
A101-7220-06.0.0-000 - PERS Retirement	*** Account total ***		13,060.69
A101-7311-03.0.0-000 - General Supplies			
15938 PW Misc Charges 4/09	2349 US Bank Corp Pymt System 2 PW Gen Sup 4/09	Paid	39.02
Invoice number.: 4/09			
A101-7311-03.0.0-000 - General Supplies	*** Account total ***		39.02

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-7311-06.0.0-000 - General Supplies			
15939 PD Misc Charges 4/09	2349 US Bank Corp Pymt System 3 PD General Supp 4/09	Paid	180.05
Invoice number.: 4/09			
A101-7311-06.0.0-000 - General Supplies	*** Account total ***		180.05
A101-7312-05.0.0-000 - Office Supplies/Expense			
15917 Cash Receipt Books 5/09	1908 Quill Corp. 1 Cash Receipt Books 5/09	Paid	229.26
Invoice number.: 6468671			
15937 Adm: Misc Charges 4/09	2349 US Bank Corp Pymt System 1 Adm Off Sup 4/09	Paid	436.09
Invoice number.: 4/09			
A101-7312-05.0.0-000 - Office Supplies/Expense	*** Account total ***		665.35
A101-7312-06.0.0-000 - Office Supplies/Expense			
15939 PD Misc Charges 4/09	2349 US Bank Corp Pymt System 4 PD Office Supp 4/09	Paid	77.72
Invoice number.: 4/09			
A101-7312-06.0.0-000 - Office Supplies/Expense	*** Account total ***		77.72
A101-7314-05.0.0-000 - Postage			
15937 Adm: Misc Charges 4/09	2349 US Bank Corp Pymt System 2 Adm Neopost Lease 4/09	Paid	677.64
Invoice number.: 4/09			
A101-7314-05.0.0-000 - Postage	*** Account total ***		677.64
A101-7314-06.0.0-000 - Postage			
15939 PD Misc Charges 4/09	2349 US Bank Corp Pymt System 5 PD Postage 4/09	Paid	15.96
Invoice number.: 4/09			
A101-7314-06.0.0-000 - Postage	*** Account total ***		15.96
A101-7324-02.0.0-000 - Dues and Subscriptions			
15937 Adm: Misc Charges 4/09	2349 US Bank Corp Pymt System 3 MMANC Dues Jackson 4/09	Paid	65.00
Invoice number.: 4/09			
A101-7324-02.0.0-000 - Dues and Subscriptions	*** Account total ***		65.00
A101-7329-09.0.0-000 - Park Supplies			
15938 PW Misc Charges 4/09	2349 US Bank Corp Pymt System 3 PW Scoreboard Lts 4/09	Paid	93.20
Invoice number.: 4/09			
A101-7329-09.0.0-000 - Park Supplies	*** Account total ***		93.20

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-7332-02.0.0-000 - Telecommunications			
15884 Long Distance 4/09	1779 Access One		
Invoice number.: 916321	1 City Hall Svc 4/09	Paid	4.02
15885 Local Phone Svc 4/09	1243 AT&T/ CalNet 2		
Invoice number.: 5/3/09	2 CH Local Phone 4/09	Paid	199.98
15886 CH Outside Phone Booth 5/09	2205 Pacific Telemanagement Svc		
Invoice number.: 114383	1 CH Outside Phone Booth 5/09	Paid	53.00
15894 Admin ISDN Line 4/09	1573 Verizon Business		
Invoice number.: 69666460	1 Admin ISDN Line 4/09	Paid	211.70
15928 PW & Adm Cell Phones 4/09	2110 Sprint Comm (PW & ADM)		
Invoice number.: 084 4/09	2 Adm Cell Phones 4/09	Paid	100.52
A101-7332-02.0.0-000 - Telecommunications	*** Account total ***		569.22
A101-7332-03.0.0-000 - Telephone			
15884 Long Distance 4/09	1779 Access One		
Invoice number.: 916321	2 PW Svc 4/09	Paid	5.36
15928 PW & Adm Cell Phones 4/09	2110 Sprint Comm (PW & ADM)		
Invoice number.: 084 4/09	1 PW Cell Phones 4/09	Paid	180.94
A101-7332-03.0.0-000 - Telephone	*** Account total ***		186.30
A101-7332-04.0.0-000 - Telephone			
15884 Long Distance 4/09	1779 Access One		
Invoice number.: 916321	3 Planning Svc 4/09	Paid	13.92
A101-7332-04.0.0-000 - Telephone	*** Account total ***		13.92
A101-7332-06.0.0-000 - Telephone			
15884 Long Distance 4/09	1779 Access One		
Invoice number.: 916321	6 Police Dept Svc 4/09	Paid	23.32
15887 PD Command Trl Sat Phn 4/09	2460 Globalstar LLC		
Invoice number.: 4/16/09	1 PD Command Trl Sat Phn 4/09	Paid	26.72
A101-7332-06.0.0-000 - Telephone	*** Account total ***		50.04

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-7332-07.0.0-000 - Telephone			
15884 Long Distance 4/09	1779 Access One		
Invoice number.: 916321	4 Library Svc 4/09	Paid	.33
15885 Local Phone Svc 4/09	1243 AT&T/ CalNet 2		
Invoice number.: 5/3/09	4 Library Local Phone 4/09	Paid	156.36
A101-7332-07.0.0-000 - Telephone	*** Account total ***		156.69
A101-7338-03.0.0-000 - Water Services			
15934 City Water Usage 3-4/09	67 Contra Costa Water Dist.		
Invoice number.: K Series 3-4/09	1 City Hall 3-4/09	Paid	149.36
Invoice number.: K Series 3-4/09	2 PW Bldg 3-4/09	Paid	469.40
Invoice number.: K Series 3-4/09	7 El Molino Park 3-4/09	Paid	354.02
Invoice number.: K Series 3-4/09	8 Stranahan Park 3-4/09	Paid	260.66
Invoice number.: K Series 3-4/09	9 1005 & 1007 Oak 3-4/09	Paid	102.07
A101-7338-03.0.0-000 - Water Services	*** Account total ***		1,335.51
A101-7338-07.0.0-000 - Water Services			
15934 City Water Usage 3-4/09	67 Contra Costa Water Dist.		
Invoice number.: K Series 3-4/09	3 Library 3-4/09	Paid	245.92
A101-7338-07.0.0-000 - Water Services	*** Account total ***		245.92
A101-7338-09.0.0-000 - Water Services			
15934 City Water Usage 3-4/09	67 Contra Costa Water Dist.		
Invoice number.: K Series 3-4/09	5 Community Park 3-4/09	Paid	9,816.95
A101-7338-09.0.0-000 - Water Services	*** Account total ***		9,816.95
A101-7341-03.0.0-000 - Buildings/Grounds Maintenance			
15889 Monthly Svc 4/09	170 Western Exterminator		
Invoice number.: 426356	1 City Hall Ext Svc 4/09	Paid	90.50
A101-7341-03.0.0-000 - Buildings/Grounds Maintenance	*** Account total ***		90.50

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-7341-07.0.0-000 - Buildings/Grounds Maintenance 15889 Monthly Svc 4/09 Invoice number.: 426356	170 Western Exterminator 2 Library Ext Svc 4/09	Paid	93.50
A101-7341-07.0.0-000 - Buildings/Grounds Maintenance	*** Account total ***		93.50
A101-7342-03.0.0-000 - Machinery/Equipment Maintenan 15938 PW Misc Charges 4/09 Invoice number.: 4/09	2349 US Bank Corp Pymt System 4 PW Tire Seal 4/09	Paid	6.38
A101-7342-03.0.0-000 - Machinery/Equipment Maintenan	*** Account total ***		6.38
A101-7342-06.0.0-000 - Machinery/Equipment Maintenan 15939 PD Misc Charges 4/09 Invoice number.: 4/09	2349 US Bank Corp Pymt System 6 PD Repair Pas Dev 4/09	Paid	109.49
A101-7342-06.0.0-000 - Machinery/Equipment Maintenan	*** Account total ***		109.49
A101-7343-06.0.0-000 - Vehicle Maintenance 15939 PD Misc Charges 4/09 Invoice number.: 4/09	2349 US Bank Corp Pymt System 7 PD Car Washes 4/09	Paid	52.27
A101-7343-06.0.0-000 - Vehicle Maintenance	*** Account total ***		52.27
A101-7344-03.0.0-000 - Vehicles: Gas, Oil & Supplies 15938 PW Misc Charges 4/09 Invoice number.: 4/09	2349 US Bank Corp Pymt System 1 PW Gas 4/09	Paid	419.94
A101-7344-03.0.0-000 - Vehicles: Gas, Oil & Supplies	*** Account total ***		419.94
A101-7344-06.0.0-000 - Vehicles: Gas, Oil & Supplies 15939 PD Misc Charges 4/09 Invoice number.: 4/09	2349 US Bank Corp Pymt System 1 PD Gas 4/09	Paid	1,701.18
A101-7344-06.0.0-000 - Vehicles: Gas, Oil & Supplies	*** Account total ***		1,701.18
A101-7373-06.0.0-000 - Education & Training 15939 PD Misc Charges 4/09 Invoice number.: 4/09	2349 US Bank Corp Pymt System 2 PD Training White 4/09	Paid	47.47
A101-7373-06.0.0-000 - Education & Training	*** Account total ***		47.47

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-7411-08.0.0-000 - Professional Services Retainer			
15936 Eng Svc 4/25/09-5/8/09	116 PERMCO, Inc.		
Invoice number.: 8832-8846	1 Eng Svc 4/25/09-5/8/09	Paid	2,629.00
Invoice number.: 8832-8846	2 ABAG Haz Mit Pln 09 #8846	Paid	231.00
A101-7411-08.0.0-000 - Professional Services Retainer	*** Account total ***		2,860.00
A101-7412-08.0.0-000 - Engineering/Inspection Service			
15936 Eng Svc 4/25/09-5/8/09	116 PERMCO, Inc.		
Invoice number.: 8832-8846	3 Minor EP #8835A	Paid	124.50
A101-7412-08.0.0-000 - Engineering/Inspection Service	*** Account total ***		124.50
A101-7417-03.0.0-000 - Janitorial Service			
15926 Janitorial Services for 4/09	468 J & R Floor Services		
Invoice number.: APR2009	3 City Hall 4/09	Paid	449.84
A101-7417-03.0.0-000 - Janitorial Service	*** Account total ***		449.84
A101-7417-06.0.0-000 - Janitorial Service			
15926 Janitorial Services for 4/09	468 J & R Floor Services		
Invoice number.: APR2009	5 PD 4/09	Paid	225.00
A101-7417-06.0.0-000 - Janitorial Service	*** Account total ***		225.00
A101-7417-07.0.0-000 - Janitorial Service			
15926 Janitorial Services for 4/09	468 J & R Floor Services		
Invoice number.: APR2009	2 Library 4/09	Paid	2,175.00
A101-7417-07.0.0-000 - Janitorial Service	*** Account total ***		2,175.00
A101-7417-09.0.0-000 - Janitorial Service			
15926 Janitorial Services for 4/09	468 J & R Floor Services		
Invoice number.: APR2009	1 Comm Pk Svc 4/09	Paid	1,000.00
A101-7417-09.0.0-000 - Janitorial Service	*** Account total ***		1,000.00
A101-7419-01.0.0-000 - Other Professional Services			
15881 Video City Council Mtg 5/5/09	1467 LarryLogic Productions		
Invoice number.: 952	1 Video CC Mtg 5/5/09	Paid	360.00
A101-7419-01.0.0-000 - Other Professional Services	*** Account total ***		360.00

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-7419-05.0.0-000 - Other Professional Services			
15893 FSA Acct Admin 4/09	2500 Employee Benefit Specialists, 1 FSA Acct Admin 4/09	Paid	100.00
Invoice number.: 0046181-IN			
15897 CD Investment 5/09	2094 Morgan Stanley 2 Wire Trx Fee 5/8/09	Paid	20.00
Invoice number.: Cowlitz 8k 5/09			
15898 CD Investment 5/09	2161 Financial Northeastern Corp 2 Wire Trx Fee 5/11/09	Paid	20.00
Invoice number.: Repb Bk 5/11/09			
15937 Adm: Misc Charges 4/09	2349 US Bank Corp Pymt System 4 JFC Record Request 4/09	Paid	233.26
Invoice number.: 4/09			
A101-7419-05.0.0-000 - Other Professional Services	*** Account total ***		373.26
A101-7419-06.0.0-000 - Other Professional Services			
15890 PD-Crossing Guard WE 4/25/09	1538 All City Management Services, 1 PD-Crossing Guard WE 4/25/09	Paid	225.75
Invoice number.: 16331			
15892 PD Haz Mat Disposal 5-7/09	2507 Stericycle Inc 1 PD Haz Mat Disp 5-7/09	Paid	165.84
Invoice number.: 3000447434			
A101-7419-06.0.0-000 - Other Professional Services	*** Account total ***		391.59
A101-7419-09.0.0-000 - Other Professional Services			
15889 Monthly Svc 4/09	170 Western Exterminator 3 Park-Ext Svc 4/09	Paid	40.50
Invoice number.: 426356			
A101-7419-09.0.0-000 - Other Professional Services	*** Account total ***		40.50
A101-7421-03.0.0-000 - Greenwaste Recycling			
15937 Adm: Misc Charges 4/09	2349 US Bank Corp Pymt System 5 Clayton Cleans Up Flyers 4/09	Paid	45.54
Invoice number.: 4/09			
A101-7421-03.0.0-000 - Greenwaste Recycling	*** Account total ***		45.54
A101-7430-08.0.0-000 - Well Monitoring Fee			
15937 Adm: Misc Charges 4/09	2349 US Bank Corp Pymt System 6 Well Monitoring 3/09	Paid	1,546.50
Invoice number.: 4/09			
A101-7430-08.0.0-000 - Well Monitoring Fee	*** Account total ***		1,546.50

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A201-7311-00.0.0-000 - General Supplies			
15938 PW Misc Charges 4/09	2349 US Bank Corp Pymt System 6 PW Street Lamps 4/09	Paid	359.99
Invoice number.: 4/09			
A201-7311-00.0.0-000 - General Supplies	*** Account total ***		359.99
A201-7327-00.0.0-000 - Street Maintenance Supplies			
15938 PW Misc Charges 4/09	2349 US Bank Corp Pymt System 5 PW Street Sn, Manhole Cvr 4/09	Paid	1,077.17
Invoice number.: 4/09			
A201-7327-00.0.0-000 - Street Maintenance Supplies	*** Account total ***		1,077.17
A201-7412-00.0.0-000 - Engineering/Inspection Service			
15936 Eng Svc 4/25/09-5/8/09	116 PERMCO, Inc. 4 Gas Tax Insp #8833	Paid	915.00
Invoice number.: 8832-8846			
A201-7412-00.0.0-000 - Engineering/Inspection Service	*** Account total ***		915.00
A210-7311-00.0.0-000 - General Supplies			
15938 PW Misc Charges 4/09	2349 US Bank Corp Pymt System 7 PW Landscape Supp 4/09	Paid	483.73
Invoice number.: 4/09			
A210-7311-00.0.0-000 - General Supplies	*** Account total ***		483.73
A210-7338-00.0.0-000 - Water Services			
15934 City Water Usage 3-4/09	67 Contra Costa Water Dist. 6 El Molino Park 3-4/09	Paid	88.51
Invoice number.: K Series 3-4/09			
	11 City Irrigation 3-4/09	Paid	2,886.86
Invoice number.: K Series 3-4/09			
A210-7338-00.0.0-000 - Water Services	*** Account total ***		2,975.37
A210-7342-00.0.0-000 - Machinery/Equip Maintenance			
15930 PW Equipment Maint 4/09	62 Concord Garden Equipment 1 PW Equipment Maint 4/09	Paid	327.37
Invoice number.: 377868-8213			
15931 PW Equipment Repair 4/09	1756 Contra Costa Tractor Mobile Sv 1 PW Equipment Repair 4/09	Paid	673.08
Invoice number.: 014121			
A210-7342-00.0.0-000 - Machinery/Equip Maintenance	*** Account total ***		1,000.45

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A210-7344-00.0.0-000 - Vehicle Gas, Oil, and Supplies 15938 PW Misc Charges 4/09 Invoice number.: 4/09	2349 US Bank Corp Pymt System 8 PW Landscape Fuel 4/09	Paid	464.62
A210-7344-00.0.0-000 - Vehicle Gas, Oil, and Supplies	*** Account total ***		464.62
A211-7310-00.0.0-000 - Supplies and Equipment 15929 PW Landscape Supp 4/09 Invoice number.: 51028832	2070 John Deere Landscapes Inc 1 PW Landscape Supp 4/09	Paid	35.10
A211-7310-00.0.0-000 - Supplies and Equipment	*** Account total ***		35.10
A211-7338-00.0.0-000 - Water Services 15934 City Water Usage 3-4/09 Invoice number.: K Series 3-4/09	67 Contra Costa Water Dist. 10 Grove Park 3-4/09	Paid	1,223.03
A211-7338-00.0.0-000 - Water Services	*** Account total ***		1,223.03
A211-7419-00.0.0-000 - Other Professional Services 15926 Janitorial Services for 4/09 Invoice number.: APR2009	468 J & R Floor Services 6 Grove Park Janitorial 4/09	Paid	1,000.00
A211-7419-00.0.0-000 - Other Professional Services	*** Account total ***		1,000.00
A212-7413-00.0.0-000 - Legal Services 15924 GHAD Lawsuit Lgl Svc 3/09 Invoice number.: 1246	159 Turner, Huguet & Adams 1 GHAD Lawsuit Lgl Svc 3/09	Paid	1,239.50
15925 GHAD Lawsuit Lgl Svc 4/09 Invoice number.: 1273	159 Turner, Huguet & Adams 1 GHAD Lawsuit Lgl Svc 4/09	Paid	240.50
A212-7413-00.0.0-000 - Legal Services	*** Account total ***		1,480.00
A214-7311-00.0.0-000 - General Supplies 15938 PW Misc Charges 4/09 Invoice number.: 4/09	2349 US Bank Corp Pymt System 9 PW Street Lamps 4/09	Paid	224.52
A214-7311-00.0.0-000 - General Supplies	*** Account total ***		224.52
A216-7409-00.0.0-000 - Street Sweeping 15888 Street Sweeping 4/09 Invoice number.: 56773	1459 Clean Street 1 Street Sweeping 4/09	Paid	3,500.00
A216-7409-00.0.0-000 - Street Sweeping	*** Account total ***		3,500.00

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A216-7419-00.0.0-000 - Other Professional Services 15927 PW Wash Rack Mtn 4/09 Invoice number.: 36655	2133 American Cleanway Inc 1 PW Wash Rack Mtn 4/09	Paid	225.00
A216-7419-00.0.0-000 - Other Professional Services	*** Account total ***		225.00
A230-7220-00.0.0-813 - PERS Retirement-COPS 15895 Retirement PPE 5/3/09 Invoice number.: PPE 5/3/09	201 CalPERS 6 PD Grant 5/3/09	Paid	918.53
A230-7220-00.0.0-813 - PERS Retirement-COPS	*** Account total ***		918.53
A230-7485-00.0.0-823 - Council Chambers Audio/Visual 15882 Upgrade A/V Equipment 5/09 Invoice number.: 949 15933 Library Electrical Outlets 4/0 Invoice number.: 4/24/09	1467 LarryLogic Productions 1 Upgrade A/V Equipment 5/09 2549 Bill Schwarck Electric 1 Library Electrical Outlets 4/0	Paid Paid Paid	2,002.50 1,200.00
A230-7485-00.0.0-823 - Council Chambers Audio/Visual	*** Account total ***		3,202.50
A301-7419-00.0.0-000 - Other Professional Services 15916 Park N Ride Feasibility 5/09 Invoice number.: 615-10936-101	2399 Placer Title Company 1 Park N Ride Feasibility 5/09	Paid	800.00
A301-7419-00.0.0-000 - Other Professional Services	*** Account total ***		800.00
A301-7520-00.0.0-003 - Concerts in the Grove Park 15909 Grove Concert Band 5/30/09 Invoice number.: 5/30/09 15910 Grove Concert Band 6/13/09 Invoice number.: 6/13/09 15911 Grove Concert Band 6/27/09 Invoice number.: 6/27/09 15912 Grove Concert Sound 6/27/09 Invoice number.: 6/27/09	2535 Paul Kent 1 Grove Concert Band 5/30/09 2421 Christopher G Rossi 1 Grove Concert Band 6/13/09 2422 Drew Harrison 1 Grove Concert Band 6/27/09 2376 Don Stone 1 Grove Concert Sound 6/27/09	Paid Paid Paid Paid Paid	1,200.00 750.00 2,000.00 500.00

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A301-7520-00.0.0-003 - Concerts in the Grove Park	*** Continued ***		
15913 Grove Concert Sound 6/13/09	2376 Don Stone 1 Grove Concert Sound 6/13/09	Paid	500.00
Invoice number.: 6/13/09			
15914 Grove Concert Sound 5/30/09	2376 Don Stone 1 Grove Concert Sound 5/30/09	Paid	500.00
Invoice number.: 5/30/09			
15919 Concerts in the Grove 2009	2410 ASCAP 1 Concerts in the Grove 2009	Paid	308.67
Invoice number.: 2850688			
15920 Grv Concerts Banner Updt 5/09	1454 Sign A Rama 1 Grv Concerts Banner Updt 5/09	Paid	158.41
Invoice number.: 17250			
A301-7520-00.0.0-003 - Concerts in the Grove Park	*** Account total ***		5,917.08
A302-7520-00.0.0-008 - 280 Stranahan LMI-Bamberger			
15923 LMI 280 Stranahan Final 4/09	113 PG&E 1 LMI 280 Stranahan Final 4/09	Paid	28.76
Invoice number.: 4/09			
A302-7520-00.0.0-008 - 280 Stranahan LMI-Bamberger	*** Account total ***		28.76
A303-7520-00.0.0-090 - Grove Property Park			
15938 PW Misc Charges 4/09	2349 US Bank Corp Pymt System 10 PW Grove Repairs 4/09	Paid	1,248.06
Invoice number.: 4/09			
A303-7520-00.0.0-090 - Grove Property Park	*** Account total ***		1,248.06
A303-7520-00.0.0-104 - Downtown Economic Dev Project			
15918 New Website Banner 4/09	1 Donaghu Graphic Designs 1 New Website Banner 4/09	Paid	680.00
Invoice number.: 4/29/09			
15921 Farmers Mkt Banner Updt 4/09	1454 Sign A Rama 1 Farmers Mkt Banner Updt 4/09	Paid	81.94
Invoice number.: 17239			
15922 Downtown Project 3/09	2386 Economic Development Systems 1 Downtown Project 3/09	Paid	8,944.00
Invoice number.: 3/31/09			
A303-7520-00.0.0-104 - Downtown Economic Dev Project	*** Account total ***		9,705.94
A303-7520-00.0.0-106 - Clayton Rd Trail Connection			
15936 Eng Svc 4/25/09-5/8/09	116 PERMCO, Inc. 5 Eng Svc #8843	Paid	1,128.50
Invoice number.: 8832-8846			

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A303-7520-00.0.0-106 - Clayton Rd Trail Connection	*** Account total ***		1,128.50
A303-7520-00.0.0-111 - ADA Compliance Program10394A 15936 Eng Svc 4/25/09-5/8/09	116 PERMCO, Inc. 6 Eng Svc #8840	Paid	266.88
Invoice number.: 8832-8846			
A303-7520-00.0.0-111 - ADA Compliance Program10394A	*** Account total ***		266.88
A304-7520-00.0.0-114 - 2009 Arterial Overlay Project 15936 Eng Svc 4/25/09-5/8/09	116 PERMCO, Inc. 7 Eng Svc #8845	Paid	732.00
Invoice number.: 8832-8846			
	8 Economic Stimulus #8844	Paid	2,779.57
Invoice number.: 8832-8846			
A304-7520-00.0.0-114 - 2009 Arterial Overlay Project	*** Account total ***		3,511.57
A401-7419-00.0.0-000 - Other Professional Services 15883 CFA 07 Arbitrage Svc 5/09	960 NBS Govt. Finance Group 1 CFA 07 Arbitrage Svc 5/09	Paid	1,700.00
Invoice number.: F05080902-JR			
A401-7419-00.0.0-000 - Other Professional Services	*** Account total ***		1,700.00
A601-2730-00.0.0-009 - City Hall Rental Deposit 15915 Refund CH Conf Rm Dep 4/30/08	882 Westwood Property Owners Assn. 1 Refund CH Conf Rm Dep 4/30/08	Paid	100.00
Invoice number.: CH 4/30/08			
A601-2730-00.0.0-009 - City Hall Rental Deposit	*** Account total ***		100.00
A601-2731-00.0.0-220 - Mitchell Crk Pl (Lenox) Cs Bnd 15936 Eng Svc 4/25/09-5/8/09	116 PERMCO, Inc. 9 Eng Svc #8841	Paid	249.00
Invoice number.: 8832-8846			
A601-2731-00.0.0-220 - Mitchell Crk Pl (Lenox) Cs Bnd	*** Account total ***		249.00
A601-2731-00.0.0-442 - James Hawk Cash Bond EP2748 15908 Refund EP 2748 Deposit 5/09	2340 James & Katherine Hawk 1 Refund EP 2748 Deposit 5/09	Paid	500.00
Invoice number.: EP 2748			
A601-2731-00.0.0-442 - James Hawk Cash Bond EP2748	*** Account total ***		500.00
A601-2731-00.0.0-497 - Harold "Steven"Klein EP2791 15902 Refund EP 2791 Dep 5/09	2544 Harold Klein 1 Refund EP 2791 Dep 5/09	Paid	408.50
Invoice number.: EP 2791			
A601-2731-00.0.0-497 - Harold "Steven"Klein EP2791	*** Account total ***		408.50

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A601-2739-00.0.0-000 - Clayton Community Library Foun 15891 Library Volunteer 5/09 Invoice number.: 5/09	1160 Arlene H. Kikkawa-Nielsen 1 Library Volunteer 5/09	Paid	820.00
A601-2739-00.0.0-000 - Clayton Community Library Foun	*** Account total ***		820.00
A601-2740-00.0.0-096 - Cost Recov Dep PG&E Minor EP 15936 Eng Svc 4/25/09-5/8/09 Invoice number.: 8832-8846	116 PERMCO, Inc. 10 Eng Svc #8834	Paid	249.00
A601-2740-00.0.0-096 - Cost Recov Dep PG&E Minor EP	*** Account total ***		249.00
A601-2740-00.0.0-097 - Cost Recov Dep - CCWD Minor EP 15936 Eng Svc 4/25/09-5/8/09 Invoice number.: 8832-8846	116 PERMCO, Inc. 11 Eng Svc #8835R	Paid	124.50
A601-2740-00.0.0-097 - Cost Recov Dep - CCWD Minor EP	*** Account total ***		124.50
A601-2740-00.0.0-168 - Thomas Seeno Parcel Map 03-04 15901 Refund Map 03-04 Dep Less Fees Invoice number.: MAP 03-04	2545 Thomas & Norine Seeno TRE 1 Refund Map 03-04 Dep Less Fees Paid		1,729.37
A601-2740-00.0.0-168 - Thomas Seeno Parcel Map 03-04	*** Account total ***		1,729.37
A601-2740-00.0.0-264 - Dan Condon Parcel Map 02-05 15900 Refund Map 02-05 Dep Less Fees Invoice number.: MAP 02-05	2546 Daniel & Anne Condon 1 Refund Map 02-05 Dep Less Fees Paid		1,023.47
A601-2740-00.0.0-264 - Dan Condon Parcel Map 02-05	*** Account total ***		1,023.47
A601-2740-00.0.0-280 - Safeway Use Permit 03-05 15907 Refund Dep UP 04-04 5/09 Invoice number.: UP 04-04	1837 Safeway, Inc. 1 Refund Dep UP 04-04 5/09	Paid	879.72
A601-2740-00.0.0-280 - Safeway Use Permit 03-05	*** Account total ***		879.72
A601-2740-00.0.0-325 - Cingular Use Permit 01-06 Dep 15905 Refund UP 01-06 Unused Dep 5/0 Invoice number.: UP 01-06	2542 Wireless Facilities, Inc 1 Refund UP 01-06 Unused 5/09	Paid	2,476.32
A601-2740-00.0.0-325 - Cingular Use Permit 01-06 Dep	*** Account total ***		2,476.32

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A601-2740-00.0.0-426 - David Kreske Lot LnAdjMap01-07 15896 Refund LLA 01-07 Dep Less Fees Invoice number.: MAP 01-07	2547 David & Kathrine Kreske 1 Refund LLA 01-07 Dep Less Fees Paid		825.42
A601-2740-00.0.0-426 - David Kreske Lot LnAdjMap01-07	*** Account total ***		825.42
A601-2740-00.0.0-463 - David Benedict UP 8-07 15904 Refund UP 08-07 Dep less fees Invoice number.: UP 08-07	2543 David Benedict 1 Refund UP 08-07 Dep 5/09 Paid		869.33
A601-2740-00.0.0-463 - David Benedict UP 8-07	*** Account total ***		869.33
A601-2740-00.0.0-499 - Snap Fitness UP 03-08 15903 Refund Dep UP 03-08, 01-09 5/0 Invoice number.: UP 03-08, 01-09	2548 SL Adventures 1 Fees UP 03-08 5/09 Paid		-140.07
A601-2740-00.0.0-499 - Snap Fitness UP 03-08	*** Account total ***		-140.07
A601-2740-00.0.0-517 - Staehle SPR 09-08 15906 Refund Dep SPR 09-08 5/09 Invoice number.: SPR 09-08	2541 Robert Staehle 1 Refund Dep SPR 09-08 5/09 Paid		513.37
A601-2740-00.0.0-517 - Staehle SPR 09-08	*** Account total ***		513.37
A601-2740-00.0.0-521 - Snap Fitness UP 01-09 15903 Refund Dep UP 03-08, 01-09 5/0 Invoice number.: UP 03-08, 01-09	2548 SL Adventures 2 Refund Dep UP 01-09 5/09 Paid		278.85
A601-2740-00.0.0-521 - Snap Fitness UP 01-09	*** Account total ***		278.85
A601-2741-00.0.0-153 - Seeno Grading Insp (10351) 15936 Eng Svc 4/25/09-5/8/09 Invoice number.: 8832-8846	116 PERMCO, Inc. 12 Eng Svc #8836 Paid		62.25
A601-2741-00.0.0-153 - Seeno Grading Insp (10351)	*** Account total ***		62.25
A601-2741-00.0.0-472 - OAKSt MixedUse 01-08Consultant 15935 Rivulet Planning Svc 4/09 Invoice number.: 0806P-9	2010 Raney Planning & Management, I 1 Rivulet Planning Svc 4/09 Paid		542.02
A601-2741-00.0.0-472 - OAKSt MixedUse 01-08Consultant	*** Account total ***		542.02

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A601-2744-00.0.0-077 - AD Seeno Oak Crk Cyn SW26-06 15936 Eng Svc 4/25/09-5/8/09 Invoice number.: 8832-8846	116 PERMCO, Inc. 13 Eng Svc #8838	Paid	62.25
A601-2744-00.0.0-077 - AD Seeno Oak Crk Cyn SW26-06	*** Account total ***		62.25
A601-2744-00.0.0-189 - Riessen SW Permit 17-05 15936 Eng Svc 4/25/09-5/8/09 Invoice number.: 8832-8846	116 PERMCO, Inc. 15 Eng Svc #8837	Paid	62.25
A601-2744-00.0.0-189 - Riessen SW Permit 17-05	*** Account total ***		62.25
A601-2744-00.0.0-329 - Lemke Diablo Pt SW permit28-06 15936 Eng Svc 4/25/09-5/8/09 Invoice number.: 8832-8846	116 PERMCO, Inc. 14 Eng Svc #8839	Paid	62.25
A601-2744-00.0.0-329 - Lemke Diablo Pt SW permit28-06	*** Account total ***		62.25
A601-2744-00.0.0-381 - Gonzalez SW Permit 18-07 15936 Eng Svc 4/25/09-5/8/09 Invoice number.: 8832-8846	116 PERMCO, Inc. 16 Eng Svc #8837	Paid	62.25
A601-2744-00.0.0-381 - Gonzalez SW Permit 18-07	*** Account total ***		62.25
A601-2744-00.0.0-487 - Lance Brick SWP 12-08 15936 Eng Svc 4/25/09-5/8/09 Invoice number.: 8832-8846	116 PERMCO, Inc. 17 Eng Svc #8837	Paid	62.25
A601-2744-00.0.0-487 - Lance Brick SWP 12-08	*** Account total ***		62.25
A601-2744-00.0.0-495 - D. Lombardo SWP 25-08 15936 Eng Svc 4/25/09-5/8/09 Invoice number.: 8832-8846	116 PERMCO, Inc. 18 Eng Svc #8837	Paid	62.25
A601-2744-00.0.0-495 - D. Lombardo SWP 25-08	*** Account total ***		62.25
A601-2744-00.0.0-531 - FJ Techonologies SWP 04-09 15936 Eng Svc 4/25/09-5/8/09 Invoice number.: 8832-8846	116 PERMCO, Inc. 19 Eng Svc #8837	Paid	435.75
A601-2744-00.0.0-531 - FJ Techonologies SWP 04-09	*** Account total ***		435.75

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A601-2744-00.0.0-532 - B Wakefield SWP 05-09 15936 Eng Svc 4/25/09-5/8/09 Invoice number.: 8832-8846	116 PERMCO, Inc. 20 Eng Svc #8837	Paid	83.00
A601-2744-00.0.0-532 - B Wakefield SWP 05-09	*** Account total ***		83.00
A601-2744-00.0.0-533 - D. Boatwright SWP 06-09 15936 Eng Svc 4/25/09-5/8/09 Invoice number.: 8832-8846	116 PERMCO, Inc. 21 Eng Svc #8837	Paid	41.50
A601-2744-00.0.0-533 - D. Boatwright SWP 06-09	*** Account total ***		41.50
A702-7338-00.0.0-000 - Water Services 15934 City Water Usage 3-4/09 Invoice number.: K Series 3-4/09	67 Contra Costa Water Dist. 4 End Hall 3-4/09	Paid	393.44
A702-7338-00.0.0-000 - Water Services	*** Account total ***		393.44
A702-7341-00.0.0-000 - Buildings/Grounds Maintenance 15889 Monthly Svc 4/09 Invoice number.: 426356 15932 EH Window Cleaning 4/09 Invoice number.: 4186	170 Western Exterminator 4 End Hall Ext Svc 4/09 2182 SonBright Window Cleaning Svc 1 EH Window Cleaning 4/09	Paid Paid	87.00 180.00
A702-7341-00.0.0-000 - Buildings/Grounds Maintenance	*** Account total ***		267.00
A702-7417-00.0.0-000 - Janitorial Service 15926 Janitorial Services for 4/09 Invoice number.: APR2009	468 J & R Floor Services 4 End Hall 4/09	Paid	150.00
A702-7417-00.0.0-000 - Janitorial Service	*** Account total ***		150.00
A999-1205-00.0.0-000 - Long Term Invest MorganStanley 15897 CD Investment 5/09 Invoice number.: Cowlitz Bk 5/09	2094 Morgan Stanley 1 CD Investment 5/09	Paid	98,000.00
A999-1205-00.0.0-000 - Long Term Invest MorganStanley	*** Account total ***		98,000.00
A999-1210-00.0.0-000 - Long Term Invest FinNorEastern 15898 CD Investment 5/09 Invoice number.: Repb Bk 5/11/09	2161 Financial Northeastern Corp 1 CD Investment 5/09	Paid	99,000.00

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A999-1210-00.0.0-000 - Long Term Invest FinNorEastern			
15899 CD Investment 5/09	2161 Financial Northeastern Corp		
	1 CD Investment 5/09	Paid	99,000.00
Invoice number.: Eurobnk 5/11/09			
A999-1210-00.0.0-000 - Long Term Invest FinNorEastern			
	*** Account total ***		198,000.00
* Report total *	*** Total ***		400,466.24

Agenda Date: 5-19-09

ENGINEER'S REPORT

Agenda Item: 4c

DATE: MAY 19, 2009
TO: CITY COUNCIL
FROM: CITY ENGINEER
RE: STREET LIGHT ASSESSMENT DISTRICT - FISCAL YEAR 2009-10

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

HISTORICAL REVIEW

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

When the Assessment District was formed, primarily to pay for street lighting in residential areas with street lights, the City ceased annexing new subdivisions to Lighting District #1. While the City continues to receive moneys on Lighting District #1 as Special Augmentation Funds, the amounts are expected to decrease. The expected income for FY 2009-10 is approximately \$28,006.

All of the residential subdivisions with street lighting have now been annexed to the district and are being assessed annually.

When the Street Light Assessment District was formed, it was the City Council's policy that the residential street lighting be paid by the Assessment District and arterial street lighting by Lighting District #1.

PROPOSITION 218

In 2001, significant increases in electric charges from PG&E were anticipated and a large increase was proposed in the annual assessments. It was finally determined that any increases over the amounts being assessed when Proposition 218 was approved, were subject to the terms of Proposition 218. A ballot election was held and the proposed increases were rejected by almost 60% of the votes cast. Based upon that result, a public meeting and public hearing was held on the pre-218 assessments based upon the old majority protest procedures. Since there was not a majority protest, the pre-218 assessments were levied.

Due to the current fiscal climate, I again do not recommend that the City attempt another 218 election in order to increase the assessments.

DETERMINATION OF SPECIAL BENEFIT

For this district, being limited to street lighting, the finding of a special benefit is relatively simple. Those properties, occupied and located on a lighted public street, receive a special benefit relative to those properties located on unlit streets. This benefit may be described as additional protection for residents from criminal activity and, to a lesser extent, vehicular traffic. It should be noted that I am saying that the lights protect the pedestrians from vehicular traffic by increasing the pedestrians' ability to see and not the other way around.

There may be some who would argue that since pedestrians benefit from the additional protection and that some of the pedestrians may be other than the actual residents, a general benefit exists. However, I believe that the number of trips by non-residents would be minuscule compared to the residents' trips and impossible to reasonably quantify.

There are some publicly owned parcels (open space areas) that do have some frontage along lighted public streets. However, since these properties are not occupied, no benefit, either special or general, is received.

Therefore, I can only find that no "general" benefit exists.

DISTRICT IMPROVEMENTS

The district improvements consist of streetlights located on residential streets. The streetlights may be mounted on PG&E poles or on their own poles (either wood, metal or concrete).

ESTIMATED COSTS

Actual PG&E costs for FY 2008-09 will be approximately \$102,000. Based upon expenditures to date, the City's labor, materials and overhead costs should be approximately \$35,600.

We are projecting a modest increase in electrical costs over the current year's actual costs to \$106,000 for the almost 800 streetlights covered by the assessment district. In addition, we are proposing that the maintenance and administrative budgets be set at \$36,250.

METHOD OF ASSESSMENT

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

In those subdivisions with private streets, but served or traversed by public, lit streets, the property owners already pay for a share of their private street lighting and the ratio of lots to the number of public lights is higher than those in subdivisions with all public streets. Therefore, in order to provide an equitable assessment, I have

assigned assessment units of one-half to single family and duet subdivisions (Oak Hollow and Black Diamond) and one-quarter to multifamily subdivisions (Diablo Ridge, Chaparral Springs, Marsh Creek Villas).

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

UNEXPENDED FUNDS

The fund balance at the beginning of FY 2008/09 was approximately \$125,254.

We estimate that the final costs for FY 2008/09 should be approximately \$137,605 and the final income amount should be \$128,460, resulting in a shortfall of \$9,145. This shortfall will decrease the fund balance to \$116,109 for the beginning of FY 2009/10.

This fund balance will cover the costs of the District until receipt of the first tax payment in December.

PER UNIT ALLOCATION

If we were able to spread the costs strictly by the number of assessment units in the District, we would have the following cost per assessment unit:

Estimated PG&E cost	\$106,000.00
City Maintenance Costs	17,850.00
City Administrative Costs	10,000.00
Legal (ads, notice, etc.)	4,500.00
County Collection of Levy Fee	<u>3,900.00</u>
Total Budget	\$142,250.00
Less Interest Income	<u>(5,000.00)</u>
Net Assessment Required	\$137,250.00
Total Assessment Units	2896.5
Total Assessment Per Unit	<u>\$47.38</u>

However, since we are unable to increase assessments beyond their current level without a ballot election, we recommend that the current assessments remain the same for FY 2009-10 (see table on pages 4 and 5). Based upon the current assessment levels, the District will receive approximately \$125,458.76. Therefore, we must project a shortfall of approximately \$11,791 in FY 2009-10 which will decrease the existing fund balance at the end of FY 2009-10 to \$104,318.

ASSESSMENT HISTORY

Proposed FY 09-10	between \$0 and \$43.54
FY 08-09	between \$0 and \$43.54
FY 07-08	between \$0 and \$43.54
FY 06-07	between \$0 and \$43.54
FY 05-06	between \$0 and \$43.54
FY 04-05	between \$0 and \$43.54
FY 03-04	between \$0 and \$43.54
FY 02-03	between \$0 and \$43.54
FY 01-02	between \$0 and \$43.54
FY 00-01	\$34.34
FY 99-00	\$33.38
FY 98-99	\$33.38
FY 97-98	\$33.38
FY 96-97	\$43.54

CITY OF CLAYTON								
STREETLIGHT ASSESSMENT DISTRICT								
FY 2009-10								
PROPOSED ASSESSMENTS								
Subd. Name	Subd. No.	No. of Lots	Type	Public Streets	A.U. per lot	Total A.U.	Assessment Per Lot	Total \$
Cardinet Glen I	2556	22	SF	Y	1.00	22.00	\$43.54	\$957.88
Cardinet Glen II	2572	30	SF	Y	1.00	30.00	\$43.54	\$1,306.20
Glen Almond	3434	23	SF	Y	1.00	23.00	\$43.54	\$1,001.42
Dana Hills I	3576	29	SF	Y	1.00	29.00	\$43.54	\$1,262.66
Mission Manor	3659	25	SF	Y	1.00	25.00	\$43.54	\$1,088.50
Dana Hills II	4011	55	SF	Y	1.00	55.00	\$43.54	\$2,394.70
Dana Hills III	4012	50	SF	Y	1.00	50.00	\$43.54	\$2,177.00
Dana Hills IV	4013	93	SF	Y	1.00	93.00	\$43.54	\$4,049.22
Dana Hills V	4014	50	SF	Y	1.00	50.00	\$43.54	\$2,177.00
Dana Hills VI	4015	30	SF	Y	1.00	30.00	\$43.54	\$1,306.20
Dana Hills VII	4016	65	SF	Y	1.00	65.00	\$43.54	\$2,830.10
Dana Hills VIII	4017	46	SF	Y	1.00	46.00	\$43.54	\$2,002.84
Dana Hills IX	4018	32	SF	Y	1.00	32.00	\$43.54	\$1,393.28
Dana Hills X	4019	52	SF	Y	1.00	52.00	\$43.54	\$2,264.08
Marsh Creek	4240	109	MF	N	0.25	27.25	\$15.64	\$1,704.76
Regency Woods I	4343	77	SF	Y	1.00	77.00	\$43.54	\$3,352.58
St. James Place	4403	16	SF	Y	1.00	16.00	\$43.54	\$696.64
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Douglas Court	5267	9	SF	Y	1.00	9.00	\$43.54	\$391.86

Regency Meadows	5722	96	SF	Y	1.00	96.00	\$43.54	\$4,179.84
Westwood	6001	65	SF	Y	1.00	65.00	\$43.54	\$2,830.10
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Peacock Creek I	7249	69	SF	Y	1.00	69.00	\$33.38	\$2,303.22
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Eagle Peak II	7257	60	SF	Y	1.00	60.00	\$43.54	\$2,612.40
Falcon Ridge I	7260	75	SF	Y	1.00	75.00	\$33.38	\$2,503.50
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Oak Hollow	7766	35	SF	N	0.50	17.50	\$16.68	\$583.80
Diablo Ridge II	7767	76	MF	N	0.25	19.00	\$8.34	\$633.84
Oak Hollow IIA	7768	55	SF	N	0.50	27.50	\$31.28	\$1,720.40
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Bridlewood	8358	19	SF	Y	1.00	19.00	\$43.54	\$827.26
TOTALS		3458				2896.5		\$125,458.76

**JOINT NOTICE OF PUBLIC MEETING AND PUBLIC HEARING ON THE
LEVYING OF ASSESSMENTS ON REAL PROPERTY IN THE STREET
LIGHTING ASSESSMENT DISTRICT PURSUANT TO STREETS AND
HIGHWAYS CODE 18070 AND GOVERNMENT CODE 54954.6.**

KNOW ALL INTERESTED PARTIES BY THIS NOTICE THAT:

1. The City Engineer did present on May 19, 2009, to the City Council, his report dated May 19, 2009, indicating a total budget for FY 2009-10 of \$142,250.00 and recommending assessments of between \$0 and \$43.54 per residential unit to pay for the obligations of the Street Lighting Assessment District ("District") during the 2009-10 fiscal year. The exact assessments proposed are shown on the attached Exhibit A.

2. The City Council accepted and approved the report on May 19, 2009, by adopting a Resolution, which set forth, among other things:

a. The Council's intent to levy and collect assessments of between \$0 and \$43.54 per residential unit to pay for the obligations of said District during the 2009-10 fiscal year.

b. The dates of Tuesday, June 16, 2009 and Tuesday, July 21, 2009, at 7:00 p.m., at Hoyer Hall in the Clayton Community Library, situated at 6125 Clayton Road, Clayton, California, as the dates, times and place for the public meeting and public hearing, respectively, required for the hearing of protests against the levying of said assessments in the District for the cost of operating in fiscal year 2009-10.

3. The existing assessments for the 2008-09 fiscal year were between \$0 and \$43.54 per assessment unit.

► **The proposed assessments do not constitute an increase over the existing assessments.** ◀

4. A general description of the items to be maintained and operated in the District and paid for by the assessment is as follows: Street lights located on public streets in residential subdivisions within the City except for those on arterial streets.

5. All interested parties may obtain further particulars concerning the proposed assessments in the District and a description and map of the boundaries of the District by referring to the resolution and the report of May 19, 2009, which are on file with the City Clerk in the Clayton City Office. In addition, interested parties may contact the City Engineer directly by phone at (925) 363-7433 or in person at 5375 Clayton Road, Concord, California.

NOW, THEREFORE, any and all persons having any interest in lands within the District liable to be assessed for the expenses of the district for fiscal year 2009-10, may appear at the public meeting and the public hearing, the time and place thereof being set forth above, and offer protest to said assessments, and any of said persons may also present any objections that they may have by written protest filed with the City Clerk, City of Clayton, 6000 Heritage Trail, Clayton, California, 94517, at or before the time set for public hearing.

LACI J. JACKSON
City Clerk
City of Clayton
Phone: 925/673-7300
DATED: May 20, 2009

CITY OF CLAYTON								
STREETLIGHT ASSESSMENT DISTRICT FY 2009-10								
PROPOSED ASSESSMENTS								
Subd. Name	Subd. No.	No. of Lots	Type	Public Streets	A.U. per lot	Total A.U.	Assessment Per Lot	Total \$
Cardinet Glen I	2556	22	SF	Y	1.00	22.00	\$43.54	\$957.88
Cardinet Glen II	2572	30	SF	Y	1.00	30.00	\$43.54	\$1,306.20
Glen Almond	3434	23	SF	Y	1.00	23.00	\$43.54	\$1,001.42
Dana Hills I	3576	29	SF	Y	1.00	29.00	\$43.54	\$1,262.66
Mission Manor	3659	25	SF	Y	1.00	25.00	\$43.54	\$1,088.50
Dana Hills II	4011	55	SF	Y	1.00	55.00	\$43.54	\$2,394.70
Dana Hills III	4012	50	SF	Y	1.00	50.00	\$43.54	\$2,177.00
Dana Hills IV	4013	93	SF	Y	1.00	93.00	\$43.54	\$4,049.22
Dana Hills V	4014	50	SF	Y	1.00	50.00	\$43.54	\$2,177.00
Dana Hills VI	4015	30	SF	Y	1.00	30.00	\$43.54	\$1,306.20
Dana Hills VII	4016	65	SF	Y	1.00	65.00	\$43.54	\$2,830.10
Dana Hills VIII	4017	46	SF	Y	1.00	46.00	\$43.54	\$2,002.84
Dana Hills IX	4018	32	SF	Y	1.00	32.00	\$43.54	\$1,393.28
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TOTALS		3458				2896.5		\$125,458.76

RESOLUTION NO.

**A RESOLUTION APPROVING ENGINEER'S REPORT AND DECLARING INTENTION TO
LEVY AND COLLECT ASSESSMENTS FOR THE STREET LIGHTING ASSESSMENT
DISTRICT FOR FISCAL YEAR 2009-10, AND GIVING NOTICE OF THE TIME AND PLACE
FOR HEARING ON THE LEVY OF THE PROPOSED ASSESSMENT.**

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

WHEREAS, by Resolution No. 11-79, adopted May 2, 1979, the Clayton City Council converted Street Lighting District No. 1 to a benefit assessment district and confirmed an assessment for fiscal year 1979-80, pursuant to the Street Lighting Act of 1919; and

WHEREAS, by City Resolution No. 08-2009 adopted May 5, 2009, the Engineer has been ordered by the Council to prepare and file a report setting forth the information called for in Section 18091 of the Streets and Highways Code and Article XIII C of the California Constitution for the 2009-10 assessment; and

WHEREAS, the City Council reviewed the Engineer's Report at its regular meeting on May 19, 2009, and found same to be satisfactory and in compliance with Section 18091 of the California Streets and Highway Code and Article XIII C of the California Constitution for the 2009-10 assessment; and

WHEREAS, it is now necessary for the City Council to establish the date for the public meeting and public hearing on the levying of the proposed assessments for fiscal year 2009-10 and to direct the Clerk to give the required notice of such hearing.

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

1. The report, dated May 19, 2009, prepared by the City Engineer as the Engineer for the Assessment District, and each part thereof, is sufficient in each particular, has fairly and properly apportioned the cost of the improvement to each parcel of land in the assessment district in proportion to the estimated benefits to be received by each parcel respectively from such improvements, and is hereby approved as filed.

2. The City Council hereby declares its intention to levy and collect assessments pursuant to the Street Lighting Act of 1919 for fiscal year 2009-10 in the amounts specified on the attached Exhibit A for each of the residential parcels within all of the subdivisions located in the Street Lighting Assessment District.

4. The Assessment District includes all territory within the present boundaries of the Street Lighting Assessment District, and consists of all of the following subdivisions: #2556, #2572, #3434, #3576, #3659, #4011, #4012, #4013, #4014, #4015, #4016, #4017, #4018, #4019, #4240, #4343, #4403, #4449, #4451, #4499, #4504, #4515, #4543, #4643, #4654, #4798, #4805, #4827, #4956, #5048, #5049, #5050, #5267, #5722, #6001, #6990, #7065, #7066, #7249, #7255, #7256, #7257, #7260, #7261, #7262, #7263, #7264, #7303, #7311, #7766, #7767, #7768, #7769, #7887, #8215, #8355, and #8358 as such maps appear of record in the Contra Costa County Recorder's Office.

5. As shown on the report on file with the City Clerk, the City will pay for the lighting cost of some 800 subdivision street lights on local residential streets within the Street Lighting Assessment District by the proposed assessments during fiscal year 2009-10. The proposed assessments are the same as the existing assessments from fiscal year 2008-09.

6. **A public meeting will be held on Tuesday, June 16, 2009, at the hour of 7:00 p.m., of said day, at a regular City Council meeting and a public hearing shall be held on Tuesday, July 21, 2009, at the hour of 7:00 p.m., of said day, at a regular City Council meeting, each at Hoyer Hall in the Clayton Community Library situated at 6125 Clayton Road, Clayton, California,** the regular meeting place of the Clayton City Council; any and all persons having any interest in the lands within the Street Lighting Assessment District, liable to be assessed for the expenses of the District for fiscal year 2009-10, may be heard, and any such persons may also present their protests against the proposed assessments with City Clerk at or before the time set for hearing.

7. The City Clerk shall give notice of the passage of this resolution and of the time and place of hearing of protests as herein designated by causing a copy of this resolution to be published and by causing a joint notice of the passage of this resolution and of the time and place of the public

meeting and the public hearing of protests to be mailed to all owners of property within the District as required by Section 54954.6 of the Government Code.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on 19th day of May 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Julie K. Pierce, 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 May 19, 2009.

Laci J. Jackson, City Clerk

CITY OF CLAYTON								
STREETLIGHT ASSESSMENT DISTRICT								
FY 2009-10								
PROPOSED ASSESSMENTS								
Subd. Name	Subd. No.	No. of Lots	Type	Public Streets	A.U. per lot	Total A.U.	Assessment Per Lot	Total \$
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Diablo Ridge I	7766	60	MF	N	0.25	15.00	\$8.34	\$500.40
Oak Hollow	7766	35	SF	N	0.50	17.50	\$16.68	\$583.80
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TOTALS		3458				2896.5		\$125,458.76

Declaring

Support for the "Wellness City Challenge"

WHEREAS, the "Wellness City Challenge" concept is to create a viable, wellness action plan for the City of Clayton and then to share this plan with other cities; and

WHEREAS, the "Wellness City Challenge" has adopted Healthy Eating Guidelines which include reading the label on all processed/packaged foods and watching for the following: no sugar in the first three ingredients, 3 grams of fiber per 100 calories, and no trans fat/hydrogenated oils ever; and

WHEREAS, over 10,000 families have been directly involved in the movement and are reaping the benefits thereof; and

WHEREAS, the City of Clayton wishes to support the "Wellness City Challenge" by encouraging its citizens to follow the Healthy Eating Guidelines; and

WHEREAS, the "Wellness City Challenge" movement has become a dynamic, positive, action plan, uniting the communities on a foundation of health and wellness; and

WHEREAS, the effect of reeducating the residents of Clayton will result in a shift in the entire community behavior and attitude toward healthy eating.

NOW, THEREFORE, I, Julie K. Pierce, Mayor, on behalf of City Council, do hereby declare our support and commitment to follow the "Wellness City Challenge" and adhere to the Healthy Eating Guidelines as established and attached hereto (www.wellnesscitychallenge.com).

Agenda Date: 5-19-09

Agenda Item: 5a



Wellness City Challenge

BUILDING A HEALTHY COMMUNITY

www.wellnesscitychallenge.com

EATING HEALTHY GUIDELINES 101

Read the label on all processed /packaged foods and follow these guidelines:

1. No Sugar or Sweetener in the first three ingredients. High Fructose Corn Syrup and Sucrose are the most common. There are over 40 names for sugar.
2. Look for 3 grams of whole grain fiber per 100 calories.
3. NO Trans fat or hydrogenated oils – ever.

Don't be fooled by organic sugar – sugar is sugar!

Make these three small and simple changes and experience big changes in your life.

Remember to eat more food grown ~~on~~ plants (fruits and vegetables) and less food grown ~~in~~ plants (processed and packaged food).



Wellness City Challenge

BUILDING A HEALTHY COMMUNITY

www.wellnesscitychallenge.com

LABEL READING GUIDELINES 101

1. Start with the ingredient list
 - A. If Sugar (in its many names) is in the first 3 ingredients, it's considered dessert. Pass it up – it's not a snack or a meal. Look for natural, unrefined sugars (honey, maple syrup, agave). Dessert is fine to eat as dessert, not as a meal.
 - B. Refined Sugar or High Fructose Syrup – pass it up.
 - C. Partial or Fully Hydrogenated Oil (trans fat) – pass it up. This is often found in foods for prolonged shelf life.
2. Check serving size and calories
How many servings does this container hold?
Look for grams of:
 - A. FIBER: Whole grains – 3 grams or more for 100 – 120 calories
 - B. SODIUM/SALT: under 250 mg per serving
 - C. FAT: 1/3 of calories per serving (except nuts and nut butter)In order to lower your fat intake – choose low-fat or non-fat dairy.
3. Don't recognize an ingredient – DON'T eat it!

Agenda Date: 5-19-09

Agenda Item: 5b

*Pete Barra
for
designing and editing the
2009 posters
for
Concerts in The Grove*

*Clayton Pioneer
for
preparation of
advertisements for the
2009 Concerts in The Grove*

Agenda Date: 5.19-05

Agenda Item: 5b



Agenda Date: 5-19-09

Agenda Item: 9a

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 19 MAY 2009

SUBJECT: DISCUSSION OF COUNCIL MEMBERS' ENROLLMENT IN CALPERS

RECOMMENDATION

It is recommended the City Council provide policy direction to staff regarding any modifications to the existing "optional" membership in the California Public Employees Retirement System (CalPERS) for City elected officials.

BACKGROUND

At the conclusion of the May 5th City Council meeting, Council Member Medrano requested a future Council Agenda item to discuss the participation of City Council members in the CalPERS. This subject has been placed on this Agenda and the information gathered below is included to facilitate the City Council's consideration of the matter.

HISTORY OF CALPERS ENROLLMENT

By action of a previous City Council in September 1998 (ref. City Resolution No. 51-98; attached), the Clayton City Council established that effective 01 January 1999 the current stipend of council members is considered "salary" for the purpose of participation in existing employee benefit programs of the City. Among those benefits then becoming available to City elected officials was the allowance of each City Council member to individually "opt" into CalPERS for pension purposes. For members opting into CalPERS, the adopted Resolution indicates the expense is to be paid 100% by the City (ref. 2nd Recital and Resolve sections).

City elected officials may further elect to enroll in City medical, dental or life insurance programs provided through the City but participation in those benefits are to be paid 100% by the participating elected official.

In May 2002 the City Council deemed it appropriate to increase its monthly compensation (allowed by state law for general law cities) from \$200.00 per month to \$300.00 per month (effective December 2002), raise the stipend for Planning Commissioners, and establish a stipend for Community Services Commissioners. Staff then prepared the required Ordinance (No. 365; attached), which was adopted on 04 June 2002. As a matter of Municipal Code housekeeping, the prepared Ordinance codified for the first time Section 2.05.030 – Council Benefits Program, the 1998 action previously extending optional CalPERS membership and employee insurance benefits to elected City officials.

CALPERS MEMBERSHIP FOR ELECTED OFFICIALS

The City's CalPERS plan for its general employees is the second lowest-benefit retirement pension system offered, known as 2% at Age 55. Deposits to this retirement pension system derive from an Employer's contribution and an Employee's contribution. For Fiscal Year 2009-2010, the respective contribution rates on salary compensation are 14.23% for the Employer and 7% for the Employee. Many years ago, the City of Clayton (as did most other cities) started paying the Employee's contribution (always fixed at a 7% rate) in behalf of its employees arising from the collective bargaining process (required of public employers by state law).

Application of these retirement pension rates to the City Council's total salary for FY 2009-2010 results in the following expenses in next year's City Budget:

City Council compensation:	\$ 23,400	(\$390 per month)
CalPERS pension expense:	\$ 4,968	(21.23%)

Relative to City Council members' participation in CalPERS, California Government Code Section 20322 provides that an "elective officer" is excluded from membership in CalPERS unless he or she files with the CalPERS Board of Administration an election in writing to become a member. The Clayton City Council, by its action noted in 1998, extended this public pension opportunity to its membership at the sole option of each elected official. Consequently, a member of the City Council does not automatically become a member of CalPERS unless and until each one voluntarily elects to "opt into" CalPERS by submittal of the CalPERS Form (AESD-1; copy attached). Section 19 on that Form is checked when a newly-elected member of the City Council informs staff they wish to exercise their option to join CalPERS.

All five (5) members of the current Clayton City Council exercised their election to be optional members of CalPERS. Of members in the recent past, former Mayor and Council Member Pete Laurence did not opt into CalPERS. One important note: *an elected official's decision to opt into CalPERS is irrevocable as long as that individual remains in an elective officer position with the same public agency. Once membership is established, it may be terminated only upon the member's permanent separation from employment covered by CalPERS* (ref. CalPERS, Form AESD-59; copy attached). Therefore, a current member of the Clayton City Council cannot now elect to "drop" his or hers CalPERS membership.

During this research, the question was posed to CalPERS whether the City can amend its CalPERS Contract to delete this optional membership for its elected officials, thereby barring future members of the City Council from electing to participate in this public retirement system. The answer is *"Yes, the City can preclude all future elected officials from opting into CalPERS by a Contract amendment."* CalPERS indicated there would be expenses incurred by CalPERS to undertake this Contract amendment and those costs must be paid by the City. As of the writing of this Staff Report, that amount and the exact amendment procedures were unknown to the CalPERS staffer but they would re-contact City staff to provide the requested information. For the local public agency, an amendment to its CalPERS Contract is done by adoption of an Ordinance.

- Attachments:
1. City Resolution No. 51-98 [2 pp.]
 2. Ordinance No. 365 [2 pp.]
 3. CalPERS Member Action Request, Form AESD-1 [2 pp.]
 4. CalPERS Election of Optional Membership, Form AESD-59 [1 pg.]

RESOLUTION NO. 51-98

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON
APPROVING A BENEFITS PROGRAM FOR CITY COUNCIL MEMBERS**

WHEREAS, the City of Clayton City Council at their September 1, 1998 meeting considered various benefit options that could be made available to council members and directed staff to prepare a benefit program for City council members; and

WHEREAS, pursuant to City Council direction staff has prepared a program that would allow optional participation at cost to the city council member for individual or family medical and/or dental insurance and individual life insurance and deferred compensation; with the optional participation by City Council members in Public Employee Retirement System (PERS) to be paid by the City of Clayton; and

WHEREAS, the City Council will have their stipend changed to a salary at the same rate of the stipend, for purposes of allowing optional participation health/dental/life insurance and PERS; and

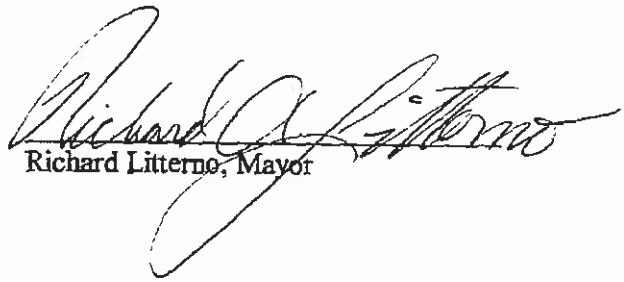
WHEREAS, said benefit program will not become effective until January 1, 1999.

WHEREAS, the City of Clayton City Council considered the proposed benefit program at their September 15, 1998 meeting.

NOW, THEREFORE, BE IT RESOLVED that effective January 1, 1999, the City of Clayton City Council members are hereby termed employees with the current stipend to be salary for purposes of participation in a benefits program that would allow optional city council member participation; with PERS paid by the City of Clayton, and all other employee benefits at cost to the Council member.

Adopted by the City Council of the City of Clayton at a regular meeting of said Council held on September 15, 1998, by the following vote:

AYES: Council Members Manning, Peterson, Pierce, Vice Mayor Laurence, Mayor Littorno
NOES: None
ABSENT: None


Richard Litterno, Mayor

ATTEST:


Frances Douglas, 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 15, 1998.


Frances Douglas, City Clerk

ORDINANCE NO. 365

AN ORDINANCE REVISING MONTHLY COMPENSATION FOR CITY COUNCIL, PLANNING COMMISSION, AND COMMUNITY SERVICES COMMISSION MEMBERS BY REPLACING SECTIONS 2.05.010, 2.12.025 AND 2.14.060 OF THE CLAYTON MUNICIPAL CODE WITH NEW SECTIONS SO NUMBERED AND ADDING NEW SECTION 2.05.030 (COUNCIL BENEFITS PROGRAM) TO THE CLAYTON MUNICIPAL CODE

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

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

SECTION 1. Section 2.05.010 of the Clayton Municipal Code (Monthly Compensation) and applicable sections of Clayton Ordinances codified therein are each hereby repealed and new Section 2.05.010 is hereby added to Chapter 2.05 to read as follows:

"2.05.010 Monthly Compensation. Each member of the City Council shall receive compensation in the amount of Three Hundred Dollars (\$300.00) per month for each full month of a Council Member's term of office, provided however, no compensation shall be paid for any month in which the Council fails to hold at least one regular public meeting."

SECTION 2. New Section 2.05.030 entitled Council Benefits Program, currently set forth in Resolution No. 51-98, is hereby added to the Clayton Municipal Code to read as follows:

"2.05.030. Council Benefits Program. Effective as of January 1, 1999, Council Members are termed "employees" with their prevailing stipend to be salary for purposes of participation in a benefits program allowing optional City Council Member participation with PERS paid by the City, and all other employee benefits, such as individual or family medical and/or dental insurance and individual life insurance and deferred compensation, to be paid by and at the cost of the Council Member.

SECTION 3. Section 2.12.025 of the Clayton Municipal Code (Planning Commission Monthly Compensation) and applicable sections of Clayton Ordinances codified therein are each hereby repealed and new Section 2.12.025 is hereby added to Chapter 2.12 to read as follows:

"2.12.025 Monthly Compensation. Each member of the Planning Commission shall receive compensation in the amount of One Hundred Dollars (\$100.00) per month for each full month of the Commission Member's term of office, provided however, no compensation shall be paid for any month in which the Commission fails to hold at least one regular public meeting."

SECTION 4. Section 2.14.060 of the Clayton Municipal Code (Community Services Commission Monthly Compensation) and applicable sections of Clayton Ordinances codified therein are each hereby repealed and new Section 2.14.060 is hereby added to Chapter 2.14 to read as follows:

"2.14.060 Monthly Compensation. Voting members of the Community Services Commission shall receive compensation in the amount of Seventy-Five Dollars (\$75.00) per month for each full month of the Commission Member's term of office, provided however, no compensation shall be paid for any month in which the Commission fails to hold at least one regular public meeting."

SECTION 5. Monthly compensation for Council members as fixed in Section 1 above shall not become effective until December 1, 2002, which follows the next City Council election in November, 2002, when one or more members of the Council shall begin a new term of office.

SECTION 6. Compensation for Planning Commission and Community Services Commission members as fixed in Sections 2 and 3 above shall become effective August 1, 2002.

SECTION 7. SEVERABILITY CLAUSE. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance. The Council hereby declares that it would have adopted the Ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 8. 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 by the City Council for the posting of ordinances and public notices.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on May 21, 2002.

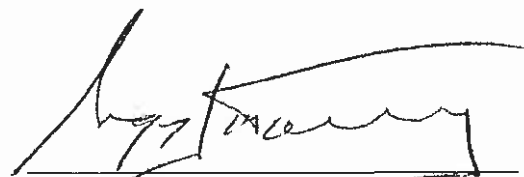
Passed, adopted and ordered posted at a regular meeting of the City Council of the City of Clayton on June 4, 2002, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:


Mayor



CalPERS
P.O. Box 942709
Sacramento, CA 94229-2709
Telephone (888) 225-7377
FAX (916) 326-3287
TDD (916) 326-3240

(Please PRINT or TYPE clearly)

ATTACHMENT 3

INCOMPLETE OR IMPROPERLY COMPLETED FORMS MAY BE RETURNED TO YOU

Member Action Request

1 SOCIAL SECURITY NUMBER - -			2 Current Name (First, Middle, Last)			3 Daytime Phone Number (			
4 Date of Birth MM DD YYYY		5 Gender ☐ Female ☐ Male ☐ Unknown		6 Former Name - For name changes only (First, Middle, Last)					
7 Mailing Address: In Care of (if applicable): Street/P.O. Box: Additional Address Line: City: State: CA ZIP Code: -					8 Remarks (pertaining to CalPERS)				
					9 Employer Name				
10 Effective Date of Action MM DD YYYY		11 Subject to Section 20306 ☐ Yes ☐ No		12 Employer Code		13 District Code (Schools only)		14 Hire Date MM DD YYYY	

15 Type of Action (check all boxes that apply for this Effective Date; if none apply, indicate action needed in "Remarks" [#8] above):

- | | | |
|---|---|--|
| A. ☐ Appointment/Membership | E. ☐ Military Leave | I. ☐ Alternate Retirement Plan (G.C. 20306) |
| B. ☐ Return from Leave | F. ☐ Worker's Comp Leave | J. ☐ Name Change |
| C. ☐ Separation, Permanent | G. ☐ Sabbatical Leave | K. ☐ Address Change |
| D. ☐ Separation, Temp (≥ 2 months) | H. ☐ Maternity/Paternity Leave | L. ☐ Coverage Group Change |

16 Coverage Group	17 Job/Position Title	8 ½ @ 55 Formula Cont. Rate: %
-------------------	-----------------------	---------------------------------------

19 ☐ - This person is an Optional Member (e.g., "Elected Officer," "Legislative Employee") who is electing membership.
(Please attach appropriate election form AESD-3, AESD-59, or AESD-229)

20 BASIS FOR MEMBERSHIP QUALIFICATION: (Optional informational field. Check appropriate box.)

- | | |
|--------------------------|--|
| ☐ | Full-Time for > 6 months |
| ☐ | Part-Time for ≥ 20 hours for 1 year or more |
| ☐ | Indeterminate; at least 20 hours a week for 1 year or more |
| ☐ | Has completed 1,000 hours or 125 days in fiscal year |
| ☐ | Person is already a PERS member |

21 Form Completed By:

(Name & Title)

(Telephone Number)

(Fax Number)

(Date)

(Signature of Certifying Officer)

(Date)

Member Action Request form (AESD-1): Quick Reference Guide

(Refer to CalPERS Procedures Manual for more detailed instructions)

NOTE: Submit AESD-1 only if a job/position change affects a person's retirement information (e.g., Name, Address, Coverage Group, etc.), or if the District Code has changed. Please ensure that all information is clear and legible. **Typing or printing is preferred.**

2. **Current Name:** In First, Middle (name *or* initial) and Last order. For a Name Change (e.g., due to marriage or divorce), enter the "correct" (current) name in Section #2; enter the *former* name (e.g., name before marriage/divorce) in Section #6, and check the "K - Name Change" box in Section #15.
3. **Daytime Phone Number:** (Optional field) Enter Area Code and telephone number of individual between 7 AM and 5 PM.
5. **Gender:** Check "Unknown" *only* if you are unable to contact the employee to verify the correct gender.
6. **Former Name:** See instructions for Name Change under Section "2" above.
9. **Employer Name:** Enter the *complete name* of your agency; avoid acronyms unless they would be *generally understood* (e.g., SMUD; BART) by CalPERS staff.
11. **Subject to Section 20306:** (Applies *only* to agencies that provide for such a plan.) Check "Yes" or "No," to indicate whether employee is subject to the Alternate Retirement Plan provisions of Government Code Section 20306, should her/his time base drop below 20 hours a week. (See Section 15, Box "I" for instructions when employee actually qualifies for the Alternate Plan.)
12. **Employer Code:** The 4-digit number (e.g., 0002, 1173) assigned by CalPERS to identify your agency.
13. **District Code:** This is required for *school employees only*. If you don't know the District Code, call us at 1-888-225-7377.
14. **Hire Date:** (For new hires being enrolled into membership only.) Date employee was first hired by your agency.
15. **Type of Action:** More than one box should be checked, if the same effective date applies to all. For example, if person's address changed at the same time that she/he separated, then *both* the "Separation, Permanent" and "Address Change" boxes should be checked. Some points to remember are:
 - **A - Appointment/Membership:** Check this for (1) new hires who qualify for membership, (2) current employees who have just now qualified for membership, (3) persons reinstating from retirement, and (4) persons electing "optional" membership (see Section #19 below).
 - **B - Return from Leave:** Should be checked when the person is returning from a temporary separation (Box "D"), or from any "Leave" status (Boxes E, F, G or H).
 - **D - Separation, Temp (≥ 2 months):** Only used for separations of *two months or more* (do *not* report shorter separations).
 - **H - Maternity/Paternity Leave:** Should be checked when on an approved leave of absence to give birth and/or care for a newborn child.
 - **I - Alternate Retirement Plan:** Should be checked when a non-vested member working less than 20 hours a week must switch to an alternate retirement plan, pursuant to Government Code Section 20306 (added by AB 2400, Chapter 1164, Statutes of 1996). Section #11 should also have the "Yes" box checked.
 - **J - Name Change:** Sections 2 and 6 should also be completed.
 - **L - Coverage Group Change:** Should be completed when employee moves to a new Coverage Group (e.g., changes from a "miscellaneous" to a "safety" position). Section 16 must also be completed, showing the new Coverage Group.
16. **Coverage Group:** Please call us at 1-888-225-7377 if you have questions about the appropriate Coverage Group to use; e.g., you are unsure about whether a given position (such as "Police Cadet," "Director of Public Safety," "Fire Inspector," etc.) is "miscellaneous" or "safety."
19. **Optional Member:** Includes **elective officers** (e.g., members of County Board of Supervisors, City Council members), and Legislative employees (e.g., Senate and Assembly Rules Committees). **When electing optional membership, the person must also complete an election form (AESD/MEM-59 for public agencies/schools, AESD/MEM-3 for Legislative employees and AESD/MEM-229 for other State employees).** The completed election form should be attached and submitted with the AESD-1.

NOTE: The following persons are now excluded from Cal PERS membership:

 - (1) School Board members elected on or after July 1, 1994;
 - (2) Members of an "administrative body" (e.g., board, commission, council) of a contracting agency *other* than a city or county, elected/appointed on or after July 1, 1994; or
 - (3) Members of a *city or county* "administrative" body (e.g., board, commission, council) elected/appointed on or after January 1, 1997.

Optional membership is still possible for persons elected *before* these dates, who have held office without a break in service.
20. **Basis for Membership Qualification:** This section is for use as an aid in determining when an employee should be brought into CalPERS membership; the most common qualification bases are indicated, and the appropriate box should be checked.
21. **Form Completed By:** The "Name & Title," "Telephone and Fax Numbers," and "Date" fields are for the person who is actually *completing* the AESD-1 form (who would be CalPERS' "contact" person if we have questions about the form); the "Signature of Certifying Officer" and "Date" fields are for the person (e.g., manager, supervisor, analyst or technician) who is responsible for certifying the accuracy of the data submitted.

**Actuarial & Employer Services Branch**

P.O. Box 942709

Sacramento, CA 94229-2709

Telecommunications Device for the Deaf - (916) 795-3240

(888) CalPERS (225-7377) FAX (916) 795-3005

Reply to: AESB Member Transactions Unit

ELECTION OF OPTIONAL MEMBERSHIP – ELECTIVE OFFICER

California Government Code Section 20322, provides that an "elective officer" is excluded from membership in the California Public Employees' Retirement System (CalPERS) unless he or she files with the Board of Administration an election in writing to become a member.

"Elective officer" includes any officer of the Senate or Assembly who is elected by vote of the members of either or both of the houses of the Legislature and an appointive officer of a city or county occupying a fixed term of office, as well as officers of the state or contracting agencies elected by the people. Exceptions are: (1) Effective July 1, 1994, elected or appointed officers of a county superintendent of schools, school district, or community college district, or of a contracting agency that is not a city or county, who serve on public commissions, boards, councils, or similar legislative or administrative bodies, other than city councils or county boards of supervisors, are excluded from membership with no right to elect optional membership unless continuously holding the office since June 30, 1994; (2) Effective July 1, 1994, any person holding the office of city attorney was removed from the elective officer definition and became subject to non-elective, non-optional CalPERS membership qualifications unless continuously holding the office since June 30, 1994; (3) Effective January 1, 1997, city and county elected or appointed officers who serve on public commissions, boards, councils, or similar legislative or administrative bodies, other than city councils or county boards of supervisors, are excluded from membership with no right to elect optional membership unless they have continuously held the office since December 31, 1996. Please refer to the Public Employees' Retirement Law and the CalPERS Procedures Manual or State Handbook for further information on elective officers.

The election of optional membership may be filed at any time while a compensated elective officer holds the office and the office is not otherwise excluded by law or excluded by an agency's contract. Once elected, the membership remains in effect for all future service in an elective officer position with the same employer unless there is a significant break in employment. Once membership is established, it may be terminated only upon permanent separation from employment covered by CalPERS and subsequent withdrawal of retirement contributions. While a CalPERS member, you may contribute and receive credit for any previous eligible service in the elective officer position. The Member Services Division, P.O. Box 942704, Sacramento, CA 94229-2704, will handle any such requests to purchase previous service. The form to request optional member arrears service is on the CalPERS website at www.calpers.ca.gov, or you may request the "CalPERS Service Credit Purchase Options" booklet from your employer, in which a copy of the "Optional Member Service" form (PERS-MSD-372) is included.

If your election for optional membership in CalPERS will result in concurrent service with employment credited in a private benefit plan or another public retirement system, please contact that organization for information regarding the impact of such concurrent service. If your election will result in concurrent service under CalPERS, please contact the Member Transactions Unit, Actuarial & Employer Services Branch, at the above phone number, before completing this election form.

PLEASE COMPLETE AND RETURN THIS ENTIRE FORM TO YOUR PERSONNEL OFFICE SO THEY CAN ESTABLISH YOUR MEMBERSHIP.

I AM AN ELECTIVE OFFICER AS DEFINED ABOVE, being a/the (enter Officer title) _____ of the

(Agency name) _____ (Agency contact) _____ (Agency phone) () _____.

My present term will expire on _____, 20____. In accordance with the provisions of Government Code Section 20322, **I ELECT TO BECOME A MEMBER OF CALPERS.** I request that this election be filed with the Board of Administration of the California Public Employees' Retirement System (CalPERS) as my election to become a member.

I UNDERSTAND THIS ELECTION IS IRREVOCABLE AS LONG AS I REMAIN IN EMPLOYMENT AS A MEMBER.

(Printed Name in FULL)

(Signature)

(Date)

(Social Security Number)

(Address)

()

(Daytime Telephone Number)

(City & State)

(ZIP Code)



Agenda Date: 5-19-09

Agenda Item: 9b

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 19 MAY 2009

SUBJECT: DISCUSSION ON FREQUENCY OF PLANNING COMMISSION MEETINGS

RECOMMENDATION

It is recommended the City Council provide policy direction to staff regarding any desired modification of the *Clayton Municipal Code* pertaining to the frequency of City Planning Commission meetings.

BACKGROUND

At the conclusion of the 05 May 2009 Council meeting, Council Member Medrano requested a future agenda item for discussion of the frequency of Planning Commission meetings. The request has been placed on this Agenda.

To facilitate the discussion, attached to this Report is a copy of Chapter 2.12 – Planning Commission of the *Clayton Municipal Code*. Section 2.12.080 of the Code specifies regular public meetings of the Commission shall be held on the 2nd and 4th Tuesdays of each and every month (i.e. twice per month). The Commission is delegated the authority to determine the time and place of its meetings and has selected 7:00 p.m. in Hoyer Hall [Library Meeting Room] as the time and place.

Although the Code calls for two meetings per month, the Commission may cancel one or more of its monthly meetings in the event of lack of quorum or business items by publishing a Notice of Meeting Cancellation in advance of the date. A review of Commission meetings during this fiscal year revealed the following information:

MONTH	NUMBER OF COMMISSION MEETINGS
July 2008	1
August 2008	2
September 2008	1
October 2008	2
November 2008	2
December 2008	2
January 2009	2
February 2009	1
March 2009	2
April 2009 *	2
May 2009	1

* In April 2009, one of its two meetings was a joint special meeting with the City Council to launch the Housing Element update.

Our Community Development Director anticipates both Commission meetings in June 2009 will be held as the Commission is scheduled to consider the draft update of the City's Housing Element and possible review of the Rivulet Project for the Clayton Town Center. The Commission's meeting on May 26th will largely be devoted to a discussion of staff's recommended revisions to the City's Sign Regulations.

FISCAL IMPACT

Each member of the Planning Commission receives a stipend of \$120.00 per month for each full month of a commissioner's term of office, provided the Commission holds at least one regular public meeting per month (ref. Section 2.12.025, *Clayton Municipal Code*). The upcoming Fiscal Year Budget for 2009-2010 has \$7,200 in General Fund monies allocated for this expense. Commissioners are not considered employees of the City and therefore earn no employee benefits or retirement pension, and no income taxes are withheld from the stipend (appointed individuals are issued a 1090 Form by the City at the end of each calendar year).

Attachments: 1. Chapter 2.12 – Planning Commission [2 pp.]

Chapter 2.12

PLANNING COMMISSION

Sections:

2.12.010	Establishment of Planning Commission
2.12.020	Membership
2.12.025	Monthly Compensation
2.12.030	Election of Officers - Adoption of Rules of Business - Public Record
2.12.040	Term of office
2.12.050	Duties
2.12.060	Removal from office - Filling of Vacancies
2.12.070	Absence
2.12.080	Meetings - Regular
2.12.090	Meetings - Special

2.12.010 Establishment of Planning Commission. A planning commission is hereby established. (Ord. 352, 1999; Ord. 20, Sec. 1, 1964)

2.12.020 Membership. The Planning Commission shall consist of five (5) members appointed by the Mayor with the approval of the City Council. No Commissioner will serve more than eight (8) consecutive years effective as of January 1, 1988. All members shall be qualified electors of the city. (Ord. 352, 1999).

→ 2.12.025 Monthly Compensation. Each member of the Planning Commission shall receive compensation in the amount of One Hundred and Twenty Dollars (\$120.00) per month for each full month of the Commission Member's term of office, provided however, no compensation shall be paid for any month in which the Commission fails to hold at least one regular public meeting. (Ord. 416, 2008).

2.12.030 Election of Officers - Adoption of Rules of Business - Public Record. The Planning Commission shall elect its chair and vice chair from among its appointed members for a term of one (1) year with no member to serve consecutive terms as chair. The Community Development Director shall serve as Secretary to the Commission. The Commission shall adopt rules for the transaction of business. The Community Development Director shall keep a public record of the Commission's determinations. (Ord. 352, 1999; Ord. 283, 1991; Ord. 266, 1989)

2.12.040 Term of Office. The term of office for each member appointed to the Planning Commission shall be two years, unless a member is appointed to fill a vacancy in accordance with Section 2.12.060. (Ord. 352, 1999; Ord. 283, 1991; Ord. 266, 1989)

For statutory provisions on local planning commissions, see Gov't Code Sec. 65100 et seq. and 65150.

2.12.050 Duties. The planning commission shall perform the duties and shall have all the rights, powers and privileges specified and provided by state law or by city ordinance or resolution. (Ord. 352, 1999; Ord. 20, Sec.8, 1964).^{i*}

2.12.060 Removal from Office-Filling of Vacancies. Any member of the Commission may be removed from the Commission prior to the expiration of his or her term by either the Mayor, subject to the approval of the City Council, or by a majority vote of the City Council. The Mayor with the approval of the City Council for the unexpired term shall fill vacancies on the Commission from whatever cause. (Ord. 352, 1999; Ord. 20, Sec. 4, 1964).

2.12.070 Absence.

A. If a member of the Commission is absent from three consecutive meetings of the Commission of which the Commissioners have received at least 24 hours prior written notice of such meeting, without cause, the office of such member may be deemed to be vacant and the term of such member terminated by the City Council; the Commission shall immediately inform the City Council of such absences and the City Council shall then determine if termination of the Commissioner's term of office is warranted.

B. An absence due to illness or an unavoidable absence from the city with notice thereof to the Commission on or before the day of the meeting from which the member is to be absent shall be deemed to be absence for cause. (Ord. 352, 1999; Ord. 266, Sec. 5, 1989).

→ 2.12.080 Meetings--Regular. The regular meetings of the Commission shall be held on the second and fourth Tuesdays of each and every month beginning at a time and place within the city as established by resolution of the Commission. Whenever the Tuesday set for a regular meeting shall be a legal holiday, then said meeting shall be held on the next following day at the same time and place. (Ord. 352, 1999)

2.12.090 Meetings - Special. Special meetings of the Commission may be called at any time by the chair or by any three or more members of the Commission upon personal notice being given to all members of the Commission. If personal notice cannot be given, written notice must be mailed or transmitted via facsimile to such members at least twenty-four hours prior to the meeting, unless the notice requirement is waived in writing by that member. (Ord. 352, 1999; Ord. 20, Sec. 6(part), 1964).



Agenda Date: 5-19-09

Agenda Item: 9C

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 19 MAY 2009

**SUBJECT: RESOLUTION DECLARING SEVERE FISCAL HARDSHIP IF STATE OF CA
SEIZES ADDITIONAL LOCAL PROPERTY TAXES**

RECOMMENDATION

It is recommended the City Council adopt the Resolution finding a severe fiscal hardship will occur should the State of California trigger provisions of Proposition 1A (2004) and "borrow" more local property tax monies from the City of Clayton.

BACKGROUND

By all accounts the State of California's fiscal affairs and mismanagement of public monies have magnified the negative impacts of the economic tailspin presently occurring in the state. The present situation was not caused overnight as the State's fiscal misconduct rolls back as far as 1991 (18 years ago) when the state government first conjured up the notion that taking local government's property tax shares was convenient and somehow lawful.

On 14 May 2009, six (6) days before California voters decide the fate of a series of state propositions aimed at stemming the continued degradation of state revenues and expenditure malpractices, Governor Schwarzenegger released his "May Revision" statement. This annual announcement is the executive officer's publication of the State's current budgetary health, and it is increasingly clear the patient is terminally ill. According to the Governor, if the state measures pass on May 19th at the special election, the State's budget deficit will only be \$15.4 billion. Should the measures fail, the Governor's financial analysts' project the state budget deficit widens to \$21.3 billion (through mid-2010).

The Governor's "May Revision" proposed a series of solutions for each scenario, cutting a broad swath of damage through all levels of state programs, public education, and health and human services. As anticipated by cities, one of the solutions posed by the State Department of Finance is the suspension of Proposition 1A protection of local government

monies. Although declaring this action is distasteful, the Governor indicated his support for the taking of \$2 billion from local governments (cities, counties, special districts) for diversion to schools. Proposition 1A allows this "borrowing" of up to 8% of local property tax revenues in a "severe fiscal crisis" declared by the State, and the law stipulates the borrowed monies must be repaid to local governments with interest within three (3) years.

FISCAL IMPACT

The City of Clayton is already struggling financially to meet its Fiscal Year 2008-2009 budget plan acknowledging at a public meeting in March 2009 that our General Fund budget gap will likely be a negative \$127,835. Recognizing the revenue downturn in our own share of local property taxes, sales taxes and interest earnings since this Budget was adopted in June 2008, the City Council elected to patch the projected gap using Deferred Maintenance funds.

Aggravating the City's financial balance is the State's on-going diversion of local property taxes to its Educational Relief Augmentation Fund (aka ERAF) since 1991. Lost long ago in the shuffle of budgetary bungles is the fact the State of California each year continues to divert property tax monies from cities and counties even after Proposition 1A was adopted in 2004. These thefts, endearingly entitled ERAF I and ERAF II, amounted to almost ½ million dollars to the City of Clayton in Fiscal Year 2007-08, and its cumulative impact to our community is the loss of \$5.4 million (since 1991):

<u>ERAF I & II (07-08)</u>	<u>Cumulative ERAF Loss</u>
\$ 497,298	\$ 5,422,141

Therefore, the announcement the State must take an additional 8% of our City's local property tax shares (included in their magic formula are Vehicle License Fees and Sales Taxes via the "Triple Flip") is particularly disturbing since we are battling our own budget woes locally. The preliminary calculation for our share of the \$2 billion State "borrowing" of more General Fund monies is:

Prop 1A "Borrowing"
\$130,000 - \$143,000

The added projected loss equals a range of 3.8% to 4.1% in comparison to our already-declining General Fund revenue budget for next year of approximately \$3.45 million. The City has always operated on a very lean General Fund budget due to our classification as a "Low Property Tax City" (i.e. our City receives 4.2% of one's Assessed Value property tax bill) and our community has limited commercial retail sectors. Combine these underlying characteristics with a declining real estate market, the City's normally precarious budget is now severely tipped. The State's "borrowing" of these local monies is probable under either scenario and will cause further widening of the City's budgetary gap. What is left for us to cut: direct services to the community such as closure of the Clayton Branch Library (\$129,000 per year) or the closure of Clayton Community Park (\$201,000)?

PROPOSED RESOLUTION

For the purpose of declaring the City's own fiscal crisis and to inform the Governor and our state legislators of our opposition to taking more local property tax revenues to solve their financial problem and to halt further unfunded state mandates during this time, the attached Resolution has been drafted for consideration and adoption by the City Council.

Respectfully submitted,

Gary A. Napper
City Manager

Attachments: 1. Resolution [3 pp.]

RESOLUTION NO. – 2009

**A RESOLUTION FINDING A SEVERE FISCAL HARDSHIP WILL OCCUR
FOR THE CITY IF ADDITIONAL LOCAL PROPERTY TAX FUNDS ARE
SEIZED OR ADDITIONAL UNFUNDED MANDATES ARE ADOPTED
BY THE STATE OF CALIFORNIA**

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

WHEREAS, the current economic crisis has placed cities under incredible financial pressure and has caused city officials to reopen already-adopted budgets to make painful cuts, including layoffs and unpaid furloughs of city workers, decreasing maintenance and operations of public facilities, and reductions in direct services to keep spending in line with ever-diminishing public revenues; and

WHEREAS, since the early 1990s the state government of California has seized over \$8.6 billion in city property tax revenues statewide, **\$5.4 million** from the City of Clayton alone, to patch together faulty state budget schemes; and

WHEREAS, In Fiscal Year 2007-08 alone the State of California shifted \$895 million in city property taxes statewide, including **\$497,298** from the City of Clayton; and, an additional \$350 million in local redevelopment funds statewide were slated for diversion to state coffers, including **\$404,570** from the Clayton Redevelopment Agency, until a successful Superior Court decision just ruled that action by the State was unconstitutional; and

WHEREAS, the most significant impacts to taking local property taxes have been the unavailability of local monies to augment or add new municipal services, facilities and community improvements, and to reduce the quality of public safety services cities can provide since local law enforcement and fire service expenses comprise the majority of a city's General Fund budget each year (48% of the City of Clayton's General Fund Budget for police services alone); and

WHEREAS, in 2004 California voters, by an 84% vote margin, adopted substantial constitutional protections for local government revenues but the State Legislature can still "borrow" more local property taxes in a declared fiscal hardship to help fund the state budget; and

WHEREAS, on 05 May 2009, the State Department of Finance announced it had proposed to the Governor that the State "borrow" over \$2 billion in local property taxes from cities, counties and special districts to balance this year's chronic state budget deficit, an ill-advised proposition that would cost the City of Clayton an additional **\$130,000 - \$143,000** in General Fund monies, prompting the necessity of further reductions to local services and public safety operations for our tiny budget now at \$3.45 million; and

WHEREAS, in the past Governor Schwarzenegger has labeled such "borrowing" proposals to be "fiscally irresponsible" because the State will find it virtually impossible to repay the principle and with accrued interest in three years, and such a plan will only deepen the state's structural fiscal deficit and delude legislators into believing they have deftly solved the fiscal problem and balanced its budget using state revenues; and

WHEREAS, the State Legislature is currently considering hundreds of new legislation, many of which would impose new costs on local governments that can neither be afforded nor sustained in this economic climate; and

WHEREAS, various state agencies and state regulatory boards (e.g. regional water quality control board) are imposing, or are considering, many regulations imposing further unfunded mandates on local governments without regard to how local agencies will be able to comply with these mandates while struggling to meet existing local responsibilities using vastly-reduced revenues; and

WHEREAS, the combined effects of past and recurring State seizure of the City's local property taxes, increasing unfunded mandates (i.e. storm water regulations), our own revenue losses due to economic downturns, and the trickle-down effects of escalated contract service costs pushed from other struggling public agencies (e.g. animal control services; local property tax administration fees; public safety dispatching services) have placed the City of Clayton's budget under serious fiscal pressures and poses an annual deficit for the first time in recent history; and

WHEREAS, the City of Clayton simply cannot sustain the loss of more local property tax funds or be saddled with any more unfunded state mandates as such actions will only deepen the financial severities facing our City and the State of California.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby determine the City will experience a severe fiscal hardship if the recommendation of the State Department of Finance to "borrow" \$2 billion statewide of local property taxes (approximately \$130,000 - \$143,000 in City of Clayton monies) is supported and pursued by the Governor and the California Legislature; and

BE IT FURTHER RESOLVED that the City Council strongly and unconditionally opposes the May 5th proposal of the State Department of Finance and any other state government proposals to "borrow", seize, steal or otherwise misappropriate any additional local government funds, including the property tax, redevelopment tax increment, and the City's share of Proposition 42 transportation sales tax; and

BE IT FURTHER RESOLVED the City Council strongly urges the California Legislature and the Governor to suspend the enactment of any new mandates on local governments until such time the economy has recovered, and further urges the State to provide complete funding for all existing or newly-imposed unfunded mandates; and

BE IT FURTHER RESOLVED the City Clerk shall send copies of this City Resolution to the Governor, State Senator Mark DeSaulnier, State Assembly Member Tom Torlakson, and to the League of California Cities.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 19th day of May 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Julie K. Pierce, Mayor

ATTEST:

Laci J. Jackson, City Clerk