CITY OF CLAYTON

Founded 1857 .. Incorporated 1964

AGENDA

SPECIAL MEETING

* * *

CLAYTON CITY COUNCIL
and
CLAYTON REDEVELOPMENT AGENCY

TUESDAY, June 30, 2009

6:15 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 *

<u>June 30, 2009</u>

6:15 p.m.

1. **<u>CALL TO ORDER CITY COUNCIL</u>** – Mayor Pierce.
<u>CALL TO ORDER THE RDA BOARD OF DIRECTORS</u> – Chairman Shuey

2. **<u>CLOSED SESSIONS</u>**

(a) *Government Code Section 54956.9(b)(1)*, Conference with Legal Counsel Anticipated Litigation: Two (2) cases.

(b) *Government Code Section 54956.8*, Conference with Real Property Negotiator
<u>Real Property</u>: 276 Stranahan Circle, Clayton, CA (APN 119-620-039-6)
Instructions to Agency negotiator (Executive Director) concerning terms and conditions.
Negotiating Party: Kyle R. & Catherine A. Sevier

Reports Out From Closed Session: 1. Mayor Pierce; 2. Chairman Shuey

<u>Recess the Redevelopment Agency Meeting</u> – Chairman Shuey
(until completion of the City Council Meeting)

7:00 p.m.

3. **<u>PLEDGE OF ALLEGIANCE</u> –** led by Mayor Pierce.

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

(a) Approve the minutes of the regular meeting of June 16, 2009. (View Here)

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

(c) Accept the City Financial Investment Report for the 3rd Quarter of Fiscal Year 2008-2009, ending March 31, 2009. (View Here)

(d) Adopt a Joint Resolution of the Clayton City Council and the Clayton Redevelopment Agency authorizing the City Attorney/Redevelopment Agency General Counsel to cooperate with the League of California Cities, the California Redevelopment Association, other Cities and Counties in litigation challenging the constitutionality of any seizure by State Government of the City's Street Maintenance (Gas Tax) and Redevelopment Funds. (View Here)

(e) Adopt a Resolution approving a new Administering Agency-State Master Agreement No. 04-5386R and Program Supplement Agreement No. N006 as required to receive Federal funding for certain transportation projects. (View Here)

5. RECOGNITIONS AND PRESENTATIONS

(a) Recognition of outgoing Planning Commissioners: Ed Hartley and Keith Haydon.

6. REPORTS

(a) Planning Commission – Commissioner Bob Armstrong
(b) Trails and Landscaping Committee – no meeting held to report.
(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

(a) Public Hearing on the proposed City of Clayton Budget for Fiscal Year 2009-2010 and the 5-Year Capital Improvement Project Budget (CIP) for Fiscal Years 2009-2014. (View Here)

(City Manager and Finance Manager)

Staff recommendations: **1)** Receive the staff report; **2)** Open the Public Hearing and receive public comments; **3)** Close the Public Hearing; and **4)** Provide any final Budget modifications and then adopt the Resolution approving a City Budget for FY 2009-2010 and a 5-Year CIP for FY 2009-2014.

(b) Public Hearing for consideration of a Resolution approving the transmittal of the City of Clayton Draft 2009 Housing Element Update to the State of California Department of Housing and Community Development (HCD) for review and comment. (View Here)

(Community Development Director)

Staff recommendations: **1)** Receive the staff presentation; **2)** Open the Public Hearing and receive public comments; **3)** Close the Public Hearing; and **4)** Provide any final modifications to the Draft Housing Element and then by motion authorize staff to transmit the Draft Housing Element to HCD for its 60-day review and comment period.

9. ACTION ITEMS

(a) Consideration of report on research and findings to expand the usage of City well water for irrigation of City landscaping and plants within the Town Center and Clayton Community Library areas, and request for funds to rehabilitate and reactivate a City-owned well on High Street. (View Here)

(Maintenance Supervisor)

Staff recommendations: By motion, that Council authorize staff to renovate and equip the existing City well located in the public right of way on High Street to provide un-metered irrigation water to The Grove Park and public landscape in the Town Center, and allocate $26,393 from the Capital Improvement Project (CIP) Budget's interest earnings to fund the project.

(b) Consideration and selection of material and cost option for replacement of the deteriorated deck wood on the Black Diamond Plaza Bridge.
(Maintenance Supervisor) (View Here)

Staff recommendation: By motion, that Council authorize staff to use wood-grained plastic lumber as the replacement material to renovate the deck surface of the Black Diamond Plaza Bridge and approve the allocation of $30,162 from the Deferred Maintenance Account to fund the maintenance project.

(c) Council Member request for the City Council to consider and approve a City Alcohol Permit for the outdoor sale and consumption of alcoholic beverages on the private parking lot of Moresi's Chophouse (6115 Main Street) on the 4th of July starting at 8:00 a.m. to approximately 3:00 p.m. (View Here)
(Council Member Medrano)

Staff recommendation: That Council provide policy direction concerning the outdoor private sale and consumption of alcoholic beverages by Moresi's Chophouse and potentially other interested Town Center establishments before, during and after the City's 4th of July Parade.

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

11. ADJOURNMENT– the next regularly scheduled City Council meeting is July 21, 2009.

# # # # #

* CLAYTON REDEVELOPMENT AGENCY *

June 30, 2009

1. **RECONVENE THE BOARD MEETING AND ROLL CALL-** Chairman Shuey.

2. **PUBLIC COMMENTS**

Citizens may address the Redevelopment Agency on items within the Agency's jurisdiction, (which are not on the agenda) by completing a speaker card and forwarding it to the Secretary. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Chair's discretion. When the Chair calls one's name, the speaker shall advance to the public podium and adhere to the time limit. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. Board Members 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.

3. **CONSENT CALENDAR**

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

(a) Approve the minutes of the regular meeting of June 16, 2009. (View Here)

(b) Adopt a Joint Resolution of the Clayton City Council and the Clayton Redevelopment Agency authorizing the City Attorney/Redevelopment Agency General Counsel to cooperate with the League of California Cities, the California Redevelopment Association, other Cities and Counties in litigation challenging the constitutionality of any seizure by State Government of the City's Street Maintenance (Gas Tax) and Redevelopment Funds. (View Here)

(c) Approve a request from Eden Housing, Inc. for Agency support of a repayable Green Retrofit Loan (GRL) application to the U.S. Department of Housing and Urban Development (HUD) in behalf of Peace Grove, Inc. to install energy retrofits to the housing units at Kirker Court Apartments, 1730-1740 Kirker Pass Road, Clayton, CA. (View Here)

4. PUBLIC HEARING

(a) Public Hearing on the proposed Agency Budget for Fiscal Year 2009-2010. (Executive Director) (View Here)

Staff recommendations: **1)** Receive the staff report; **2)** Open the Public Hearing and receive public comments; **3)** Close the Public Hearing; and **4)** Provide any final Budget modifications and then adopt the Resolution approving the Agency's Budget for FY 2009-2010.

5. ACTION ITEMS

(a) Consideration of request by affordable housing unit property owner Mr. Kenneth Smith, Jr. to extend his landlord lease of 272 Stranahan Circle for an additional twelve month period from May 2009 through April 2010.
(Community Development Director) (View Here)

Staff recommendation: Deny the request and authorize the Chairman to transmit written communication to the owner to comply with the terms of the occupancy requirements and the Resale Restriction Agreement.

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

7. ADJOURNMENT – the next regular Redevelopment Agency meeting will be scheduled as needed.

# # # # #

Agenda Date: 6-30-09

Agenda Item: 4a

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, June 16, 2009

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 2:33 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, Community Development Director David Woltering, and City Clerk Laci Jackson.

2. **INTERVIEW OF PLANNING COMMISSION APPLICANTS**

The following eight applicants were interviewed for two appointed positions (term of office ends 30 June 2011: Gregory Manning, Robert Staehle, Ted Meriam, Daniel Richardson, Janise Trezise, Joseph Odrzywolski Jr., Eric Mourelatos, and Rich Purdue.

6:36 p.m. the Council recessed until 7:00 p.m.

7:00 p.m. Council re-convened with all present. Additional staff members present: City Attorney Dan Adams and Finance Manager Merry Pelletier.

3. **CLOSED SESSION-** None.

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

5. **CONSENT CALENDAR- It was moved by Councilmember Shuey, seconded by Vice Mayor Stratford to approve the Consent Calendar as submitted (Passed; 5-0 vote).**

(a) Approved the minutes of the regular meeting of June 2, 2009.

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

(c) Adopted Resolution 15-2009 approving grant deed with the Contra Costa Water District for an existing pump station and water reservoir on City-owned open space (Blue Oak Reservoir).

(d) Approved and accepted the completion of the Audio-Visual Equipment Renovation Project in the Council Chambers.

(e) Adopted Resolution 16-2009 approving 1-Year Addendum to the Memorandum of Understanding with the Clayton Police Officers Association (CPOA) concerning terms and conditions of employment in Fiscal Year 2009-2010.

(f) Adopted Resolution 17-2009 approving 1-Year Addendum to the Agreement with the Undesignated Miscellaneous City Employees Unit concerning terms and conditions of employment in Fiscal Year 2009-2010.

6. RECOGNITIONS AND PRESENTATIONS

(a) Mayor Pierce presented Certificates of Recognition to the "Volunteers of the Year" of the Clayton Community Library: Cathy Kuo; David, John and Janet Larwood and Mayor Pierce thanked them for their dedication and volunteerism to the Library.

7. REPORTS

(a) Planning Commission – Commissioner Sandy Johnson reported on the June 9th Planning Commission meeting. The Commission reviewed the 2009-2014 Housing Element Update and moved it forward to the City Council. She reminded citizens to turn in their 4th of July Parade entry applications by June 22nd.

(b) Trails and Landscaping Committee – Councilmember Stratford reported on the Committee's June meeting. The committee approved the City's Drought Management Plan, the Landscape District Budget, and decided committee articles in the Clayton Pioneer would be done on a quarterly basis.

(c) The City Manager reported City staff continued searching for and testing wells in the Downtown area and near the Library and may be able to irrigate much of the Downtown and The Grove landscape through well water. Mayor Pierce asked if the water truck was still being looked into? The City Manager responded the Maintenance Department was still looking into water trucks for irrigation purposes.

(d) City Council

Councilmember Geller stated the Concert in The Grove featured the Mamaluke band and had over 1,500 people in attendance. He stated he had worked with the Maintenance Department in their well water search and was excited to see the City proactively looking at ways to solve the water shortage problems, both now and long-term.

Councilmember Shuey attended the Concert in The Grove.

Vice Mayor Stratford attended the Clayton Valley Arts Academy Senior Project night and the Budget Sub-committee meeting. He thanked the Finance Manager for her detailed financial work and reports.

Mayor Pierce attended the ABAG Regional Planning Committee meeting, the Mayors' Conference, and the Budget Sub-committee meeting. She reminded citizens the July 4th Parade still needed volunteers and donations.

(e) Other – None.

8. PUBLIC COMMENT ON NON-AGENDA ITEMS- None.

9. PUBLIC HEARINGS

(a) Public Meeting on the proposed levy of annual assessments on real property in the Street Lighting Assessment District (residential street lights) for FY 2009-2010, pursuant to Streets and Highways Code 18070 and Government Code 54954.6.

The City Engineer presented the staff report and indicated the annual Street Lighting Assessment would not be increased. No public comments were received regarding the levy of assessments for the District. Mayor Pierce noted the actual City cost to provide residential street lights has now risen to $47.38 per year per single-family parcel and the voter-approved assessment is held at $43.54.

No action was taken.

10. ACTION ITEMS

(a) Presentation and consideration of the recommended City of Clayton Budget for Fiscal Year 2009–2010 and the Capital Improvement Program (CIP) for Fiscal Years 2009-2014.

City Manager presented the $14.3 million total Budget and indicated the City is faced with financial constraints because the City is at the bottom of the totem pole when it comes to State takeaways and other government provided contract service costs. He stated the General Fund revenues are predicted to come in lower than previous years, and stated putting the Budget together was extremely difficult due to pass-through costs increasing by Contra Costa County and the City of Concord. He stated the rising expenses were a challenge with declining revenues of 9.2%.

He stated on the Consent Calendar the Council had approved agreements with the employee bargaining groups which resulted in a 4.3% pay cut and no merit increases for the next fiscal year.

The City Manager then stated the State of California was discussing taking local transportation funds (gas tax), which would eliminate money from the Budget for its annual neighborhood street rehab project. He then outlined the Landscape District budget, Street Light Fund, and the CIP Budgets.

The Council thanked the City Manager and Finance Manager for their hard work on the Budget and the employees for being part of a team effort to balance the budget.

No public comments were offered on the proposed City Budget.

It was moved by Councilmember Shuey, seconded by Vice Mayor Stratford to instruct the City Manager to prepare the Budgets for Public Hearing and adoption at the June 30th City Council special meeting (Passed; 5-0 vote).

(b) City Council discussion and determination of appointments to two (2) vacancies on the Planning Commission and setting terms of appointed office from 01 July 2009 through 30 June 2011.

The Council thanked all of the candidates for their civic participation and willingness to serve. The Council then discussed the interviews and consensus was reach on the top two applicants.

It was moved by Councilmember Geller, seconded by Councilmember Medrano to adopt Resolution 18-2009 appointing Ted Meriam and Dan Richardson to the Clayton Planning Commission (Passed; 5-0 vote).

(c) City Council discussion of holding regularly scheduled Council meetings in July, August and/or September 2009 relative to quorum availability and summer vacation plans.

Members of the City Council discussed its summer plans and City business meeting required.

It was moved by Vice Mayor Pierce, seconded by Councilmember Stratford, to cancel its July 7, 2009 and August 18, 2009 regular meetings unless the City Manager determines an item of urgent business must be addressed on either date (Passed; 5-0 vote).

11. <u>COUNCIL ITEMS-</u> None.

12. <u>ADJOURNMENT</u>– On call by Mayor Pierce the meeting adjourned at 8:43 p.m.

Respectfully submitted,

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Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

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Julie K. Pierce, Mayor

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Agenda Date: 06/30/09

Agenda Item: 4b

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER

DATE: JUNE 30, 2009

SUBJECT: OBLIGATION SUMMARY

RECOMMENDATION Approve the following obligations.

RUN DATE	OBLIGATION NUMBERS	TOTALS
06/24/09	16014 – 16071	$147,698.01

*Fiscal Year 08-09 $48,115.78
*Fiscal Year 09-10 $99,582.23

*Please note the changing of our Fiscal Years requires "posting" of invoices (obligations) in their correct fiscal year. The goal is to have as many as possible invoices for the previous fiscal year "posted" into that year. Our auditors allow us to accomplish getting invoices in the previous fiscal year for 45 days after the fiscal year closes. The process for this invoice run required cutting the checks for Fiscal Year 08-09 before 6/30/09, and the Fiscal Year 09-10 checks cut after 7/1/09. For future obligations, all checks will be cut in the new fiscal year and recorded separately for auditor inspection.

Invoices - Summary Report

- this Report shows on page 6 the invoices that have been paid are labeled FY 08-09
- the invoices that have only been "expensed" or "posted" are labeled FY 09-10

Invoice Distribution Report

- a grand total of all invoices in this report for both Fiscal Years is shown on the last page

Attachments:
Invoices - Summary Report 06/24/09 (6 pages)
Invoice Distribution Report 06/24/09 (16 pages)

Vendor Name / Obligat'n Description	Pre-Encumbered	Encumbered	Expensed	Paid	Stage	Stage Date
416 CCC Auditor-Controller						
16014 Booking Fees 5/09	.00	.00	.00	38.00	Paid	06/23/2009
Obligation.....: 16014 Invoice number.: 5/09						
1538 All City Management Services.						
16015 PD-Crossing Guard WE 6/6/09	.00	.00	.00	406.35	Paid	06/23/2009
Obligation.....: 16015 Invoice number.: 16777						
42 City of Concord						
16016 PD Vehicle Maintenance 5/09	.00	.00	.00	1,083.28	Paid	06/23/2009
Obligation.....: 16016 Invoice number.: 15496						
70 HUB Inter of CA Ins Svc						
16017 Special Event Insurance 5/09	.00	.00	.00	144.58	Paid	06/23/2009
Obligation.....: 16017 Invoice number.: 5/09						
1467 LarryLogic Productions						
16018 Video CC Mtg 6/16/09	.00	.00	.00	495.00	Paid	06/23/2009
Obligation.....: 16018 Invoice number.: 969						
201 CalPERS						
16019 Retirement PPE 6/14/09	.00	.00	.00	22,477.96	Paid	06/23/2009
Obligation.....: 16019 Invoice number.: PPE 6/14/09						
2555 Patrycjusz Grobelny						
16020 Refund EH Dep Less Fees 6/6/0	.00	.00	.00	350.00	Paid	06/23/2009
Obligation.....: 16020 Invoice number.: EH 6/6/09						
2554 Sublime Design						
16021 Refund SWP 10-09 Deposit	.00	.00	.00	1,856.83	Paid	06/23/2009
Obligation.....: 16021 Invoice number.: SWP 10-09						
2556 David Boatwright						
16022 Refund SWP 06-09 Deposit 6/09	.00	.00	.00	1,713.65	Paid	06/23/2009
Obligation.....: 16022 Invoice number.: SWP 06-09						
2553 DeMarcus Drainage Co						
16023 Refund SWP 11-09 Deposit 6/09	.00	.00	.00	1,832.96	Paid	06/23/2009
Obligation.....: 16023 Invoice number.: SWP 11-09						

Vendor Name / Obligat'n Description	Pre-Encumbered	Encumbered	Expensed	Paid	Stage	Stage Date
2469 Michel & Fackler APC 16024 Oakhurst Legal Svc 5/09 Obligation.....: 16024 Invoice number.: 10472	.00	.00	.00	225.50	Paid	06/23/2009
1455 Berlogar Geotechnical Consult 16025 Pebble Beach Monitor 5/09 Obligation.....: 16025 Invoice number.: 214843	.00	.00	.00	818.80	Paid	06/23/2009
1455 Berlogar Geotechnical Consult 16026 Pebble Beach Monitor 5/09 Obligation.....: 16026 Invoice number.: 214841	.00	.00	.00	705.85	Paid	06/23/2009
2491 Treppa Law Group 16027 Comm Pk Tot Lt Legal Svc 5/09 Obligation.....: 16027 Invoice number.: 193	.00	.00	.00	60.00	Paid	06/23/2009
1156 PMC 16028 Comm Pk Impv Analysis 5/09 Obligation.....: 16028 Invoice number.: 28642	.00	.00	.00	4,370.00	Paid	06/23/2009
1156 PMC 16029 Housing Element Update 5/09 Obligation.....: 16029 Invoice number.: 28661	.00	.00	.00	12,616.58	Paid	06/23/2009
2266 Rock N Waterfall Co 16030 OH Waterfall Mtn 6/09 Obligation.....: 16030 Invoice number.: 596869	.00	.00	.00	650.00	Paid	06/23/2009
66 Cole Supply Company 16031 PW General Supplies 6/09 Obligation.....: 16031 Invoice number.: 676607	.00	.00	.00	481.25	Paid	06/23/2009
2070 John Deere Landscapes Inc 16032 PW Landscaping Supplies 5/09 Obligation.....: 16032 Invoice number.: 51419151	.00	.00	.00	261.72	Paid	06/23/2009
2070 John Deere Landscapes Inc 16033 PW Landscaping Supplies 5/09 Obligation.....: 16033 Invoice number.: 51428916	.00	.00	.00	1,003.58	Paid	06/23/2009

Vendor Name / Obligat'n Description	Pre-Encumbered	Encumbered	Expensed	Paid	Stage	Stage Date
2070 John Deere Landscapes Inc 16034 PW Landscaping Supplies 6/09 Obligation.....: 16034 Invoice number.: 51562191	.00	.00	.00	374.64	Paid	06/23/2009
17 Bay Area Barricade Serv. 16035 PW Street Mtn Supplies 6/09 Obligation.....: 16035 Invoice number.: 0249440-IN	.00	.00	.00	2,335.22	Paid	06/23/2009
17 Bay Area Barricade Serv. 16036 PW Orange TShirts 6/09 Obligation.....: 16036 Invoice number.: 0248572-IN	.00	.00	.00	148.58	Paid	06/23/2009
17 Bay Area Barricade Serv. 16037 PW St Mtn Supplies 6/09 Obligation.....: 16037 Invoice number.: 0249441-IN	.00	.00	.00	2,009.66	Paid	06/23/2009
17 Bay Area Barricade Serv. 16038 PW New Signs 5/09 Obligation.....: 16038 Invoice number.: 248887	.00	.00	.00	467.59	Paid	06/23/2009
1572 MJB Corporation 16039 PW New Benches 6/09 Obligation.....: 16039 Invoice number.: 061404	.00	.00	.00	9,034.90	Paid	06/23/2009
2500 Employee Benefit Specialists, 16040 FSA Acct Admin 5/09 Obligation.....: 16040 Invoice number.: 0046688-IN	.00	.00	.00	100.00	Paid	06/23/2009
1187 Paramount Elevator Corp. 16041 City Hall Elevator Reg. Svc. Obligation.....: 16041 Invoice number.: 123878	.00	.00	.00	110.00	Paid	06/23/2009
1265 ACCO Engineered Systems 16042 Library HVAC Mtn 5/09 Obligation.....: 16042 Invoice number.: 1364685	.00	.00	.00	370.00	Paid	06/23/2009
1265 ACCO Engineered Systems 16043 CH, Libr, EH HVAC Mtn 5/09 Obligation.....: 16043 Invoice number.: 1364722	.00	.00	.00	1,053.16	Paid	06/23/2009

Vendor Name / Obligat'n Description	Pre-Encumbered	Encumbered	Expensed	Paid	Stage	Stage Date
1265 ACCO Engineered Systems						
16044 Library, City Hall EMS 6/09	.00	.00	.00	410.00	Paid	06/23/2009
Obligation.....: 16044 Invoice number.: 508495-6						
113 PG&E						
16045 Service 6/09 (Master)	.00	.00	.00	19,099.74	Paid	06/23/2009
Obligation.....: 16045 Invoice number.: Lg Mst 6/09						
116 PERMCO, Inc.						
16046 Eng Svc 6/6/09 - 6/19/09	.00	.00	.00	7,394.25	Paid	06/23/2009
Obligation.....: 16046 Invoice number.: 8883-8894						
1243 AT&T/ CalNet 2						
16047 Local Phone Svc 6/09	.00	.00	.00	498.34	Paid	06/23/2009
Obligation.....: 16047 Invoice number.: 6/09 A						
641 CCC Office of the Sheriff-Cor						
16048 PD-Crime Lab 5/09	.00	.00	.00	739.00	Paid	06/23/2009
Obligation.....: 16048 Invoice number.: ClayPD-0905						
2528 Concord Uniforms						
16049 PD Equipment Sorrell 6/09	.00	.00	.00	890.39	Paid	06/23/2009
Obligation.....: 16049 Invoice number.: 3872						
1053 Premier Pools & Spas						
16050 Refund SWP 07-09 Dep 6/09	.00	.00	.00	1,832.96	Paid	06/23/2009
Obligation.....: 16050 Invoice number.: SWP 07-09						
1090 CERCO Analytical, Inc.						
16051 Well Monitoring 6/09	.00	.00	.00	390.00	Paid	06/23/2009
Obligation.....: 16051 Invoice number.: 0906120						
1454 Sign A Rama						
16052 Farmer's Mkt Sign 6/09	.00	.00	.00	431.91	Paid	06/23/2009
Obligation.....: 16052 Invoice number.: 17295						
2100 Neopost (add postage)						
16053 Adm Postage Added 6/23/09	.00	.00	.00	300.00	Paid	06/23/2009
Obligation.....: 16053 Invoice number.: 6/23/09						

Vendor Name / Obligat'n Description		Pre-Encumbered	Encumbered	Expensed	Paid	Stage	Stage Date
1316 CalPERS Health							
16054 Health Insurance 7/09		.00	.00	24,887.88	.00	Inv	07/01/2009
Obligation.....: 16054	Invoice number.: 378						
1573 Verizon Business							
16055 Admin ISDN Line 7/09		.00	.00	211.70	.00	Inv	07/01/2009
Obligation.....: 16055	Invoice number.: 0647540						
540 Health Care Dental Trust							
16056 Dental Premimum 7/09		.00	.00	2,375.99	.00	Inv	07/01/2009
Obligation.....: 16056	Invoice number.: 91557						
65 Municipal Pooling Authority							
16057 LTD, Life & ADD 7/09		.00	.00	1,711.86	.00	Inv	07/01/2009
Obligation.....: 16057	Invoice number.: 7/09						
2376 Don Stone							
16058 Grove Concert Sound Svc 8/8/0		.00	.00	500.00	.00	Inv	07/01/2009
Obligation.....: 16058	Invoice number.: Sound 8/8/09						
2376 Don Stone							
16059 Grove Concert Sound Svc 7/25/		.00	.00	500.00	.00	Inv	07/01/2009
Obligation.....: 16059	Invoice number.: Sound 7/25/09						
2376 Don Stone							
16060 Grove Concert Sound Svc 7/11/		.00	.00	500.00	.00	Inv	07/01/2009
Obligation.....: 16060	Invoice number.: Sound 7/11/09						
404 ABAG							
16061 ABAG Annual Dues 09-10		.00	.00	2,468.00	.00	Inv	07/01/2009
Obligation.....: 16061	Invoice number.: 1033692						
2537 Brett Cosby							
16062 Grove Concert 8/8/09		.00	.00	900.00	.00	Inv	07/01/2009
Obligation.....: 16062	Invoice number.: Band 8/8/09						
2536 Rebecca Kavanaugh							
16063 Grove Concert 7/25/09		.00	.00	1,100.00	.00	Inv	07/01/2009
Obligation.....: 16063	Invoice number.: Band 7/25/09						

Vendor Name / Obligat'n Description		Pre-Encumbered	Encumbered	Expensed	Paid	Stage	Stage Date
2425 Bill Garvin 16064 Grove Concert 7/11/09 Obligation.....: 16064	Invoice number.: Band 7/11/09	.00	.00	650.00	.00	Inv	07/01/2009
1245 HdL Software 16065 Biz Lic Maint Fees 09-10 Obligation.....: 16065	Invoice number.: 7643-IN	.00	.00	2,747.49	.00	Inv	07/01/2009
975 CCC Office of Sheriff 16066 CCCNET Contribution FY 09-10 Obligation.....: 16066	Invoice number.: 6/3/09	.00	.00	5,000.00	.00	Inv	07/01/2009
1926 CCC Auditor-Controller 16067 LAFCO Net Cost Appnt 09-10 Obligation.....: 16067	Invoice number.: 0910-222	.00	.00	1,250.01	.00	Inv	07/01/2009
597 All-Guard Systems, Inc. 16068 City Hall Ann Monitor Svc 09- Obligation.....: 16068	Invoice number.: A335388	.00	.00	540.00	.00	Inv	07/01/2009
597 All-Guard Systems, Inc. 16069 Libr Ann Monitor Svc 09-10 Obligation.....: 16069	Invoice number.: A335379	.00	.00	598.35	.00	Inv	07/01/2009
1253 Fundware 16070 Fundware Software Renewal 09- Obligation.....: 16070	Invoice number.: 26011835	.00	.00	1,824.50	.00	Inv	07/01/2009
2376 Don Stone 16071 4th of July Sound 7/09 Obligation.....: 16071	Invoice number.: 9202	.00	.00	350.00	.00	Inv	07/01/2009
** Report total **		.00	.00	48,115.78	99,582.23		
				FY 09-10	FY08-09		

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-5791-00.0.0-000 - Overhead cost recovery					
	16021 Refund SWP 10-09 Deposit	2554	Sublime Design		
		2	OH Rec SWP 10-09 6/09	Paid	-18.67
	Invoice number.: SWP 10-09				
	16022 Refund SWP 06-09 Deposit 6/09	2556	David Boatwright		
		2	OH Rec SWP 06-09	Paid	-37.35
	Invoice number.: SWP 06-09				
	16023 Refund SWP 11-09 Deposit 6/09	2553	DeMarcus Drainage Co		
		2	OH Rec SWP 11-09 6/09	Paid	-21.79
	Invoice number.: SWP 11-09				
	16050 Refund SWP 07-09 Dep 6/09	1053	Premier Pools & Spas		
		2	OH Rec SWP 07-09 6/09	Paid	-21.79
	Invoice number.: SWP 07-09				
A101-5791-00.0.0-000 - Overhead cost recovery			*** Account total ***		-99.60
A101-7218-02.0.0-000 - Life and LTD Insurance					
	16057 LTD, Life & ADD 7/09	65	Municipal Pooling Authority		
		1	Adm LTD 7/09	Inv	389.09
	Invoice number.: 7/09				
A101-7218-02.0.0-000 - Life and LTD Insurance			*** Account total ***		389.09
A101-7218-03.0.0-000 - Life and LTD Insurance					
	16057 LTD, Life & ADD 7/09	65	Municipal Pooling Authority		
		2	PW LTD 7/09	Inv	226.41
	Invoice number.: 7/09				
A101-7218-03.0.0-000 - Life and LTD Insurance			*** Account total ***		226.41
A101-7218-04.0.0-000 - Life and LTD Insurance					
	16057 LTD, Life & ADD 7/09	65	Municipal Pooling Authority		
		3	Planning LTD 7/09	Inv	133.04
	Invoice number.: 7/09				
A101-7218-04.0.0-000 - Life and LTD Insurance			*** Account total ***		133.04
A101-7218-06.0.0-000 - Life and LTD Insurance					
	16057 LTD, Life & ADD 7/09	65	Municipal Pooling Authority		
		4	PD LTD 7/09	Inv	628.39
	Invoice number.: 7/09				
A101-7218-06.0.0-000 - Life and LTD Insurance			*** Account total ***		628.39
A101-7220-01.0.0-000 - PERS Retirement					
	16019 Retirement PPE 6/14/09	201	CalPERS		
		1	Legislative 6/14/09	Paid	421.06
	Invoice number.: PPE 6/14/09				
A101-7220-01.0.0-000 - PERS Retirement			*** Account total ***		421.06

Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7220-02.0.0-000 - PERS Retirement					
16019	Retirement PPE 6/14/09	201	CalPERS		
		2	Admin 6/14/09	Paid	4,214.87
Invoice number.: PPE 6/14/09					
A101-7220-02.0.0-000 - PERS Retirement			*** Account total ***		4,214.87
A101-7220-03.0.0-000 - PERS Retirement					
16019	Retirement PPE 6/14/09	201	CalPERS		
		3	PW 6/14/09	Paid	2,460.09
Invoice number.: PPE 6/14/09					
A101-7220-03.0.0-000 - PERS Retirement			*** Account total ***		2,460.09
A101-7220-04.0.0-000 - PERS Retirement					
16019	Retirement PPE 6/14/09	201	CalPERS		
		4	Planning 6/14/09	Paid	1,441.20
Invoice number.: PPE 6/14/09					
A101-7220-04.0.0-000 - PERS Retirement			*** Account total ***		1,441.20
A101-7220-06.0.0-000 - PERS Retirement					
16019	Retirement PPE 6/14/09	201	CalPERS		
		5	Police 6/14/09	Paid	13,022.21
Invoice number.: PPE 6/14/09					
A101-7220-06.0.0-000 - PERS Retirement			*** Account total ***		13,022.21
A101-7246-01.0.0-000 - Benefit Insurance					
16056	Dental Premimum 7/09	540	Health Care Dental Trust		
		6	Cc Geller 7/09	Inv	45.95
Invoice number.: 91557					
A101-7246-01.0.0-000 - Benefit Insurance			*** Account total ***		45.95
A101-7246-02.0.0-000 - Benefit Insurance					
16054	Health Insurance 7/09	1316	CalPERS Health		
		1	Admin 7/09	Inv	6,173.84
Invoice number.: 378					
		6	Adm Fees Health 7/09	Inv	121.02
Invoice number.: 378					
16056	Dental Premimum 7/09	540	Health Care Dental Trust		
		1	Admin Dental 7/09	Inv	521.02
Invoice number.: 91557					
16057	LTD, Life & ADD 7/09	65	Municipal Pooling Authority		
		6	Adm Life, ADD 7/09	Inv	67.50
Invoice number.: 7/09					
A101-7246-02.0.0-000 - Benefit Insurance			*** Account total ***		6,883.38

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7246-03.0.0-000 - Benefit Insurance					
	16054 Health Insurance 7/09	1316	CalPERS Health		
		2	PW 7/09	Inv	4,916.80
	Invoice number.: 378				
	16056 Dental Premimum 7/09	540	Health Care Dental Trust		
		2	PW Dental 7/09	Inv	556.95
	Invoice number.: 91557				
	16057 LTD, Life & ADD 7/09	65	Municipal Pooling Authority		
		7	PW Life, ADD 7/09	Inv	56.25
	Invoice number.: 7/09				
A101-7246-03.0.0-000 - Benefit Insurance			*** Account total ***		5,530.00
A101-7246-04.0.0-000 - Benefit Insurance					
	16054 Health Insurance 7/09	1316	CalPERS Health		
		3	Planning 7/09	Inv	2,338.18
	Invoice number.: 378				
	16056 Dental Premimum 7/09	540	Health Care Dental Trust		
		3	Planning Dental 7/09	Inv	214.56
	Invoice number.: 91557				
	16057 LTD, Life & ADD 7/09	65	Municipal Pooling Authority		
		8	Planning Life, ADD 7/09	Inv	22.50
	Invoice number.: 7/09				
A101-7246-04.0.0-000 - Benefit Insurance			*** Account total ***		2,575.24
A101-7246-06.0.0-000 - Benefit Insurance					
	16054 Health Insurance 7/09	1316	CalPERS Health		
		4	Police Dept 7/09	Inv	9,849.81
	Invoice number.: 378				
		5	ER Share -retired PD 7/09	Inv	166.65
	Invoice number.: 378				
	16056 Dental Premimum 7/09	540	Health Care Dental Trust		
		4	Police Dept Dental 7/09	Inv	909.68
	Invoice number.: 91557				
	16057 LTD, Life & ADD 7/09	65	Municipal Pooling Authority		
		9	PD Life, ADD 7/09	Inv	135.00
	Invoice number.: 7/09				
A101-7246-06.0.0-000 - Benefit Insurance			*** Account total ***		11,061.14
A101-7311-03.0.0-000 - General Supplies					
	16038 PW New Signs 5/09	17	Bay Area Barricade Serv.		
		3	PW New Signs 5/09	Paid	338.68
	Invoice number.: 248887				

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7311-03.0.0-000 - General Supplies		*** Account total ***		338.68
A101-7311-06.0.0-000 - General Supplies				
16049 PD Equipment Sorrell 6/09	2528	Concord Uniforms		
	1	PD Equipment Sorrell 6/09	Paid	890.39
Invoice number.: 3872				
A101-7311-06.0.0-000 - General Supplies		*** Account total ***		890.39
A101-7314-05.0.0-000 - Postage				
16053 Adm Postage Added 6/23/09	2100	Neopost (add postage)		
	1	Adm Postage Added 6/23/09	Paid	300.00
Invoice number.: 6/23/09				
	3	GHAD Notice Mailing 6/19/09	Paid	-654.72
Invoice number.: 6/23/09				
	5	St Lt AD Notice Mlg 5/27/09	Paid	-1,178.76
Invoice number.: 6/23/09				
A101-7314-05.0.0-000 - Postage		*** Account total ***		-1,533.48
A101-7324-01.0.0-000 - Dues and Subscriptions				
16061 ABAG Annual Dues 09-10	404	ABAG		
	1	ABAG Annual Dues 09-10	Inv	2,468.00
Invoice number.: 1033692				
16067 LAFCO Net Cost Appnt 09-10	1926	CCC Auditor-Controller		
	1	LAFCO Net Cost Appnt 09-10	Inv	1,250.01
Invoice number.: 0910-222				
A101-7324-01.0.0-000 - Dues and Subscriptions		*** Account total ***		3,718.01
A101-7329-09.0.0-000 - Park Supplies				
16032 PW Landscaping Supplies 5/09	2070	John Deere Landscapes Inc		
	1	PW Landscaping Supplies 5/09	Paid	261.72
Invoice number.: 51419151				
16033 PW Landscaping Supplies 5/09	2070	John Deere Landscapes Inc		
	1	PW Landscaping Supplies 5/09	Paid	1,003.58
Invoice number.: 51428916				
A101-7329-09.0.0-000 - Park Supplies		*** Account total ***		1,265.30
A101-7332-02.0.0-000 - Telecommunications				
16047 Local Phone Svc 6/09	1243	AT&T/ CalNet 2		
	2	CH Local Phone 5/09	Paid	199.56
Invoice number.: 6/09 A				

Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7332-02.0.0-000 - Telecommunications			*** Continued ***		
16055	Admin ISDN Line 7/09	1573	Verizon Business		
		1	Admin ISDN Line 7/09	Inv	211.70
	Invoice number.: 0647540				
A101-7332-02.0.0-000 - Telecommunications			*** Account total ***		411.26
A101-7332-06.0.0-000 - Telephone					
16047	Local Phone Svc 6/09	1243	AT&T/ CalNet 2		
		7	PD Local Phone 5/09	Paid	192.24
	Invoice number.: 6/09 A				
A101-7332-06.0.0-000 - Telephone			*** Account total ***		192.24
A101-7332-07.0.0-000 - Telephone					
16047	Local Phone Svc 6/09	1243	AT&T/ CalNet 2		
		4	Library Local Phone 5/09	Paid	106.54
	Invoice number.: 6/09 A				
A101-7332-07.0.0-000 - Telephone			*** Account total ***		106.54
A101-7335-03.0.0-000 - Gas & Electricity					
16045	Service 6/09 (Master)	113	PG&E		
		1	City Hall 6/09	Paid	397.90
	Invoice number.: Lg Mst 6/09				
		3	Lydia Pump Station 6/09	Paid	113.89
	Invoice number.: Lg Mst 6/09				
		12	Westwood Pk Well 6/09	Paid	112.77
	Invoice number.: Lg Mst 6/09				
A101-7335-03.0.0-000 - Gas & Electricity			*** Account total ***		624.56
A101-7335-07.0.0-000 - Gas & Electricity					
16045	Service 6/09 (Master)	113	PG&E		
		4	Library 6/09	Paid	4,676.43
	Invoice number.: Lg Mst 6/09				
A101-7335-07.0.0-000 - Gas & Electricity			*** Account total ***		4,676.43
A101-7335-09.0.0-000 - Gas & Electricity					
16045	Service 6/09 (Master)	113	PG&E		
		2	Community Restroom 6/09	Paid	235.51
	Invoice number.: Lg Mst 6/09				
A101-7335-09.0.0-000 - Gas & Electricity			*** Account total ***		235.51
A101-7341-03.0.0-000 - Buildings/Grounds Maintenance					
16041	City Hall Elevator Reg. Svc. 6	1187	Paramount Elevator Corp.		
		1	CH Elevator Svc 6/09	Paid	110.00
	Invoice number.: 123878				

	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7341-03.0.0-000 - Buildings/Grounds Maintenance			*** Continued ***		
	16068 City Hall Ann Monitor Svc 09-1	597	All-Guard Systems, Inc.		
		1	CH Ann Monitor Svc 09-10	Inv	540.00
	Invoice number.: A335388				
A101-7341-03.0.0-000 - Buildings/Grounds Maintenance			*** Account total ***		650.00
A101-7341-07.0.0-000 - Buildings/Grounds Maintenance					
	16038 PW New Signs 5/09	17	Bay Area Barricade Serv.		
		2	PW New Sign 5/09	Paid	30.04
	Invoice number.: 248887				
	16069 Libr Ann Monitor Svc 09-10	597	All-Guard Systems, Inc.		
		1	Libr Ann Monitor Svc 09-10	Inv	598.35
	Invoice number.: A335379				
A101-7341-07.0.0-000 - Buildings/Grounds Maintenance			*** Account total ***		628.39
A101-7343-06.0.0-000 - Vehicle Maintenance					
	16016 PD Vehicle Maintenance 5/09	42	City of Concord		
		1	PD Vehicle Mtn 5/09	Paid	1,083.28
	Invoice number.: 15496				
A101-7343-06.0.0-000 - Vehicle Maintenance			*** Account total ***		1,083.28
A101-7346-03.0.0-000 - HVAC Mtn & Repairs					
	16043 CH, Libr, EH HVAC Mtn 5/09	1265	ACCO Engineered Systems		
		1	CH HVAC Mtn 5/09	Paid	368.60
	Invoice number.: 1364722				
	16044 Library, City Hall EMS 6/09	1265	ACCO Engineered Systems		
		2	City Hall EMS 6/09	Paid	205.00
	Invoice number.: 508495-6				
A101-7346-03.0.0-000 - HVAC Mtn & Repairs			*** Account total ***		573.60
A101-7346-07.0.0-000 - HVAC Mtn & Repairs					
	16042 Library HVAC Mtn 5/09	1265	ACCO Engineered Systems		
		1	Library HVAC Mtn 5/09	Paid	370.00
	Invoice number.: 1364685				
	16043 CH, Libr, EH HVAC Mtn 5/09	1265	ACCO Engineered Systems		
		2	Library HVAC Mtn 5/09	Paid	631.89
	Invoice number.: 1364722				
	16044 Library, City Hall EMS 6/09	1265	ACCO Engineered Systems		
		1	Library EMS 6/09	Paid	205.00
	Invoice number.: 508495-6				
A101-7346-07.0.0-000 - HVAC Mtn & Repairs			*** Account total ***		1,206.89

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7351-05.0.0-000 - Insurance Premiums				
16017 Special Event Insurance 5/09	70	HUB Inter of CA Ins Svc		
	1	Special Event Ins 5/09	Paid	144.58
Invoice number.: 5/09				
A101-7351-05.0.0-000 - Insurance Premiums		*** Account total ***		144.58
A101-7362-01.0.0-000 - City Promotional Activity				
16071 4th of July Sound 7/09	2376	Don Stone		
	1	4th of July Sound 7/09	Inv	350.00
Invoice number.: 9202				
A101-7362-01.0.0-000 - City Promotional Activity		*** Account total ***		350.00
A101-7411-08.0.0-000 - Professional Services Retainer				
16046 Eng Svc 6/6/09 - 6/19/09	116	PERMCO, Inc.		
	1	Eng Svc 6/6/09-6/19/09	Paid	3,073.50
Invoice number.: 8883-8894				
A101-7411-08.0.0-000 - Professional Services Retainer		*** Account total ***		3,073.50
A101-7419-01.0.0-000 - Other Professional Services				
16018 Video CC Mtg 6/16/09	1467	LarryLogic Productions		
	1	Video CC Mtg 6/16/09	Paid	495.00
Invoice number.: 969				
A101-7419-01.0.0-000 - Other Professional Services		*** Account total ***		495.00
A101-7419-02.0.0-000 - Other Professional Services				
16070 Fundware Software Renewal 09-1	1253	Fundware		
	1	Fundware Software Renew 09-10	Inv	1,824.50
Invoice number.: 26011835				
A101-7419-02.0.0-000 - Other Professional Services		*** Account total ***		1,824.50
A101-7419-05.0.0-000 - Other Professional Services				
16040 FSA Acct Admin 5/09	2500	Employee Benefit Specialists,		
	1	FSA Acct Admin 5/09	Paid	100.00
Invoice number.: 0046688-IN				
16065 Biz Lic Maint Fees 09-10	1245	HdL Software		
	1	Biz Lic Maint Fees 09-10	Inv	2,747.49
Invoice number.: 7643-IN				
A101-7419-05.0.0-000 - Other Professional Services		*** Account total ***		2,847.49
A101-7419-06.0.0-000 - Other Professional Services				
16015 PD-Crossing Guard WE 6/6/09	1538	All City Management Services,		
	1	PD-Crossing Guard WE 6/6/09	Paid	406.35
Invoice number.: 16777				
A101-7419-06.0.0-000 - Other Professional Services		*** Account total ***		406.35

Account	Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7425-06.0.0-000 - Crime Lab						
	16048	PD-Crime Lab 5/09	641	CCC Office of the Sheriff-Coro		
			1	PD Crime Lab 5/09	Paid	739.00
		Invoice number.: ClayPD-0905				
A101-7425-06.0.0-000 - Crime Lab				*** Account total ***		739.00
A101-7426-06.0.0-000 - Jail Booking Fee						
	16014	Booking Fees 5/09	416	CCC Auditor-Controller		
			1	Booking Fees 5/09	Paid	38.00
		Invoice number.: 5/09				
A101-7426-06.0.0-000 - Jail Booking Fee				*** Account total ***		38.00
A101-7428-06.0.0-000 - C Net						
	16066	CCCNET Contribution FY 09-10	975	CCC Office of Sheriff		
			1	CCCNET Contribution FY 09-10	Inv	5,000.00
		Invoice number.: 6/3/09				
A101-7428-06.0.0-000 - C Net				*** Account total ***		5,000.00
A101-7430-08.0.0-000 - Well Monitoring Fee						
	16051	Well Monitoring 6/09	1090	CERCO Analytical, Inc.		
			1	Well Monitoring 6/09	Paid	390.00
		Invoice number.: 0906120				
A101-7430-08.0.0-000 - Well Monitoring Fee				*** Account total ***		390.00
A201-7327-00.0.0-000 - Street Maintenance Supplies						
	16035	PW Street Mtn Supplies 6/09	17	Bay Area Barricade Serv.		
			1	PW Street Mtn Supplies 6/09	Paid	2,335.22
		Invoice number.: 0249440-IN				
	16037	PW St Mtn Supplies 6/09	17	Bay Area Barricade Serv.		
			1	PW St Mtn Supplies 6/09	Paid	2,009.66
		Invoice number.: 0249441-IN				
A201-7327-00.0.0-000 - Street Maintenance Supplies				*** Account total ***		4,344.88
A201-7335-00.0.0-000 - Gas & Electricity						
	16045	Service 6/09 (Master)	113	PG&E		
			9	Traffic Signals 6/09	Paid	417.97
		Invoice number.: Lg Mst 6/09				
			10	Street Lights - Arterial 6/09	Paid	2,765.73
		Invoice number.: Lg Mst 6/09				
A201-7335-00.0.0-000 - Gas & Electricity				*** Account total ***		3,183.70

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A201-7412-00.0.0-000 - Engineering/Inspection Service					
	16046 Eng Svc 6/6/09 - 6/19/09	116	PERMCO, Inc.		
		4	Gas Tax Insp #8884	Paid	823.50
	Invoice number.: 8883-8894				
A201-7412-00.0.0-000 - Engineering/Inspection Service			*** Account total ***		823.50
A210-2113-00.0.0-000 - Reserve for Adopt a Trail					
	16038 PW New Signs 5/09	17	Bay Area Barricade Serv.		
		1	PW New Sign 5/09	Paid	98.87
	Invoice number.: 248887				
A210-2113-00.0.0-000 - Reserve for Adopt a Trail			*** Account total ***		98.87
A210-7311-00.0.0-000 - General Supplies					
	16031 PW General Supplies 6/09	66	Cole Supply Company		
		1	PW General Supplies 6/09	Paid	481.25
	Invoice number.: 676607				
	16034 PW Landscaping Supplies 6/09	2070	John Deere Landscapes Inc		
		1	PW Landscaping Supplies 6/09	Paid	374.64
	Invoice number.: 51562191				
	16036 PW Orange TShirts 6/09	17	Bay Area Barricade Serv.		
		1	PW Orange TShirts 6/09	Paid	148.58
	Invoice number.: 0248572-IN				
	16039 PW New Benches 6/09	1572	MJB Corporation		
		2	PW New Bench 6/09	Paid	650.62
	Invoice number.: 061404				
A210-7311-00.0.0-000 - General Supplies			*** Account total ***		1,655.09
A210-7335-00.0.0-000 - Gas & Electricity					
	16045 Service 6/09 (Master)	113	PG&E		
		5	Monument Lights 6/09	Paid	208.61
	Invoice number.: Lg Mst 6/09				
		6	Oakhurst Pump (Fountain) 6/09	Paid	1,728.82
	Invoice number.: Lg Mst 6/09				
		7	Outdoor Lights 6/09	Paid	12.84
	Invoice number.: Lg Mst 6/09				
		8	Sprinkler Cont/Lndscp 6/09	Paid	132.10
	Invoice number.: Lg Mst 6/09				
A210-7335-00.0.0-000 - Gas & Electricity			*** Account total ***		2,082.37

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A210-7419-00.0.0-000 - Other Professional Services					
	16030 OH Waterfall Mtn 6/09	2266	Rock N Waterfall Co		
		1	OH Waterfall Mtn 6/09	Paid	650.00
	Invoice number.: 596869				
A210-7419-00.0.0-000 - Other Professional Services			*** Account total ***		650.00
A212-7314-00.0.0-000 - Postage					
	16053 Adm Postage Added 6/23/09	2100	Neopost (add postage)		
		2	GHAD Notice Mailing 6/19/09	Paid	654.72
	Invoice number.: 6/23/09				
A212-7314-00.0.0-000 - Postage			*** Account total ***		654.72
A212-7412-00.0.0-000 - Engineering/Inspection Service					
	16046 Eng Svc 6/6/09 - 6/19/09	116	PERMCO, Inc.		
		2	OH GHAD #8894	Paid	408.63
	Invoice number.: 8883-8894				
A212-7412-00.0.0-000 - Engineering/Inspection Service			*** Account total ***		408.63
A212-7520-00.0.0-059 - Pebble Beach Inclinometers					
	16025 Pebble Beach Monitor 5/09	1455	Berlogar Geotechnical Consulta		
		1	Pebble Beach Monitor 5/09	Paid	818.80
	Invoice number.: 214843				
	16026 Pebble Beach Monitor 5/09	1455	Berlogar Geotechnical Consulta		
		1	Pebble Beach Monitor 5/09	Paid	705.85
	Invoice number.: 214841				
A212-7520-00.0.0-059 - Pebble Beach Inclinometers			*** Account total ***		1,524.65
A214-7335-00.0.0-000 - Gas & Electricity					
	16045 Service 6/09 (Master)	113	PG&E		
		11	Street Lights-Res 6/09	Paid	8,297.17
	Invoice number.: Lg Mst 6/09				
A214-7335-00.0.0-000 - Gas & Electricity			*** Account total ***		8,297.17
A214-7384-00.0.0-000 - Legal Notices					
	16053 Adm Postage Added 6/23/09	2100	Neopost (add postage)		
		4	St Lt AD Notice Mlg 5/27/09	Paid	1,178.76
	Invoice number.: 6/23/09				
A214-7384-00.0.0-000 - Legal Notices			*** Account total ***		1,178.76
A216-7412-00.0.0-000 - Engineering/Inspection Service					
	16046 Eng Svc 6/6/09 - 6/19/09	116	PERMCO, Inc.		
		3	General SW Tasks #8886	Paid	90.01
	Invoice number.: 8883-8894				
A216-7412-00.0.0-000 - Engineering/Inspection Service			*** Account total ***		90.01

Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A230-7218-00.0.0-000 - LTD Insurance-COPS					
16057	LTD, Life & ADD 7/09	65	Municipal Pooling Authority		
		5	PD Grant LTD 7/09	Inv	42.43
	Invoice number.: 7/09				
A230-7218-00.0.0-000 - LTD Insurance-COPS			*** Account total ***		42.43
A230-7220-00.0.0-813 - PERS Retirement-COPS					
16019	Retirement PPE 6/14/09	201	CalPERS		
		6	PD Grant 6/14/09	Paid	918.53
	Invoice number.: PPE 6/14/09				
A230-7220-00.0.0-813 - PERS Retirement-COPS			*** Account total ***		918.53
A230-7246-00.0.0-000 - Benefit Insurance					
16054	Health Insurance 7/09	1316	CalPERS Health		
		7	PD Grants 7/09	Inv	1,321.58
	Invoice number.: 378				
16056	Dental Premimum 7/09	540	Health Care Dental Trust		
		5	PD Grant Dental 7/09	Inv	127.83
	Invoice number.: 91557				
16057	LTD, Life & ADD 7/09	65	Municipal Pooling Authority		
		10	PD Grant Life, ADD 7/09	Inv	11.25
	Invoice number.: 7/09				
A230-7246-00.0.0-000 - Benefit Insurance			*** Account total ***		1,460.66
A301-7520-00.0.0-002 - Farmer's Market					
16052	Farmer's Mkt Sign 6/09	1454	Sign A Rama		
		1	Farmer's Mkt Sign 6/09	Paid	431.91
	Invoice number.: 17295				
A301-7520-00.0.0-002 - Farmer's Market			*** Account total ***		431.91
A301-7520-00.0.0-003 - Concerts in the Grove Park					
16058	Grove Concert Sound Svc 8/8/09	2376	Don Stone		
		1	Grove Concert Sound Svc 8/8/09	Inv	500.00
	Invoice number.: Sound 8/8/09				
16059	Grove Concert Sound Svc 7/25/0	2376	Don Stone		
		1	Grove Concert Snd Svc 7/25/09	Inv	500.00
	Invoice number.: Sound 7/25/09				
16060	Grove Concert Sound Svc 7/11/0	2376	Don Stone		
		1	Grove Concert Snd Svc 7/11/09	Inv	500.00
	Invoice number.: Sound 7/11/09				

Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A301-7520-00.0.0-003 - Concerts in the Grove Park			*** Continued ***		
16062	Grove Concert 8/8/09	2537	Brett Cosby		
		1	Grove Concert 8/8/09	Inv	900.00
	Invoice number.: Band 8/8/09				
16063	Grove Concert 7/25/09	2536	Rebecca Kavanaugh		
		1	Grove Concert 7/25/09	Inv	1,100.00
	Invoice number.: Band 7/25/09				
16064	Grove Concert 7/11/09	2425	Bill Garvin		
		1	Grove Concert 7/11/09	Inv	650.00
	Invoice number.: Band 7/11/09				
A301-7520-00.0.0-003 - Concerts in the Grove Park			*** Account total ***		4,150.00
A302-7419-00.0.0-000 - Other Professional Services					
16029	Housing Element Update 5/09	1156	PMC		
		1	Housing Element Update 5/09	Paid	12,616.58
	Invoice number.: 28661				
A302-7419-00.0.0-000 - Other Professional Services			*** Account total ***		12,616.58
A303-7520-00.0.0-090 - Grove Property Park					
16039	PW New Benches 6/09	1572	MJB Corporation		
		1	PW New Benches 6/09	Paid	8,384.28
	Invoice number.: 061404				
A303-7520-00.0.0-090 - Grove Property Park			*** Account total ***		8,384.28
A303-7520-00.0.0-092 - Community Park Tot Lot Upgrade					
16027	Comm Pk Tot Lt Legal Svc 5/09	2491	Treppa Law Group		
		1	Comm Pk Tot Lt Legal Svc 5/09	Paid	60.00
	Invoice number.: 193				
A303-7520-00.0.0-092 - Community Park Tot Lot Upgrade			*** Account total ***		60.00
A303-7520-00.0.0-106 - Clayton Rd Trail Connection					
16046	Eng Svc 6/6/09 - 6/19/09	116	PERMCO, Inc.		
		5	Eng Svc #8892	Paid	428.48
	Invoice number.: 8883-8894				
A303-7520-00.0.0-106 - Clayton Rd Trail Connection			*** Account total ***		428.48
A303-7520-00.0.0-115 - Comm Park Lights & Turf Proj					
16028	Comm Pk Impv Analysis 5/09	1156	PMC		
		1	Comm Pk Impv Analysis 5/09	Paid	4,370.00
	Invoice number.: 28642				
A303-7520-00.0.0-115 - Comm Park Lights & Turf Proj			*** Account total ***		4,370.00

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A304-7520-00.0.0-114 - 2009 Arterial Overlay Project				
16046 Eng Svc 6/6/09 - 6/19/09	116	PERMCO, Inc.		
	6	Eng Svc #8893	Paid	1,677.38
Invoice number.: 8883-8894				
A304-7520-00.0.0-114 - 2009 Arterial Overlay Project		*** Account total ***		1,677.38
A501-7413-00.0.0-000 - Legal Services				
16024 Oakhurst Legal Svc 5/09	2469	Michel & Fackler APC		
	1	Oakhurst Legal Svc 5/09	Paid	225.50
Invoice number.: 10472				
A501-7413-00.0.0-000 - Legal Services		*** Account total ***		225.50
A601-2740-00.0.0-096 - Cost Recov Dep PG&E Minor EP				
16046 Eng Svc 6/6/09 - 6/19/09	116	PERMCO, Inc.		
	7	Eng Svc #8885	Paid	166.00
Invoice number.: 8883-8894				
A601-2740-00.0.0-096 - Cost Recov Dep PG&E Minor EP		*** Account total ***		166.00
A601-2741-00.0.0-153 - Seeno Grading Insp (10351)				
16046 Eng Svc 6/6/09 - 6/19/09	116	PERMCO, Inc.		
	8	Eng Svc #8887	Paid	41.50
Invoice number.: 8883-8894				
A601-2741-00.0.0-153 - Seeno Grading Insp (10351)		*** Account total ***		41.50
A601-2744-00.0.0-077 - AD Seeno Oak Crk Cyn SW26-06				
16046 Eng Svc 6/6/09 - 6/19/09	116	PERMCO, Inc.		
	9	Eng Svc #8889	Paid	41.50
Invoice number.: 8883-8894				
A601-2744-00.0.0-077 - AD Seeno Oak Crk Cyn SW26-06		*** Account total ***		41.50
A601-2744-00.0.0-189 - Riessen SW Permit 17-05				
16046 Eng Svc 6/6/09 - 6/19/09	116	PERMCO, Inc.		
	12	Eng Svc #8888	Paid	41.50
Invoice number.: 8883-8894				
A601-2744-00.0.0-189 - Riessen SW Permit 17-05		*** Account total ***		41.50
A601-2744-00.0.0-288 - Flora Square SWP 47-07				
16046 Eng Svc 6/6/09 - 6/19/09	116	PERMCO, Inc.		
	10	Eng Svc #8891	Paid	21.25
Invoice number.: 8883-8894				
A601-2744-00.0.0-288 - Flora Square SWP 47-07		*** Account total ***		21.25

	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A601-2744-00.0.0-329 - Lemke Diablo Pt SW permit28-06					
	16046 Eng Svc 6/6/09 - 6/19/09	116	PERMCO, Inc.		
		11	Eng Svc #8890	Paid	41.50
	Invoice number.: 8883-8894				
A601-2744-00.0.0-329 - Lemke Diablo Pt SW permit28-06			*** Account total ***		41.50
A601-2744-00.0.0-381 - Gonzalez SW Permit 18-07					
	16046 Eng Svc 6/6/09 - 6/19/09	116	PERMCO, Inc.		
		13	Eng Svc #8888	Paid	41.50
	Invoice number.: 8883-8894				
A601-2744-00.0.0-381 - Gonzalez SW Permit 18-07			*** Account total ***		41.50
A601-2744-00.0.0-487 - Lance Brick SWP 12-08					
	16046 Eng Svc 6/6/09 - 6/19/09	116	PERMCO, Inc.		
		14	Eng Svc #8888	Paid	41.50
	Invoice number.: 8883-8894				
A601-2744-00.0.0-487 - Lance Brick SWP 12-08			*** Account total ***		41.50
A601-2744-00.0.0-495 - D. Lombardo SWP 25-08					
	16046 Eng Svc 6/6/09 - 6/19/09	116	PERMCO, Inc.		
		15	Eng Svc #8888	Paid	41.50
	Invoice number.: 8883-8894				
A601-2744-00.0.0-495 - D. Lombardo SWP 25-08			*** Account total ***		41.50
A601-2744-00.0.0-527 - Gierak SWP 02-09					
	16046 Eng Svc 6/6/09 - 6/19/09	116	PERMCO, Inc.		
		16	Eng Svc #8888	Paid	41.50
	Invoice number.: 8883-8894				
A601-2744-00.0.0-527 - Gierak SWP 02-09			*** Account total ***		41.50
A601-2744-00.0.0-532 - B Wakefield SWP 05-09					
	16046 Eng Svc 6/6/09 - 6/19/09	116	PERMCO, Inc.		
		17	Eng Svc #8888	Paid	41.50
	Invoice number.: 8883-8894				
A601-2744-00.0.0-532 - B Wakefield SWP 05-09			*** Account total ***		41.50
A601-2744-00.0.0-533 - D. Boatwright SWP 06-09					
	16022 Refund SWP 06-09 Deposit 6/09	2556	David Boatwright		
		1	Refund SWP 06-09 Deposit 6/09	Paid	1,751.00
	Invoice number.: SWP 06-09				
	16046 Eng Svc 6/6/09 - 6/19/09	116	PERMCO, Inc.		
		18	Eng Svc #8888	Paid	41.50
	Invoice number.: 8883-8894				
A601-2744-00.0.0-533 - D. Boatwright SWP 06-09			*** Account total ***		1,792.50

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A601-2744-00.0.0-536 - Premier Pool (Roden) SWP 07-09				
16046 Eng Svc 6/6/09 - 6/19/09	116	PERMCO, Inc.		
	19	Eng Svc #8888	Paid	62.25
Invoice number.: 8883-8894				
16050 Refund SWP 07-09 Dep 6/09	1053	Premier Pools & Spas		
	1	Refund SWP 07-09 Dep 6/09	Paid	1,854.75
Invoice number.: SWP 07-09				
A601-2744-00.0.0-536 - Premier Pool (Roden) SWP 07-09		*** Account total ***		1,917.00
A601-2744-00.0.0-538 - Azmarai Kadir SWP 08-09				
16046 Eng Svc 6/6/09 - 6/19/09	116	PERMCO, Inc.		
	20	Eng Svc #8888	Paid	41.50
Invoice number.: 8883-8894				
A601-2744-00.0.0-538 - Azmarai Kadir SWP 08-09		*** Account total ***		41.50
A601-2744-00.0.0-539 - Sublime Design SWP 10-09				
16021 Refund SWP 10-09 Deposit	2554	Sublime Design		
	1	Refund SWP 10-09 Deposit	Paid	1,875.50
Invoice number.: SWP 10-09				
16046 Eng Svc 6/6/09 - 6/19/09	116	PERMCO, Inc.		
	21	Eng Svc #8888	Paid	41.50
Invoice number.: 8883-8894				
A601-2744-00.0.0-539 - Sublime Design SWP 10-09		*** Account total ***		1,917.00
A601-2744-00.0.0-542 - DeMarcus Drainage SWP 11-09				
16023 Refund SWP 11-09 Deposit 6/09	2553	DeMarcus Drainage Co		
	1	Refund SWP 11-09 Deposit 6/09	Paid	1,854.75
Invoice number.: SWP 11-09				
16046 Eng Svc 6/6/09 - 6/19/09	116	PERMCO, Inc.		
	22	Eng Svc #8888	Paid	103.75
Invoice number.: 8883-8894				
A601-2744-00.0.0-542 - DeMarcus Drainage SWP 11-09		*** Account total ***		1,958.50
A601-2744-00.0.0-543 - Majestic Pool SWP 12-09				
16046 Eng Svc 6/6/09 - 6/19/09	116	PERMCO, Inc.		
	23	Eng Svc #8888	Paid	41.50
Invoice number.: 8883-8894				
A601-2744-00.0.0-543 - Majestic Pool SWP 12-09		*** Account total ***		41.50
A702-2730-00.0.0-002 - Endeavor Hall Cash Deposits				
16020 Refund EH Dep Less Fees 6/6/09	2555	Patrycjusz Grobelny		
	1	Refund EH Dep Less Fees 6/6/09	Paid	500.00
Invoice number.: EH 6/6/09				
A702-2730-00.0.0-002 - Endeavor Hall Cash Deposits		*** Account total ***		500.00

	Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A702-5607-00.0.0-000 - Revenue						
	16020	Refund EH Dep Less Fees 6/6/09	2555	Patrycjusz Grobelny		
			2	EH Fees 6/6/09	Paid	-150.00
	Invoice number.: EH 6/6/09					
A702-5607-00.0.0-000 - Revenue				*** Account total ***		-150.00
A702-7346-00.0.0-000 - HVAC Mtn & Repairs						
	16043	CH, Libr, EH HVAC Mtn 5/09	1265	ACCO Engineered Systems		
			3	EH HVAC Mtn 5/09	Paid	52.67
	Invoice number.: 1364722					
A702-7346-00.0.0-000 - HVAC Mtn & Repairs				*** Account total ***		52.67
* Report total *				*** Total ***		147,698.01

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Agenda Date: 6-30-09

Agenda Item: 4c

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER

DATE: June 30, 2009

SUBJECT: INVESTMENT PORTFOLIO REPORT THIRD QUARTER FY 2008-2009

RECOMMENDATION:

Accept the Investment Portfolio Report for the Third Quarter Fiscal Year 2008-09 ending March 31, 2009.

BACKGROUND

With adoption of the revised Investment Policy reviewed on July 18, 2006, the Finance Manager is required to submit a quarterly investment report to the City Council. The Third Quarter 2008-09 Fiscal Year report is provided herein.

FISCAL IMPACT

With the third quarter of the fiscal year completed, interest earnings for the General Fund are now at 39.16% of the '08-09 Budget for a total of $58,738. Average annual interest yield for the past 3 months was 3.67% compared to 3.98% in the prior period however the interest yield has dropped 17.3% compared to a year ago when the rate was 4.44%. City interest earnings through the third quarter totaled $472,937 compared to $1,036,104 a year ago. This is a decrease of 54.3% and is a reflection of not only the declining rates and many bond investments called that were at premium rates, but also for reduced earnings in our US Bank agency accounts due to early bond calls reducing reserve account balances. Over 41.7% of the current investment portfolio is invested in Local Agency Investment Funds (LAIF) a slight decrease of 2.2% compared to the prior quarter. As the LAIF interest rate continues to drop investments have been transferred to other higher yielding Certificates of Deposit. The LAIF quarterly apportionment rate for March was 1.91% a decrease from 2.54% in the prior quarter. Our Certificates of Deposit (CD) total 58.3% of our portfolio an increase of 2.4% from the prior quarter. At this same time last year, 58.95% of our investments were in LAIF with a quarterly apportionment rate of 4.18% interest. In the past twelve months the LAIF interest rate has dropped by 54.3% decreasing our rate of return substantially. The market value of the total investment portfolio as of March 31, 2009 was $16,026,342 compared to $16,658,191 in March 2008. Our investment portfolio carrying value of $15,776,758 is $249,574 less than current market value showing the strength of our investments in a rapidly declining economy.

CONCLUSION

As interest rates continue to decrease our interest revenues will be negatively impacted. LAIF interest rates have continued to decline to 1.91% in March. That rate is close to the same yield we earned in March 2003. Market yields for 12 month CD's have drastically decreased from a high of 5% in November 2007 to a low of 3.0% in March 2009. As interest rates have declined especially over the short term, we have recently seen rates increase over the long term (60 months). We have been diligent to diversify our portfolio with investments immediately available in LAIF and cash (43%) and then staggered less than one year (8%), two years (16%), three years (19%), 4 years (10%) and less than 5 years (5%). By staggering our investment portfolio in this manner the impact of rate changes will be lessened.

Respectively submitted,

Merry Pelletier

Merry Pelletier
Finance Manager

Attachments:
City of Clayton Investment Portfolio Third Quarter Fiscal Year 2008-2009 Report
(January 1, 2009 – March 31, 2009)

City of Clayton Investment Portfolio
January 1, 2009 - March 31, 2009

Investment Description	Carrying Value	Rate	Current Yield to Maturity	Purchase Date	Maturity Date	Market Value
Local Agency Investment Fund						
Account # 98-07-162						
TOTAL LAIF:	$ 6,664,873.96	1.91%				$ 6,677,067.56
Financial North Eastern CD's						
Baylake Bank Sturgeon Bay, Wis	$ 99,000.00	3.60%	3.60%	04/28/08	10/28/09	$ 100,287.00
Advanta Bank	$ 99,000.00	4.80%	4.50%	01/10/08	12/10/09	$ 101,421.00
Texas Community Bank	$ 100,000.00	3.72%	3.30%	12/19/08	12/18/09	$ 101,638.00
Columbia St Bank	$ 100,000.00	4.00%	4.00%	02/01/08	02/01/10	$ 102,048.00
NBT Bank Natl Assn Norwich	$ 99,000.00	3.70%	3.70%	09/19/08	03/19/10	$ 100,885.00
Flushing Savings Bank, NY	$ 99,000.00	3.65%	3.65%	04/30/08	04/30/09	$ 100,911.00
First St Bank Flagstaff	$ 99,000.00	3.75%	3.75%	03/24/08	09/24/10	$ 101,172.00
Select Bank Grand Rapids	$ 99,000.00	3.65%	3.65%	03/28/08	09/28/10	$ 101,028.00
State Bk India New York	$ 100,000.00	5.00%	5.00%	10/30/07	11/01/10	$ 104,134.00
Enterprise National Bank Palm Beach	$ 100,000.00	5.00%	5.00%	10/07/07	11/08/10	$ 104,151.00
First Fed Bank CA	$ 100,000.00	4.35%	4.35%	11/26/08	11/24/10	$ 103,153.00
1st Financial Bank USA	$ 98,000.00	3.70%	3.70%	12/17/08	12/17/10	$ 100,551.00
Key Bank C/D	$ 99,000.00	4.80%	4.80%	12/26/07	12/27/10	$ 103,426.00
Washington Mut Bank Henderson	$ 97,000.00	4.50%	4.50%	01/16/08	01/14/11	$ 100,348.00
Union National B&T	$ 100,000.00	3.00%	3.00%	01/22/09	01/22/11	$ 101,354.00
Newbank	$ 100,000.00	4.00%	4.00%	01/23/08	01/24/11	$ 103,120.00
Washington Mut Bank Park City	$ 99,000.00	3.90%	3.90%	03/19/08	03/19/11	$ 101,307.00
Bank Nev Las Vegas	$ 99,000.00	3.75%	3.75%	03/26/08	03/28/11	$ 101,022.00
Commerce Bank Geneva	$ 99,000.00	3.60%	3.60%	03/28/08	03/28/11	$ 100,735.00
Community First Bank Harrison	$ 99,000.00	3.70%	3.70%	03/28/08	03/28/11	$ 100,927.00
Paragon Coml Bank, Raleigh NC	$ 100,000.00	4.00%	4.00%	05/09/08	05/09/11	$ 102,540.00
Peach State Bank, Gainsville	$ 99,000.00	4.00%	4.00%	06/06/08	06/06/11	$ 101,521.00
New Frontier Bank Colorado	$ 99,000.00	3.85%	3.85%	03/31/08	07/01/11	$ 101,194.00
Bank Fairfield Washington	$ 99,000.00	4.50%	4.50%	07/18/08	07/18/11	$ 102,619.00
Bay Cities Bank Tampa FL	$ 99,000.00	4.55%	4.55%	09/02/08	09/02/11	$ 102,750.00
Nicolet Natl Bank Wisconsin	$ 100,000.00	4.00%	4.00%	03/14/08	09/14/11	$ 102,527.00
Business First Bank Baton Rouge	$ 99,000.00	4.00%	4.00%	03/26/08	09/26/11	$ 101,495.00
Investors Community Bank	$ 99,000.00	3.90%	3.90%	04/18/08	10/18/11	$ 101,238.00
First GTY Bank & Amp TR CO	$ 99,000.00	5.00%	5.00%	12/15/06	12/15/11	$ 103,984.00
VIST Bank	$ 99,000.00	3.40%	3.40%	12/29/08	12/29/11	$ 100,822.00
City Bank Lynnwood, WA	$ 100,000.00	3.00%	3.00%	12/31/08	12/30/11	$ 99,805.00
Nexity Bank Birmingham, ALA	$ 99,000.00	3.10%	3.10%	01/16/09	01/16/12	$ 99,003.00
Wachovia Bk FSB Houston	$ 97,000.00	4.50%	4.50%	01/16/08	01/17/12	$ 100,604.00
BMW Bk North America, Salt Lake	$ 99,000.00	4.00%	4.12%	03/19/08	03/19/12	$ 101,263.00
BB&T Fin'l FSB Columbus, GA	$ 100,000.00	3.00%	3.00%	03/18/09	03/19/12	$ 99,484.00
Shorebank Chicago, ILL	$ 100,000.00	3.00%	3.00%	03/19/09	03/19/12	$ 99,481.00
Imperial Capital Bank, La Jolla	$ 99,000.00	4.00%	4.00%	03/28/08	03/28/12	$ 101,247.00
Monona St Bank Wisconsin	$ 99,000.00	3.80%	3.80%	03/28/08	03/28/12	$ 100,699.00
National City Bank, Cleveland	$ 99,000.00	4.00%	4.12%	03/31/08	04/02/12	$ 101,241.00
Franklin Templeton Bank, SL City, Utah	$ 99,000.00	4.00%	4.12%	04/18/08	04/18/12	$ 101,247.00
Clayton Bk & TR Knoxville, TN	$ 99,000.00	4.65%	4.71%	07/09/08	07/09/12	$ 103,161.00
Community First Corydon, IND	$ 99,000.00	3.00%	3.00%	01/15/09	07/16/12	$ 98,113.00
GE Money Bk Salt Lake City, UT	$ 99,000.00	4.15%	4.15%	07/09/08	12/18/12	$ 101,585.00
GE CAP FINL Inc	$ 99,000.00	4.15%	4.15%	12/18/08	12/18/12	$ 101,585.00
Wachovia Mtg FSB Las Vegas	$ 97,000.00	4.60%	4.60%	01/16/08	01/16/13	$ 101,067.00
Private Bk of Buckhead Atlanta	$ 100,000.00	3.10%	3.10%	02/27/09	02/27/13	$ 98,789.00
Primesouth Bank, Tallassee, ALA	$ 99,000.00	4.05%	4.05%	04/18/08	04/18/13	$ 101,181.00
Integrity First Bank WI	$ 99,000.00	4.10%	4.10%	04/25/08	04/25/13	$ 101,356.00
Goldman Sachs Bank SL City, Utah	$ 99,000.00	4.45%	4.48%	05/07/08	05/07/13	$ 102,633.00
M&T Bank	$ 99,000.00	4.41%	4.41%	05/27/08	05/27/13	$ 103,716.00
Lehman Coml Bank, Utah	$ 100,000.00	5.00%	5.00%	06/30/08	07/01/13	$ 105,160.00
Cole Taylor Bk Chicago, ILL	$ 99,000.00	5.00%	5.00%	07/11/08	07/11/13	$ 104,708.00
Flagstar Bk FSB Troy, Mich	$ 99,000.00	5.00%	5.00%	09/19/08	09/19/13	$ 104,738.00
Worlds Foremost	$ 100,000.00	5.06%	5.06%	11/10/08	11/12/13	$ 107,354.00
Sallie Mae Bk, Murray, UT	$ 100,000.00	5.00%	5.00%	12/05/08	12/05/13	$ 105,769.00
Discover Bank Greenwood DEL	$ 100,000.00	4.16%	4.16%	12/18/08	12/18/13	$ 103,462.00
Net credit balance	$ 18,659.05					$ 18,659.05
TOTAL Financial North Eastern	**$ 5,572,659.05**					**$ 5,721,418.05**
Multi-Bank Securities, Inc. CD's						
Cash Account	$ 2,089.68					$ 2,089.68
GMAC Automotive Bk Midvale	$ 97,000.00	5.60%	5.60%	07/19/06	07/17/09	$ 98,272.64
Wachovia Bk FSB, Houston, TX	$ 98,000.00	4.30%	4.30%	02/29/08	03/07/13	$ 101,080.14
TOTAL Multi-Bank Securities:	**$ 197,089.68**					**$ 201,442.46**
Morgan Stanley						
Cash Account	$ 98,135.58					$ 98,135.58
Republic Bank Inc Bountiful, UT	$ 99,000.00	4.48%	4.47%	01/16/08	09/16/09	$ 100,477.08
Tifton Bkg Co., GA	$ 99,000.00	4.55%	4.44%	12/31/07	12/31/09	$ 101,302.74
Bank First National, WIS	$ 98,000.00	3.70%	3.63%	03/13/08	03/12/10	$ 99,852.20
Bloomfield St Bank, IN	$ 99,000.00	4.00%	3.90%	06/25/08	06/25/10	$ 101,413.62
Southern Community Bank, Fayetteville	$ 99,000.00	3.70%	3.62%	04/23/08	10/25/10	$ 101,101.77
Security Bank Gwinnett County	$ 99,000.00	4.60%	4.43%	12/27/07	12/27/10	$ 102,573.90
Commerce National Bk, Columbus, Ohio	$ 99,000.00	4.50%	4.34%	01/10/08	01/10/11	$ 102,417.48
American Chartered Bank	$ 98,000.00	3.95%	3.85%	03/19/08	03/21/11	$ 100,376.50
Crescent St Bank, North Carolina	$ 99,000.00	3.75%	3.67%	04/23/08	04/22/11	$ 101,013.66
Medallion Bank, Salt Lake City	$ 98,000.00	3.90%	3.81%	04/25/08	04/25/11	$ 100,275.56
Darby Bank, Vidalia, GA	$ 98,000.00	3.90%	3.81%	04/23/08	04/25/11	$ 100,275.56
M&I Marshall & Isley Bank	$ 98,000.00	4.00%	3.90%	05/23/08	05/23/11	$ 100,482.34
Merrick Bank, UT	$ 97,000.00	4.30%	4.16%	06/20/08	06/20/11	$ 100,078.78
Washington TR RI	$ 97,000.00	4.50%	4.34%	07/09/08	07/11/11	$ 100,522.07
Irwin Un BK & TR, Columbus, Ind	$ 98,000.00	4.05%	3.94%	04/25/08	10/25/11	$ 100,556.82
First Business BK, Madison, WI	$ 98,000.00	4.10%	3.99%	05/16/08	11/16/11	$ 100,660.70
Morgan Stanley Bank, SLC, UT	$ 97,000.00	4.45%	4.29%	11/28/08	11/28/11	$ 100,501.70
American Express Centurion, SLC, UT	$ 98,000.00	3.75%	3.68%	12/24/08	12/27/11	$ 99,730.68
Florida Cmnty BK, Immokalee, FL	$ 99,000.00	4.50%	4.33%	06/27/08	12/27/11	$ 102,702.60
Capmark Bank, Midvale, UT	$ 98,000.00	3.00%	3.00%	01/28/09	01/30/12	$ 97,690.32
Capital One Bank, Glen Allen, VA	$ 98,000.00	4.00%	3.91%	03/12/08	03/12/12	$ 100,252.04

City of Clayton Investment Portfolio
January 1, 2009 - March 31, 2009

Investment Description		Carrying Value	Rate	Current Yield to Maturity	Purchase Date	Maturity Date		Market Value
Byron Bank, Michigan	$	98,000.00	3.90%	3.82%	03/14/08	03/14/12	$	99,975.68
Alliance Bank, Syracuse, NY	$	98,000.00	4.05%	3.95%	03/24/08	03/21/12	$	100,373.56
Atlanta Business BK, GA	$	99,000.00	4.20%	4.08%	05/28/08	05/29/12	$	101,818.53
Centennial BK, Fountain Vy, CA	$	99,000.00	4.25%	4.12%	05/30/08	05/30/12	$	101,968.02
Queesborough Nat'l Bk	$	99,000.00	4.65%	4.46%	07/16/08	07/16/12	$	103,191.66
American Cmnty BK, Woodstock	$	99,000.00	4.10%	4.00%	04/25/08	04/25/13	$	101,356.20
Broadway Bk, Chicago, IL	$	99,000.00	4.15%	4.04%	04/30/08	04/30/13	$	101,537.37
Amcore Bk, Rockford, IL	$	97,000.00	4.25%	4.12%	04/25/08	04/25/13	$	99,839.19
Mutual BK, Harvey, IL	$	99,000.00	4.50%	4.33%	05/23/08	05/23/13	$	102,832.29
American Express Bank, SLC, UT	$	97,000.00	4.75%	4.53%	12/24/08	12/24/13	$	101,501.77
TOTAL Morgan Stanley	**$**	**3,145,135.58**					**$**	**3,226,787.97**
RBC Wealth Management								
Temecula VY Bank	$	99,000.00	3.25%	3.25%	12/18/08	06/28/10	$	100,514.70
North Milwaukee Stk. Bank, WI	$	98,000.00	3.50%	3.50%	12/18/08	12/23/11	$	99,111.32
Total RBC Wealth Management	**$**	**197,000.00**					**$**	**199,626.02**

		Carrying Value	Percentage of Portfolio	Average Yield to Maturity		Market Value
Local Agency Investment Funds	$	6,664,873.96	41.66%	1.910%	$	6,677,067.56
Financial Northeastern	$	5,572,659.05	35.70%	4.060%	$	5,721,418.05
Multi-Bank Securities	$	197,089.68	1.26%	4.950%	$	201,442.46
Morgan Stanley	$	3,145,135.58	20.13%	4.031%	$	3,226,787.97
RBC Dain Rauscher	$	197,000.00	1.25%	3.375%	$	199,626.02
Grand Total Investment Portfolio:	**$**	**15,776,758.27**	**100.00%**		**$**	**16,026,342.06**

2008-09 Budgeted Interest-General Fund	$ 150,000
2008-09 Budgeted Interest Received-General Fund	$ 58,738
Percent of General Fund Budget Received	39.16%
2008-09 Average Annual Yield	3.67%
2008-09 Total Interest Income to date	$ 472,937

Mary Pelletier 6/23/09

Finance Manager Date:

6/25/09

City Treasurer Date:

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

Agenda Date: 6-30-09

Agenda Item: 4d

RESOLUTION NO. – 2009

A JOINT RESOLUTION OF THE CLAYTON CITY COUNCIL AND THE CLAYTON REDEVELOPMENT AGENCY AUTHORIZING THE CITY ATTORNEY/REDEVELOPMENT AGENCY GENERAL COUNSEL TO COOPERATE WITH THE LEAGUE OF CALIFORNIA CITIES, THE CALIFORNIA REDEVELOPMENT ASSOCIATION, OTHER CITIES AND COUNTIES IN LITIGATION CHALLENGING THE CONSTITUTIONALITY OF ANY SEIZURE BY STATE GOVERNMENT OF THE CITY'S STREET MAINTENANCE AND REDEVELOPMENT FUNDS

THE CITY COUNCIL
City of Clayton, California

THE CLAYTON REDEVELOPMENT AGENCY
City of Clayton, California

WHEREAS, the current economic crisis has placed cities under incredible financial pressure and caused them to make painful budget cuts, including pay decreases, layoffs and furloughs of city workers, decreasing maintenance and operations of public facilities, and reductions in direct services to keep spending in line with declining revenues; and

WHEREAS, since the early 1990s the state government of California has seized over **$10 billion** in city property tax revenues statewide, now amounting to over $900 million each year, **including $5.4 million from the small City of Clayton,** to help fund the chronic deficits of the state budget; and

WHEREAS, since the early 1990s the state government also has seized $1.04 billion of redevelopment tax increment statewide, and the now the Governor and State Legislature are embracing the further seizure of $350 million statewide each year for three years, beginning in the current fiscal year, **which amount would equal $404,570 each year (or $1.2 million over the next three years) from the Clayton Redevelopment Agency**; and

WHEREAS, on 30 April 2009, in the case of *CRA v. Genest*, the Sacramento Superior Court found similar efforts by the State to seize redevelopment tax increment for the state general fund to be in direct violation of Article XVI, Section 16 of the State Constitution, added by the voters in 1952 as Proposition 18, which requires that tax increment be used exclusively for the benefit of redevelopment project areas; and

WHEREAS, in his proposed FY 2009-10 budget the Governor also proposes transferring $1 billion of local gas taxes and weight fees to the state general fund to balance the state budget, and over $700 million in local gas taxes permanently in future years, immediately jeopardizing the ability of this City to maintain its streets, traffic signals, streetlights, sidewalks and related traffic safety facilities for the use of our citizenry and the motoring public; and

WHEREAS, the loss of almost all of cities' gas tax funds will seriously compromise cities' ability to perform critical traffic safety related street maintenance, possibly including, but not limited to, drastically curtailing patching, resurfacing, street lighting/traffic signal maintenance, payment of electricity costs for street lights and signals, bridge maintenance and repair, sidewalk and curb ramp maintenance and repair, and more; and

WHEREAS, cities and counties maintain 81% of the state road network while the state directly maintains just 8%, and according to a recent statewide needs assessment[1] on a scale of zero (failed) to 100 (excellent), the statewide average pavement condition index (PCI) is 68, or "at risk."

WHEREAS, in both Proposition 5 in 1974 and Proposition 2 in 1998 the voters of our state overwhelmingly imposed restrictions on the state's ability to do what the Governor has proposed and the State Legislature is considering, and any effort to permanently divert the local share of the gas tax would violate the state constitution and the will of the voters.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California and the Board of Directors of the Clayton Redevelopment Agency do hereby direct its City Attorney/Redevelopment Agency General Counsel to take all necessary steps to cooperate with the League of California Cities, the California Redevelopment Association, other cities, other counties and other redevelopment agencies in supporting litigation against the state of California if the Legislature enacts and the Governor signs into law legislation that unconstitutionally diverts the redevelopment tax increment and/or the City's share of funding from the Highway Users Tax Account (HUTA), also known as the "Gas Tax," to fund the state general fund; and

BE IT FURTHER RESOLVED that the City Manager/Agency Executive Director shall cause this resolution to be sent with an accompanying letter from the Mayor and Agency Chairman to the Governor and each of the City's state legislators, informing them in the clearest of terms of the City's adamant resolve to oppose any effort to frustrate the will of the electorate as expressed in Proposition 18 (1952), Proposition 5 (1974) and Proposition 2 (1998) concerning the proper use and allocation of the redevelopment tax increment and the gas tax, and to jeopardize and place at risk local public services; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be sent by the City Clerk to the League of California Cities, the California Redevelopment Association, the local chamber of commerce (Clayton Business & Community Association), and other community groups whose members are affected by this irresponsible and unlawful proposal to divert local funds from vital local services and projects.

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[1] *California Statewide Local Streets and Roads Needs Assessment*, Nichols Consulting Engineers, Chtd. (2008), sponsored by the League of California Cities, California State Association of Counties and County Engineers Association of California.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California and the Board of Directors of the Clayton Redevelopment Agency at special public meetings thereof held on the 30th day of June 2009 by the following vote:

CLAYTON CITY COUNCIL:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Julie K. Pierce, Mayor

ATTEST:

Laci J. Jackson, City Clerk

* * * * *

AGENCY BOARD OF DIRECTORS:

AYES:

NOES:

ABSTAIN:

ABSENT:

CLAYTON REDEVELOPMENT AGENCY

David T. Shuey, Chairman

ATTEST:

____
Laci J. Jackson, Secretary

CITY OF CLAYTON
Founded 1857... Incorporated 1964

Agenda Date: 6-30-09

Agenda Item: 4e

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: JUNE 30, 2009

SUBJECT: RESOLUTION APPROVING AN ADMINISTERING AGENCY-STATE MASTER AGREEMENT NO. 04-5386R AND PROGRAM SUPPLEMENT AGREEMENT NO. N006 AS REQUIRED IN ORDER TO RECEIVE FEDERAL FUNDING FOR CERTAIN TRANSPORTATION PROJECTS

RECOMMENDATION

Adopt resolution.

BACKGROUND

In order to actually receive federal funds the City is signatory to an Administering Agency-State Master Agreement ("Master Agreement") with the State Department of Transportation ("Caltrans"). This agreement establishes the terms and conditions when receiving federal funds for a project. The Master Agreement is then augmented with a Program Supplemental Agreement for each approved federal aid project.

The current Master Agreement was approved in 1997. The State has prepared a new, updated agreement to incorporate legislative changes that have occurred since that time. This is a standard agreement prepared by the State and is non-negotiable. We either execute the agreement as-is or we forgo the federal funds.

In addition, we have been provided the Program Supplement for the 2009 Arterial Overlay Project which is being funded by the federal American Recovery and Reinvestment Act ("ARRA").

FISCAL IMPACT

Failure to approve and execute either the Master Agreement or the Program Supplement would preclude the City from ever receiving federal funds for transportation projects.

CONCLUSION

Based upon the above, staff recommends the City Council adopt this Resolution approving the Administering Agency-State Master Agreement No. 04-5386R and the Program Supplement No. N006 and authorizing the City Manager to execute said agreement and supplement on behalf of the City.

Attachments: Administering Agency-State Master Agreement No. 04-5386R
Program Supplement No. N006

RESOLUTION NO.

A RESOLUTION APPROVING THE ADMINISTERING AGENCY-STATE MASTER AGREEMENT NO. 04-5386R AND PROGRAM SUPPLEMENT NO. N006 AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENTS ALONG WITH FUND EXCHANGE AGREEMENTS, FUND TRANSFER AGREEMENTS AND ANY AMENDMENTS THERETO, WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION ON BEHALF OF THE CITY OF CLAYTON.

THE CITY COUNCIL
City of Clayton, California

WHEREAS, the City of Clayton is eligible to received Federal and/or State funding for certain Transportation Projects, through the California Department of Transportation ("Caltrans"); and

WHEREAS, Caltrans has prepared a new Master Agreement (No. 04-5386R) and a Program Supplement (No. N006) for the 2009 Arterial Overlay Project; and

WHEREAS, Master Agreements, Program Supplements, Fund Exchange Agreements and/or Fund Transfer Agreements with Caltrans need to be executed by the City before Federal and/or State funds may be claimed; and

WHEREAS, the City Council wishes to delegate authorization to execute these agreements, and any amendments thereto, to the City Manager; and

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

1. The City Council hereby approves the attached Administering Agency-State Master Agreement No. 04-5386R and Program Supplement No. N006.

2. The City Manager is hereby authorized to execute, on behalf of the City of Clayton, said Master Agreement and Program Supplement as well as any Fund Exchange Agreements and/or Fund Transfer Agreements, and any amendments thereto.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a special public meeting thereof held on the 30th day of June, 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 special meeting held on June 30, 2009.

____
Laci J. Jackson, City Clerk

MASTER AGREEMENT
ADMINISTERING AGENCY-STATE AGREEMENT FOR
FEDERAL-AID PROJECTS

04 City of Clayton
____
District Administering Agency

Agreement No. 04-5386R

This AGREEMENT, is entered into effective this _______ day of __________, 2009, by and between the City of Clayton, hereinafter referred to as "ADMINISTERING AGENCY," and the State of California, acting by and through its Department of Transportation (Caltrans), hereinafter referred to as "STATE, and together referred to as "PARTIES" or individually as a "PARTY."

RECITALS:

1. WHEREAS, the Congress of the United States has enacted the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 and subsequent Transportation Authorization Bills to fund transportation programs. These transportation programs include, but are not limited to, the Surface Transportation Program (STP), the Congestion Mitigation and Air Quality Improvement Program (CMAQ), the Transportation Enhancement Program (TE), Highway Safety Improvement Program (HSIP) and the Highway Bridge Program (HBP) (collectively the "PROGRAMS"); and

2. WHEREAS, the Legislature of the State of California has enacted legislation by which certain federal-aid funds may be made available for use on local transportation related projects of public entities qualified to act as recipients of these federal-aid funds in accordance with the intent of federal law; and

3. WHEREAS, before federal-funds will be made available for a specific program project, ADMINISTERING AGENCY and STATE are required to enter into an agreement to establish terms and conditions applicable to the ADMINISTERING AGENCY when receiving federal funds for a designated PROJECT facility and to the subsequent operation and maintenance of that completed facility.

NOW, THEREFORE, the PARTIES agree as follows:

ARTICLE I - PROJECT ADMINISTRATION

1. This AGREEMENT shall have no force or effect with respect to any program project unless and until a project-specific Program Supplement to this AGREEMENT for federal-aid projects, hereinafter referred to as "PROGRAM SUPPLEMENT", has been fully executed by both STATE and ADMINISTERING AGENCY.

2. The term "PROJECT", as used herein, means that authorized transportation related project and related activities financed in part with federal-aid funds as more fully-described in an "Authorization/ Agreement Summary" or "Amendment/Modification Summary", herein referred to as "E-76" or "E-76 (AMOD)" document authorized by STATE or the Federal Highway Administration (FHWA).

3. The E-76/E-76(AMOD) shall designate the party responsible for implementing PROJECT, type of work and location of PROJECT.

4. The PROGRAM SUPPLEMENT sets out special covenants as a condition for the ADMINISTERING AGENCY to receive federal-aid funds from/through STATE for designated PROJECT. The PROGRAM SUPPLEMENT shall also show these Federal Funds that have been initially encumbered for PROJECT along with the matching funds to be provided by ADMINISTERING AGENCY and/or others. Execution of PROGRAM SUPPLEMENT by the PARTIES shall cause ADMINISTERING AGENCY to adopt all of the terms of this AGREEMENT as though fully set forth therein in the PROGRAM SUPPLEMENT. Unless otherwise expressly delegated in a resolution by the governing body of ADMINISTERING AGENCY, and with written concurrence by STATE, the PROGRAM SUPPLEMENT shall be approved and managed by the governing body of ADMINISTERING AGENCY.

5. ADMINISTERING AGENCY agrees to execute and return each project-specific PROGRAM SUPPLEMENT within ninety (90) days of receipt. The PARTIES agree that STATE may suspend future authorizations/obligations and invoice payments for any on-going or future federal-aid project performed by ADMINISTERING AGENCY if any project-specific PROGRAM SUPPLEMENT is not returned within that ninety (90) day period unless otherwise agreed by STATE in writing.

6. ADMINISTERING AGENCY further agrees, as a condition to the release and payment of Federal Funds encumbered for the PROJECT described in each PROGRAM SUPPLEMENT, to comply with the terms and conditions of this AGREEMENT and all of the agreed-upon Special Covenants or Remarks incorporated within the PROGRAM SUPPLEMENT, and Cooperative/Contribution Agreement where appropriate, defining and identifying the nature of the specific PROJECT.

7. Federal, State and matching funds will not participate in PROJECT work performed in advance of the approval of the E-76 or E-76 (AMOD), unless otherwise stated in the executed project-specific PROGRAM SUPPLEMENT. ADMINISTERING AGENCY agrees that it will only proceed with the work authorized for that specific phase(s) on the project-specific E-76 or E-76 (AMOD). ADMINISTERING AGENCY further agrees to not proceed with future phases of PROJECT prior to receiving an E-76 (AMOD) from STATE for that phase(s) unless no Further Federal funds are needed or for those future phase(s).

8. That PROJECT or portions thereof, must be included in a federally approved Federal Statewide Transportation Improvement Program (FSTIP) prior to ADMINISTERING AGENCY submitting the "Request for Authorization".

9. ADMINISTERING AGENCY shall conform to all State statutes, regulations and procedures (including those set forth in the Local Assistance Procedures Manual and the Local Assistance Program Guidelines, hereafter collectively referred to as "LOCAL ASSISTANCE PROCEDURES") relating to the federal-aid program, all Title 23 federal requirements, and all applicable federal laws, regulations, and policy and procedural or instructional memoranda, unless otherwise specifically waived as designated in the executed project-specific PROGRAM SUPPLEMENT.

10. If PROJECT is not on STATE-owned right of way, PROJECT shall be constructed in accordance with LOCAL ASSISTANCE PROCEDURES that describes minimum statewide design standards for local agency streets and roads. LOCAL ASSISTANCE PROCEDURES for projects off the National Highway System (NHS) allow STATE to accept either the STATE's minimum statewide design standards or the approved geometric design standards of ADMINISTERING AGENCY. Additionally, for projects off the NHS, STATE will accept ADMINISTERING AGENCY-approved standard specifications, standard plans, materials sampling and testing quality assurance programs that meet the conditions described in the then current LOCAL ASSISTANCE PROCEDURES.

11. If PROJECT involves work within or partially within STATE-owned right-of-way, that PROJECT shall also be subject to compliance with the policies, procedures and standards of the STATE Project Development Procedures Manual and Highway Design Manual and where appropriate, an executed cooperative agreement between STATE and ADMINISTERING AGENCY that outlines the PROJECT responsibilities and respective obligations of the PARTIES. ADMINISTERING AGENCY and its' contractors shall each obtain an encroachment permit through STATE prior to commencing any work within STATE rights of way or work which affects STATE facilities.

12. When PROJECT is not on the State Highway System but includes work to be performed by a railroad, the contract for such work shall be prepared by ADMINISTERING AGENCY or by STATE, as the PARTIES may hereafter agree. In either event, ADMINISTERING AGENCY shall enter into an agreement with the railroad providing for future maintenance of protective devices or other facilities installed under the contract.

13. If PROJECT is using STATE funds, the Department of General Services, Division of the State Architect, or its designee, shall review the contract PS&E for the construction of buildings, structures, sidewalks, curbs and related facilities for accessibility and usability. ADMINISTERING AGENCY shall not award a PROJECT construction contract for these types of improvements until the State Architect has issued written approval stating that the PROJECT plans and specifications comply with the provisions of sections 4450 and 4454 of the California Government Code, if applicable. Further requirements and guidance are provided in Title 24 of the California Code of Regulations.

14. ADMINISTERING AGENCY will advertise, award and administer PROJECT in accordance with the current LOCAL ASSISTANCE PROCEDURES unless otherwise stated in the executed project-specific PROGRAM SUPPLEMENT.

15. ADMINISTERING AGENCY shall provide or arrange for adequate supervision and inspection of each PROJECT. While consultants may perform supervision and inspection work for PROJECT with a fully qualified and licensed engineer, ADMINISTERING AGENCY shall provide a full-time employee to be in responsible charge of each PROJECT.

16. ADMINISTERING AGENCY shall submit PROJECT-specific contract award documents to STATE's District Local Assistance Engineer within sixty (60) days after contract award. A copy of the award documents shall also be included with the submittal of the first invoice for a construction contract by ADMINISTERING AGENCY to: Department of Transportation, Division of Accounting Local Programs Accounting Branch, MS #33, PO Box 942874, Sacramento, California 94274-0001.

17. ADMINISTERING AGENCY shall submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure by ADMINISTERING AGENCY to submit a "Report of Expenditures" within one hundred eighty(180) days of project completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current LOCAL ASSISTANCE PROCEDURES.

18. ADMINISTERING AGENCY shall comply with: (i) section 504 of the Rehabilitation Act of 1973 which prohibits discrimination on the basis of disability in federally assisted programs; (ii) the Americans with Disabilities Act (ADA) of 1990 which prohibits discrimination on the basis of disability irrespective of funding; and (iii) all applicable regulations and guidelines issued pursuant to both the Rehabilitation Act and the ADA.

19. The Congress of the United States, the Legislature of the State of California and the Governor of the State of California, each within their respective jurisdictions, have prescribed certain nondiscrimination requirements with respect to contract and other work financed with public funds. ADMINISTERING AGENCY agrees to comply with the requirements of the FAIR EMPLOYMENT PRACTICES ADDENDUM (Exhibit A attached hereto) and the NONDISCRIMINATION ASSURANCES (Exhibit B attached hereto). ADMINISTERING AGENCY further agrees that any agreement entered into by ADMINISTERING AGENCY with a third party for performance of PROJECT-related work shall incorporate Exhibits A and B (with third party's name replacing ADMINISTERING AGENCY) as essential parts of such agreement to be enforced by that third party as verified by ADMINISTERING AGENCY.

ARTICLE II - RIGHTS OF WAY

1. No contract for the construction of a federal-aid PROJECT shall be awarded until all necessary rights of way have been secured. Prior to the advertising for construction of PROJECT, ADMINISTERING AGENCY shall certify and, upon request, shall furnish STATE with evidence that all necessary rights of way are available for construction purposes or will be available by the time of award of the construction contract.

2. ADMINISTERING AGENCY agrees to indemnify and hold STATE harmless from any liability that may result in the event the right of way for a PROJECT, including, but not limited to, being clear as certified or if said right of way is found to contain hazardous materials requiring treatment or removal to remediate in accordance with Federal and State laws. The furnishing of right of way as provided for herein includes, in addition to all real property required for the PROJECT, title free and clear of obstructions and encumbrances affecting PROJECT and the payment, as required by applicable law, of relocation costs and damages to remainder real property not actually taken but injuriously affected by PROJECT. ADMINISTERING AGENCY shall pay, from its own non-matching funds, any costs which arise out of delays to the construction of PROJECT because utility facilities have not been timely removed or relocated, or because rights of way were not available to ADMINISTERING AGENCY for the orderly prosecution of PROJECT work.

3. Subject to STATE approval and such supervision as is required by LOCAL ASSISTANCE PROCEDURES over ADMINISTERING AGENCY's right of way acquisition procedures, ADMINISTERING AGENCY may claim reimbursement from Federal Funds for expenditures incurred in purchasing only the necessary rights of way needed for the PROJECT after crediting PROJECT with the fair market value of any excess property retained and not disposed of by ADMINISTERING AGENCY.

4. When real property rights are to be acquired by ADMINISTERING AGENCY for a PROJECT, said ADMINISTERING AGENCY must carry out that acquisition in compliance with all applicable State and Federal laws and regulations, in accordance with State procedures as published in State's current LOCAL ASSISTANCE PROCEDURES and STATE's Right-of-Way Manual, subject to STATE oversight to ensure that the completed work is acceptable under the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

5. Whether or not federal-aid is to be requested for right of way, should ADMINISTERING AGENCY, in acquiring right of way for PROJECT, displace an individual, family, business, farm operation, or non-profit organization, relocation payments and services will be provided as set forth in 49 CFR, Part 24. The public will be adequately informed of the relocation payments and services which will be available, and, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from his/her dwelling or to move his/her business or farm operation without at least ninety (90) days written notice from ADMINISTERING AGENCY. ADMINISTERING AGENCY will provide STATE with specific assurances, on each portion of the PROJECT, that no person will be displaced until comparable decent, safe and sanitary replacement housing is available within a reasonable period of time prior to displacement, and that ADMINISTERING AGENCY's relocation program is realistic and adequate to provide orderly, timely and efficient relocation of PROJECT- displaced persons as provided in 49 CFR,

Part 24.

6. ADMINISTERING AGENCY shall, along with recording the deed or instrument evidencing title in the name of the ADMINISTERING AGENCY or their assignee, shall also record an Agreement Declaring Restrictive Covenants (ADRC) as a separate document incorporating the assurances included within Exhibits A and B and Appendices A, B, C and D of the AGREEMENT, as appropriate.

ARTICLE III - MAINTENANCE AND MANAGEMENT

1. ADMINISTERING AGENCY will maintain and operate the property acquired, developed, constructed, rehabilitated, or restored by PROJECT for its intended public use until such time as the parties might amend this AGREEMENT to otherwise provide. With the approval of STATE, ADMINISTERING AGENCY or its successors in interest in the PROJECT property may transfer this obligation and responsibility to maintain and operate PROJECT property for that intended public purpose to another public entity.

2. Upon ADMINISTERING AGENCY's acceptance of the completed federal-aid construction contract or upon contractor being relieved of the responsibility for maintaining and protecting PROJECT, ADMINISTERING AGENCY will be responsible for the maintenance, ownership, liability, and the expense thereof, for PROJECT in a manner satisfactory to the authorized representatives of STATE and FHWA and if PROJECT falls within the jurisdictional limits of another Agency or Agencies, it is the duty of ADMINISTERING AGENCY to facilitate a separate maintenance agreement(s) between itself and the other jurisdictional Agency or Agencies providing for the operation, maintenance, ownership and liability of PROJECT. Until those agreements are executed, ADMINISTERING AGENCY will be responsible for all PROJECT operations, maintenance, ownership and liability in a manner satisfactory to the authorized representatives of STATE and FHWA. If, within ninety (90) days after receipt of notice from STATE that a PROJECT, or any portion thereof, is not being properly operated and maintained and ADMINISTERING AGENCY has not satisfactorily remedied the conditions complained of, the approval of future federal-aid projects of ADMINISTERING AGENCY will be withheld until the PROJECT shall have been put in a condition of operation and maintenance satisfactory to STATE and FHWA. The provisions of this section shall not apply to a PROJECT that has been vacated through due process of law with STATE's concurrence.

3. PROJECT and its facilities shall be maintained by an adequate and well-trained staff of engineers and/or such other professionals and technicians as PROJECT reasonably requires. Said operations and maintenance staff may be employees of ADMINISTERING AGENCY, another unit of government, or a contractor under agreement with ADMINISTERING AGENCY. All maintenance will be performed at regular intervals or as required for efficient operation of the complete PROJECT improvements.

ARTICLE IV - FISCAL PROVISIONS

1. All contractual obligations of STATE are subject to the appropriation of resources by the Legislature and the allocation of resources by the California Transportation Commission (CTC).

2. STATE'S financial commitment of Federal Funds will occur only upon the execution of this AGREEMENT, the authorization of the project-specific E-76 or E-76 (AMOD), the execution of each project-specific PROGRAM SUPPLEMENT, and STATE's approved finance letter.

3. ADMINISTERING AGENCY may submit signed duplicate invoices in arrears for reimbursement of participating PROJECT costs on a monthly or quarterly progress basis once the project-specific PROGRAM SUPPLEMENT has been executed by STATE.

4. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six (6) months commencing after the funds are encumbered on either the project-specific PROGRAM SUPPLEMENT or through a project-specific finance letter approved by STATE. STATE reserves the right to suspend future authorizations/obligations, and invoice payments for any on-going or future federal-aid project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six (6) month period

5. Invoices shall be submitted on ADMINISTERING AGENCY letterhead that includes the address of ADMINISTERING AGENCY and shall be formatted in accordance with LOCAL ASSISTANCE PROCEDURES.

6. Invoices must have at least one copy of supporting backup documentation for costs incurred and claimed for reimbursement by ADMINISTERING AGENCY. Acceptable backup documentation includes, but is not limited to, agency's progress payment to the contractors, copies of cancelled checks showing amounts made payable to vendors and contractors, and/or a computerized summary of PROJECT costs.

7. Payments to ADMINISTERING AGENCY can only be released by STATE as reimbursement of actual allowable PROJECT costs already incurred and paid for by ADMINISTERING AGENCY.

8. An Indirect Cost Rate Proposal and Central Service Cost Allocation Plan and related documentation are to be provided to STATE (Caltrans Audits & Investigations) annually for review and approval prior to ADMINISTERING AGENCY seeking reimbursement of indirect cost incurred within each fiscal year being claimed for federal reimbursement.

9. Once PROJECT has been awarded, STATE reserves the right to de-obligate any excess Federal Funds from the construction phase of PROJECT if the contract award amount is less than the obligated amount, as shown on the PROJECT E-76 or E-76 (AMOD).

10. STATE will withhold the greater of either two (2) percent of the total of all Federal Funds encumbered for each PROGRAM SUPPLEMENT or $40,000 until ADMINISTERING AGENCY submits the Final Report of Expenditures for each completed PROGRAM SUPPLEMENT PROJECT.

11. The estimated total cost of PROJECT, the amount of Federal Funds obligated, and the required matching funds may be adjusted by mutual consent of the PARTIES hereto with a finance letter, a detailed estimate, if required, and approved E-76 (AMOD). Federal-aid funding may be increased to cover PROJECT cost increases only if such funds are available and FHWA concurs with that increase.

12. When additional federal-aid funds are not available, ADMINISTERING AGENCY agrees that the payment of Federal Funds will be limited to the amounts authorized on the PROJECT specific E-76 / E-76 (AMOD) and agrees that any increases in PROJECT costs must be defrayed with ADMINISTERING AGENCY's own funds.

13. ADMINISTERING AGENCY shall use its own non-Federal Funds to finance the local share of eligible costs and all expenditures or contract items ruled ineligible for financing with Federal Funds. STATE shall make the determination of ADMINISTERING AGENCY's cost eligibility for federal fund financing of PROJECT costs.

14. ADMINISTERING AGENCY will reimburse STATE for STATE's share of costs for work performed by STATE at the request of ADMINISTERING AGENCY. STATE's costs shall include overhead assessments in accordance with section 8755.1 of the State Administrative Manual.

15. Federal and state funds allocated from the State Transportation Improvement Program (STIP) are subject to the timely use of funds provisions enacted by Senate Bill 45, approved in 1997, and subsequent STIP Guidelines and State procedures approved by the CTC and STATE.

16. Federal Funds encumbered for PROJECT are available for liquidation for a period of seven (7) years from the beginning of the State fiscal year the funds were appropriated in the State Budget. State funds encumbered for PROJECT are available for liquidation only for five (5) years from the beginning of the State fiscal year the funds were appropriated in the State Budget. Federal or state funds not liquidated within these periods will be reverted unless an Cooperative Work Agreement (CWA) is submitted by ADMINISTERING AGENCY and approved by the California Department of Finance (per Government Code section 16304). The exact date of fund reversion will be reflected in the STATE signed finance letter for PROJECT.

17. Payments to ADMINISTERING AGENCY for PROJECT-related travel and subsistence (per diem) expenses of ADMINISTERING AGENCY forces and its contractors and subcontractors claimed for reimbursement or as local match credit shall not exceed rates authorized to be paid rank and file STATE employees under current State Department of Personnel Administration (DPA) rules. If the rates invoiced by ADMINISTERING AGENCY are in excess of DPA rates, ADMINISTERING AGENCY is responsible for the cost difference, and any overpayments inadvertently paid by STATE shall be reimbursed to STATE by ADMINISTERING AGENCY on demand within thirty (30) days of such invoice.

18. ADMINISTERING AGENCY agrees to comply with Office of Management and Budget (OMB) Circular A-87, Cost Principles for State and Local Governments, and 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

19. ADMINISTERING AGENCY agrees, and will assure that its contractors and subcontractors will be obligated to agree that (a) Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual PROJECT cost items and (b) those parties shall comply with federal administrative procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Every sub-recipient receiving PROJECT funds as a contractor or sub-contractor under this AGREEMENT shall comply with Federal administrative procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

20. Any PROJECT costs for which ADMINISTERING AGENCY has received payment or credit that are determined by subsequent audit to be unallowable under OMB Circular A-87, 48 CFR, Chapter 1, Part 31 or 49 CFR, Part 18, are subject to repayment by ADMINISTERING AGENCY to STATE. Should ADMINISTERING AGENCY fail to reimburse moneys due STATE within thirty 30 days of demand, or within such other period as may be agreed in writing between the PARTIES hereto, STATE is authorized to intercept and withhold future payments due ADMINISTERING AGENCY from STATE or any third-party source, including but not limited to, the State Treasurer, the State Controller and the CTC.

21. Upon written demand by STATE, any overpayment to ADMINISTERING AGENCY of amounts invoiced to STATE shall be returned to STATE.

22. Should ADMINISTERING AGENCY fail to refund any moneys due STATE as provided hereunder or should ADMINISTERING AGENCY breach this AGREEMENT by failing to complete PROJECT without adequate justification and approval by STATE, then, within thirty 30 days of demand, or within such other period as may be agreed to in writing between the PARTIES, STATE, acting through the State Controller, the State Treasurer, or any other public entity or agency, may withhold or demand a transfer of an amount equal to the amount paid by or owed to STATE from future apportionments, or any other funds due ADMINISTERING AGENCY from the Highway Users Tax Fund or any other sources of funds, and/or may withhold approval of future ADMINISTERING AGENCY federal-aid projects.

23. Should ADMINISTERING AGENCY be declared to be in breach of this AGREEMENT or otherwise in default thereof by STATE, and if ADMINISTERING AGENCY is constituted as a joint powers authority, special district, or any other public entity not directly receiving funds through the State Controller, STATE is authorized to obtain reimbursement from whatever sources of funding are available, including the withholding or transfer of funds, pursuant to Article IV - 22, from those constituent entities comprising a joint powers authority or by bringing of an action against ADMINISTERING AGENCY or its constituent member entities, to recover all funds provided by STATE hereunder.

24. ADMINISTERING AGENCY acknowledges that the signatory party represents the ADMINISTERING AGENCY and further warrants that there is nothing within a Joint Powers Agreement, by which ADMINISTERING AGENCY was created, if any exists, that would restrict or otherwise limit STATE's ability to recover State funds improperly spent by ADMINISTERING AGENCY in contravention of the terms of this AGREEMENT.

ARTICLE V
AUDITS, THIRD PARTY CONTRACTING, RECORDS RETENTION AND REPORTS

1. STATE reserves the right to conduct technical and financial audits of PROJECT work and records when determined to be necessary or appropriate and ADMINISTERING AGENCY agrees, and shall require its contractors and subcontractors to agree, to cooperate with STATE by making all appropriate and relevant PROJECT records available for audit and copying as required by paragraph three (3) of ARTICLE V.

2. ADMINISTERING AGENCY, its contractors and subcontractors shall establish and maintain an accounting system and records that properly accumulate and segregate incurred PROJECT costs and matching funds by line item for the PROJECT. The accounting system of ADMINISTERING AGENCY, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles, enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices sent to or paid by STATE.

3. For the purpose of determining compliance with Title 21, California Code of Regulations, Chapter 21, section 2500 et seq., when applicable, and other matters connected with the performance of ADMINISTERING AGENCY's contracts with third parties, ADMINISTERING AGENCY, ADMINISTERING AGENCY's contractors and subcontractors, and STATE shall each maintain and make available for inspection and audit all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. All of the above referenced parties shall make such AGREEMENT and PROGRAM SUPPLEMENT materials available at their respective offices at all reasonable times during the entire PROJECT period and for three (3) years from the date of final payment to ADMINISTERING AGENCY under any PROGRAM SUPPLEMENT. STATE, the California State Auditor, or any duly authorized representative of STATE or the United States, shall each have access to any books, records, and documents that are pertinent to a PROJECT for audits, examinations, excerpts, and transactions and ADMINISTERING AGENCY shall furnish copies thereof if requested.

4. ADMINISTERING AGENCY is required to have an audit in accordance with the Single Audit Act of OMB Circular A-133 if it receives a total of $500,000 or more in Federal Funds in a single fiscal year. The Federal Funds received under a PROGRAM SUPPLEMENT are a part of the Catalogue of Federal Domestic Assistance (CFDA) 20.205, Highway Planning and Research.

5. ADMINISTERING AGENCY agrees to include all PROGRAM SUPPLEMENTS adopting the terms of this AGREEMENT in the schedule of projects to be examined in ADMINISTERING AGENCY's annual audit and in the schedule of projects to be examined under its single audit prepared in accordance with OMB Circular A-133.

6. ADMINISTERING AGENCY shall not award a construction contract over $10,000 or other contracts over $25,000 (excluding professional service contracts of the type which are required to be procured in accordance with Government Code sections 4525 (d), (e) and (f) on the basis of a noncompetitive negotiation for work to be performed under this AGREEMENT without the prior written approval of STATE. Contracts awarded by ADMINISTERING AGENCY, if intended as local match credit, must meet the requirements set forth in this AGREEMENT regarding local match funds.

7. Any subcontract entered into by ADMINISTERING AGENCY as a result of this AGREEMENT shall contain all of the provisions of ARTICLE IV, FISCAL PROVISIONS, and this ARTICLE V, AUDITS, THIRD-PARTY CONTRACTING RECORDS RETENTION AND REPORTS, and shall mandate that travel and per diem reimbursements and third-party contract reimbursements to subcontractors will be allowable as PROJECT costs only after those costs are incurred and paid for by the subcontractors.

8. To be eligible for local match credit, ADMINISTERING AGENCY must ensure that local match funds used for a PROJECT meet the fiscal provisions requirements outlined in ARTICLE IV in the same manner as required of all other PROJECT expenditures.

9. In addition to the above, the pre-award requirements of third-party contractor/consultants with ADMINISTERING AGENCY should be consistent with LOCAL ASSISTANCE PROCEDURES.

ARTICLE VI -FEDERAL LOBBYING ACTIVITIES CERTIFICATION

1. By execution of this AGREEMENT, ADMINISTERING AGENCY certifies, to the best of the signatory officer's knowledge and belief, that:

A. No federal or state appropriated funds have been paid or will be paid, by or on behalf of ADMINISTERING AGENCY, to any person for influencing or attempting to influence an officer or employee of any STATE or federal agency, a member of the State Legislature or United States Congress, an officer or employee of the Legislature or Congress, or any employee of a Member of the Legislature or Congress in connection with the awarding of any STATE or federal contract, including this AGREEMENT, the making of any STATE or federal loan, the entering into of any cooperative contract, and the extension, continuation, renewal, amendment, or modification of any STATE or federal contract, grant, loan, or cooperative contract.

B. If any funds other than federal appropriated funds have been paid, or will be paid, to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of Congress, an officer or employee of Congress or an employee of a member of Congress in connection with this AGREEMENT, grant, local, or cooperative contract, ADMINISTERING AGENCY shall complete and submit Standard Form-LLL, "Disclosure Form to Rep Lobbying," in accordance with the form instructions.

C. This certification is a material representation of fact upon which reliance was placed when this AGREEMENT and each PROGRAM SUPPLEMENT was or will be made or entered into. Submission of this certification is a prerequisite for making or entering into this AGREEMENT imposed by Section 1352, Title 31, United States Code. Any party who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

2. ADMINISTERING AGENCY also agrees by signing this AGREEMENT that the language of this certification will be included in all lower tier sub-agreements which exceed $100,000 and that all such sub-recipients shall certify and disclose accordingly.

ARTICLE VII - MISCELLANEOUS PROVISIONS

1. ADMINISTERING AGENCY agrees to use all State funds reimbursed hereunder only for transportation purposes that are in conformance with Article XIX of the California State Constitution and the relevant Federal Regulations.

2. This AGREEMENT is subject to any additional restrictions, limitations, conditions, or any statute enacted by the State Legislature or adopted by the CTC that may affect the provisions, terms, or funding of this AGREEMENT in any manner.

3. ADMINISTERING AGENCY and the officers and employees of ADMINISTERING AGENCY, when engaged in the performance of this AGREEMENT, shall act in an independent capacity and not as officers, employees or agents of STATE or the federal government.

4. Each project-specific PROGRAM SUPPLEMENT shall separately establish the terms and funding limits for each described PROJECT funded under the AGREEMENT. No federal or state funds are obligated against this AGREEMENT.

5. ADMINISTERING AGENCY certifies that neither ADMINISTERING AGENCY nor its principals are suspended or debarred at the time of the execution of this AGREEMENT. ADMINISTERING AGENCY agrees that it will notify STATE immediately in the event a suspension or a debarment occurs after the execution of this AGREEMENT.

6. ADMINISTERING AGENCY warrants, by execution of this AGREEMENT, that no person or selling agency has been employed or retained to solicit or secure this AGREEMENT upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by ADMINISTERING AGENCY for the purpose of securing business. For breach or violation of this warranty, STATE has the right to annul this AGREEMENT without liability, pay only for the value of the work actually performed, or in STATE's discretion, to deduct from the price of consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

7. In accordance with Public Contract Code section 10296, ADMINISTERING AGENCY hereby certifies under penalty of perjury that no more than one final unappealable finding of contempt of court by a federal court has been issued against ADMINISTERING AGENCY within the immediate preceding two (2) year period because of ADMINISTERING AGENCY's failure to comply with an order of a federal court that orders ADMINISTERING AGENCY to comply with an order of the National Labor Relations Board.

8. ADMINISTERING AGENCY shall disclose any financial, business, or other relationship with STATE, FHWA or FTA that may have an impact upon the outcome of this AGREEMENT. ADMINISTERING AGENCY shall also list current contractors who may have a financial interest in the outcome of this AGREEMENT.

9. ADMINISTERING AGENCY hereby certifies that it does not now have nor shall it acquire any financial or business interest that would conflict with the performance of PROJECT under this

AGREEMENT.

10. ADMINISTERING AGENCY warrants that this AGREEMENT was not obtained or secured through rebates, kickbacks or other unlawful consideration either promised or paid to any STATE employee. For breach or violation of this warranty, STATE shall have the right, in its discretion, to terminate this AGREEMENT without liability, to pay only for the work actually performed, or to deduct from the PROGRAM SUPPLEMENT price or otherwise recover the full amount of such rebate, kickback, or other unlawful consideration.

11. Any dispute concerning a question of fact arising under this AGREEMENT that is not disposed of by agreement shall be decided by the STATE's Contract Officer who may consider any written or verbal evidence submitted by ADMINISTERING AGENCY. The decision of the Contract Officer, issued in writing, shall be conclusive and binding on the PARTIES on all questions of fact considered and determined by the Contract Officer.

12. Neither the pending of a dispute nor its consideration by the Contract Officer will excuse ADMINISTERING AGENCY from full and timely performance in accordance with the terms of this AGREEMENT.

13. Neither ADMINISTERING AGENCY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by, under or in connection with any work, authority or jurisdiction arising under this AGREEMENT. It is understood and agreed that STATE shall fully defend, indemnify and save harmless the ADMINISTERING AGENCY and all of its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortuous, contractual, inverse condemnation and other theories or assertions of liability occurring by reason of anything done or omitted to be done by STATE under this AGREEMENT.

14. Neither STATE nor any officer or employee thereof shall be responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by ADMINISTERING AGENCY under, or in connection with, any work, authority or jurisdiction arising under this AGREEMENT. It is understood and agreed that ADMINISTERING AGENCY shall fully defend, indemnify and save harmless STATE and all of its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortuous, contractual, inverse condemnation or other theories or assertions of liability occurring by reason of anything done or omitted to be done by ADMINISTERING AGENCY under this AGREEMENT.

15. STATE reserves the right to terminate funding for any PROJECT upon written notice to ADMINISTERING AGENCY in the event that ADMINISTERING AGENCY fails to proceed with PROJECT work in accordance with the project-specific PROGRAM SUPPLEMENT, the bonding requirements if applicable, or otherwise violates the conditions of this AGREEMENT and/or PROGRAM SUPPLEMENT, or the funding allocation such that substantial performance is significantly endangered.

16. No termination shall become effective if, within thirty (30) days after receipt of a Notice of Termination, ADMINISTERING AGENCY either cures the default involved or, if not reasonably susceptible of cure within said thirty (30) day period, ADMINISTERING AGENCY proceeds thereafter to complete the cure in a manner and time line acceptable to STATE. Any such termination shall be accomplished by delivery to ADMINISTERING AGENCY of a Notice of Termination, which notice shall become effective not less than thirty (30) days after receipt, specifying the reason for the termination, the extent to which funding of work under this AGREEMENT is terminated and the date upon which such termination becomes effective, if beyond thirty (30) days after receipt. During the period before the effective termination date, ADMINISTERING AGENCY and STATE shall meet to attempt to resolve any dispute. In the event of such termination, STATE may proceed with the PROJECT work in a manner deemed proper by STATE. If STATE terminates funding for PROJECT with ADMINISTERING AGENCY, STATE shall pay ADMINISTERING AGENCY the sum due ADMINISTERING AGENCY under the PROGRAM SUPPLEMENT and/or STATE approved finance letter prior to termination, provided, however, ADMINISTERING AGENCY is not in default of the terms and conditions of this AGREEMENT or the project-specific PROGRAM SUPPLEMENT and that the cost of PROJECT completion to STATE shall first be deducted from any sum due ADMINISTERING AGENCY.

17. In case of inconsistency or conflicts with the terms of this AGREEMENT and that of a project-specific PROGRAM SUPPLEMENT, the terms stated in that PROGRAM SUPPLEMENT shall prevail over those in this AGREEMENT.

18. Without the written consent of STATE, this AGREEMENT is not assignable by ADMINISTERING AGENCY either in whole or in part.

19. No alteration or variation of the terms of this AGREEMENT shall be valid unless made in writing and signed by the PARTIES, and no oral understanding or agreement not incorporated herein shall be binding on any of the PARTIES.

IN WITNESS WHEREOF, the PARTIES have executed this AGREEMENT by their duly authorized officers.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By______________________

____

Chief, Office of Project Implementation
Division of Local Assistance

Date ______________________

City of Clayton

By______________________

____

____

City of Clayton
Representative Name & Title
(Authorized Governing Body Representative)

Date ______________________

EXHIBIT A

FAIR EMPLOYMENT PRACTICES ADDENDUM

1. In the performance of this Agreement, ADMINISTERING AGENCY will not discriminate against any employee for employment because of race, color, sex, sexual orientation, religion, ancestry or national origin, physical disability, medical condition, marital status, political affiliation, family and medical care leave, pregnancy leave, or disability leave. ADMINISTERING AGENCY will take affirmative action to ensure that employees are treated during employment without regard to their race, sex, sexual orientation, color, religion, ancestry, or national origin, physical disability, medical condition, marital status, political affiliation, family and medical care leave, pregnancy leave, or disability leave. Such action shall include, but not be limited to, the following: employment; upgrading; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. ADMINISTERING AGENCY shall post in conspicuous places, available to employees for employment, notices to be provided by STATE setting forth the provisions of this Fair Employment section.

2. ADMINISTERING AGENCY, its contractor(s) and all subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code Section 1290-0 et seq.), and the applicable regulations promulgated thereunder (California code of Regulations, Title 2, Section 7285.0 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code, Section 12900(a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations are incorporated into this AGREEMENT by reference and made a part hereof as if set forth in full. Each of the ADMINISTERING AGENCY'S contractors and all subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreements, as appropriate.

3. ADMINISTERING AGENCY shall include the nondiscrimination and compliance provisions of this clause in all contracts and subcontracts to perform work under this AGREEMENT.

4. ADMINISTERING AGENCY will permit access to the records of employment, employment advertisements, application forms, and other pertinent data and records by STATE, the State Fair Employment and Housing Commission, or any other agency of the State of California designated by STATE, for the purposes of investigation to ascertain compliance with the Fair Employment section of this Agreement.

5. Remedies for Willful Violation:

(a) STATE may determine a willful violation of the Fair Employment provision to have occurred upon receipt of a final judgment to that effect from a court in an action to which ADMINISTERING AGENCY was a party, or upon receipt of a written notice from the Fair Employment and Housing Commission that it has investigated and determined that ADMINISTERING AGENCY has violated the Fair Employment Practices Act and had issued an order under Labor Code Section 1426 which has become final or has obtained an injunction under Labor Code Section 1429.

(b) For willful violation of this Fair Employment Provision, STATE shall have the right to terminate this Agreement either in whole or in part, and any loss or damage sustained by STATE in securing the goods or services thereunder shall be borne and paid for by ADMINISTERING AGENCY and by the surety under the performance bond, if any, and STATE may deduct from any moneys due or thereafter may become due to ADMINISTERING AGENCY, the difference between the price named in the Agreement and the actual cost thereof to STATE to cure ADMINISTERING AGENCY's breach of this Agreement.

EXHIBIT B

NONDISCRIMINATION ASSURANCES

ADMINISTERING AGENCY HEREBY AGREES THAT, as a condition to receiving any federal financial assistance from the STATE, acting for the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the ACT), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964" (hereinafter referred to as the REGULATIONS), the Federal-aid Highway Act of 1973, and other pertinent directives, to the end that in accordance with the ACT, REGULATIONS, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, national origin, religion, age or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which ADMINISTERING AGENCY receives federal financial assistance from the Federal Department of Transportation. ADMINISTERING AGENCY HEREBY GIVES ASSURANCE THAT ADMINISTERING AGENCY will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) (1) of the REGULATIONS.

More specifically, and without limiting the above general assurance, ADMINISTERING AGENCY hereby gives the following specific assurances with respect to its federal-aid Program:

1. That ADMINISTERING AGENCY agrees that each "program" and each "facility" as defined in subsections 21.23 (e) and 21.23 (b) of the REGULATIONS, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the REGULATIONS.

2. That ADMINISTERING AGENCY shall insert the following notification in all solicitations for bids for work or material subject to the REGULATIONS made in connection with the federal-aid Program and, in adapted form, in all proposals for negotiated agreements:

ADMINISTERING AGENCY hereby notifies all bidders that it will affirmatively insure that in any agreement entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, national origin, religion, age, or disability in consideration for an award.

3. That ADMINISTERING AGENCY shall insert the clauses of Appendix A of this assurance in every agreement subject to the ACT and the REGULATIONS.

4. That the clauses of Appendix B of this Assurance shall be included as a covenant running with the land, in any deed effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where ADMINISTERING AGENCY receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where ADMINISTERING AGENCY receives federal financial assistance in the form, or for the acquisition, of real property or an interest in real property, the Assurance shall extend to rights to space on, over, or under such property.

7. That ADMINISTERING AGENCY shall include the appropriate clauses set forth in Appendix C and D of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the ADMINISTERING AGENCY with other parties:

Appendix C;

(a) for the subsequent transfer of real property acquired or improved under the federal-aid Program; and

Appendix D;

(b) for the construction or use of or access to space on, over, or under real property acquired, or improved under the federal-aid Program.

8. That this assurance obligates ADMINISTERING AGENCY for the period during which federal financial assistance is extended to the program, except where the federal financial assistance is to provide, or is in the form of, personal property or real property or interest therein, or structures, or improvements thereon, in which case the assurance obligates ADMINISTERING AGENCY or any transferee for the longer of the following periods:

(a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or

(b) the period during which ADMINISTERING AGENCY retains ownership or possession of the property.

9. That ADMINISTERING AGENCY shall provide for such methods of administration for the program as are found by the U.S. Secretary of Transportation, or the official to whom he delegates specific authority, to give reasonable guarantee that ADMINISTERING AGENCY, other recipients, sub-grantees, applicants, sub-applicants, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed by, or pursuant to, the ACT, the REGULATIONS, this Assurance and the Agreement.

10. That ADMINISTERING AGENCY agrees that the United States and the State of California have a right to seek judicial enforcement with regard to any matter arising under the ACT, the REGULATIONS, and this Assurance.

11. ADMINISTERING AGENCY shall not discriminate on the basis of race, religion, age, disability, color, national origin or sex in the award and performance of any STATE assisted contract or in the administration on its DBE Program or the requirements of 49 CFR Part 26. ADMINISTERING AGENCY shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non discrimination in the award and administration of STATE assisted contracts. ADMINISTERING AGENCY'S DBE Race-Neutral Implementation Agreement is incorporated by reference in this AGREEMENT. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved DBE Race-Neutral Implementation Agreement, STATE may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 USC 1001 and/or the Program Fraud Civil Remedies Act of 1985 (31USC 3801 es seq.)

THESE ASSURANCES are given in consideration of and for the purpose of obtaining any and all federal grants, loans, agreements, property, discounts or other federal financial assistance extended after the date hereof to ADMINISTERING AGENCY by STATE, acting for the U.S. Department of Transportation, and is binding on ADMINISTERING AGENCY, other recipients, subgrantees, applicants, sub-applicants, transferees, successors in interest and other participants in the federal-aid Highway Program.

APPENDIX A TO EXHIBIT B

During the performance of this Agreement, ADMINISTERING AGENCY, for itself, its assignees and successors in interest (hereinafter collectively referred to as ADMINISTERING AGENCY) agrees as follows:

(1) Compliance with Regulations: ADMINISTERING AGENCY shall comply with the regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the REGULATIONS), which are herein incorporated by reference and made a part of this agreement.

(2) Nondiscrimination: ADMINISTERING AGENCY, with regard to the work performed by it during the AGREEMENT, shall not discriminate on the grounds of race, color, sex, national origin, religion, age, or disability in the selection and retention of sub-applicants, including procurements of materials and leases of equipment. ADMINISTERING AGENCY shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the REGULATIONS, including employment practices when the agreement covers a program set forth in Appendix B of the REGULATIONS.

(3) Solicitations for Sub-agreements, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by ADMINISTERING AGENCY for work to be performed under a Sub-agreement, including procurements of materials or leases of equipment, each potential sub-applicant or supplier shall be notified by ADMINISTERING AGENCY of the ADMINISTERING AGENCY's obligations under this Agreement and the REGULATIONS relative to nondiscrimination on the grounds of race, color, or national origin.

(4) Information and Reports: ADMINISTERING AGENCY shall provide all information and reports required by the REGULATIONS, or directives issued pursuant thereto, and shall permit access to ADMINISTERING AGENCY's books, records, accounts, other sources of information, and its facilities as may be determined by STATE or FHWA to be pertinent to ascertain compliance with such REGULATIONS or directives. Where any information required of ADMINISTERING AGENCY is in the exclusive possession of another who fails or refuses to furnish this information, ADMINISTERING AGENCY shall so certify to STATE or the FHWA as appropriate, and shall set forth what efforts ADMINISTERING AGENCY has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of ADMINISTERING AGENCY's noncompliance with the nondiscrimination provisions of this agreement, STATE shall impose such agreement sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

(a) withholding of payments to ADMINISTERING AGENCY under the Agreement within a reasonable period of time, not to exceed 90 days; and/or

(b) cancellation, termination or suspension of the Agreement, in whole or in part.

(6) Incorporation of Provisions: ADMINISTERING AGENCY shall include the provisions of paragraphs (1) through (6) in every sub-agreement, including procurements of materials and leases of equipment, unless exempt by the REGULATIONS, or directives issued pursuant thereto. ADMINISTERING AGENCY shall take such action with respect to any sub-agreement or procurement as STATE or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance, provided, however, that, in the event ADMINISTERING AGENCY becomes involved in, or is threatened with, litigation with a sub-applicant or supplier as a result of such direction, ADMINISTERING AGENCY may request STATE enter into such litigation to protect the interests of STATE, and, in addition, ADMINISTERING AGENCY may request the United States to enter into such litigation to protect the interests of the United States.

The following clauses shall be included in any and all deeds effecting or recording the transfer of PROJECT real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the U.S. Department of Transportation, as authorized by law, and upon the condition that ADMINISTERING AGENCY will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of federal-aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with the Regulations pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the ADMINISTERING AGENCY all the right, title, and interest of the U.S. Department of Transportation in, and to, said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto ADMINISTERING AGENCY and its successors forever, subject, however, to the covenant, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on ADMINISTERING AGENCY, its successors and assigns.

ADMINISTERING AGENCY, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns,

(1) that no person shall on the grounds of race, color, sex, national origin, religion, age or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed (;) (and) *

(2) that ADMINISTERING AGENCY shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (;) and

(3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the U.S. Department of Transportation shall have a right to re-enter said lands and facilities on said land, and the above-described land and facilities shall thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this deed.*

* Reverter clause and related language to be used only when it is determined that such a clause is

necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX C TO EXHIBIT B

The following clauses shall be included in any and all deeds, licenses, leases, permits, or similar instruments entered into by ADMINISTERING AGENCY, pursuant to the provisions of Assurance 7(a) of Exhibit B.

The grantee (licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.), shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of Secretary, Part 21, Nondiscrimination in federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, ADMINISTERING AGENCY shall have the right to terminate the (license, lease, permit etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, ADMINISTERING AGENCY shall have the right to re-enter said land and facilities thereon, and the above-described lands and facilities shall thereupon revert to and vest in and become the absolute property of ADMINISTERING AGENCY and its assigns.

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX D TO EXHIBIT B

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the ADMINISTERING AGENCY, pursuant to the provisions of Assurance 7 (b) of Exhibit B.

The grantee (licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that:

(1) no person on the ground of race, color, sex, national origin, religion, age or disability, shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in the use of said facilities;

(2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the ground of race, color, sex, national origin, religion, age or disability shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination; and

(3) that the (grantee, licensee, lessee, permittee, etc.,) shall use the premises in compliance with the Regulations.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, ADMINISTERING AGENCY shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, ADMINISTERING AGENCY shall have the right to re-enter said land and facilities thereon, and the above-described lands and facilities shall thereupon revert to and vest in and become the absolute property of ADMINISTERING AGENCY, and its assigns.

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* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

PROGRAM SUPPLEMENT NO. N006 to ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 04-5386R	Date: June 12, 2009 Location: 04-CC-0-CYTN Project Number: ESPL-5386(009) E.A. Number: 04-925415

This Program Supplement hereby incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on / / and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. , approved by the Administering Agency on (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by State of any funds derived from sources noted below obligated to this project, the Administering Agency accepts and will comply with the Special covenants or Remarks setforth on the following pages.

PROJECT LOCATION:
Clayton Rd.

TYPE OF WORK: Asphalt Concrete Overlay **LENGTH:** 0 (MILES)

Estimated Cost	Federal Funds		Matching Funds		
	C230	$554,000.00	LOCAL		OTHER
$554,000.00			$0.00	$0.00	$0.00

CITY OF CLAYTON	STATE OF CALIFORNIA Department of Transportation
By ______	By ______
Date ______	Chief, Office of Project Implementation Division of Local Assistance
Attest ______	Date ______
Title ______	

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer [signature] Date 6/16/09 $554,000.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT
268	2008	2660-603-890	2008-2009	20.30.010.810	F	228010	898-F	554,000.00

SPECIAL COVENANTS OR REMARKS

1. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).

2. Any State and Federal funds that may have been encumbered for this project are only available for disbursement for a period of five (6) years and seven (7) years, respectively, from the start of the fiscal year(s) that those funds were appropriated within the State Budget Act. All project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested and is approved by the California Department of Finance per Government Code Section 16304. The exact date of each fund reversion will be reflected in the approved finance letter(s) issued for this project.

   Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement that is not submitted to the Department on or before 60 days after that applicable fixed fund reversion date will not be paid from that fiscal year's encumbered funds because all of these unexpended funds will be irrevocably reverted by the Department's Division of Accounting on that date.

   Pursuant to a directive from the State Controller's Office and the Department of Finance, the last date to submit invoices for reimbursed work in each fiscal year is May 15th in order for payment to be made out of those then current appropriations. Project work performed and invoiced after May 15th will be reimbursed only out of available funding that might be encumbered in the subsequent fiscal year, and then only when those funds are actually allocated and encumbered as authorized by the California Transportation Commission and the Department's Accounting Office.

3. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.

4. Award information shall be submitted by the ADMINISTERING AGENCY

SPECIAL COVENANTS OR REMARKS

to the District Local Assistance Engineer within 60 days after the project contract award. A copy of the award package shall also be included with the submittal of the ADMINISTERING AGENCY's first invoice for the construction contract to:

Department of Transportation
Division of Accounting
Local Programs Accounting Branch, MS #33
P. O. Box 942874
Sacramento, CA 94274-0001.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

5. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations, and invoice payments for any on-going or future federal-aid project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

   If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

   ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

6. The Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation

SPECIAL COVENANTS OR REMARKS

Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administrating Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

7. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Excluded Parties List System (EPLS).

8. This project is financed, in whole or in part, with federal funds from the American Recovery and Reinvestment Act of 2009 (Recovery Act). ADMINISTERING AGENCY agrees:

1) Statutory provisions contained in Chapter 1 of Title 23 United States Code (U.S.C.) are applicable to all Recovery Act funded projects,

2) Costs incurred prior to the date of authorization are NOT eligible for reimbursement with federal Recovery Act funds,

3) Federal Prevailing Wage Rate requirements apply to all Recovery Act funded construction projects regardless of location (including projects on local roads and rural minor collectors, and Transportation Enhancement projects outside the highway right of way). ADMINISTERING AGENCY agrees to include the appropriate wage rate information in the contract and also include a contract provision that overrides the general applicability provisions in form FHWA-1273, Sections IV and V,

4) To expend and invoice for all Recovery Act funds prior to

SPECIAL COVENANTS OR REMARKS

using other funds, and

5) To comply with the reporting requirements, terms and conditions set forth in Sections 1201 and 1512 of the Recovery Act and as designated by the STATE. Failure to comply will result in retentions from progress payments due ADMINISTERING AGENCY and/or other sanctions,

6) Recovery Act funds are available for liquidation only until September 30, 2015 when the remaining balance of Recovery Act funds will expire. ADMINISTERING AGENCY agrees to submit an invoice for the balance of project Recovery Act funds (if any) to the STATE prior to July 1, 2015.

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Agenda Date: 6-30-09

Agenda Item: 8a

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 30 JUNE 2009

SUBJECT: PUBLIC HEARING AND ADOPTION OF CITY BUDGETS FISCAL YEAR 2009-2010

RECOMMENDATION

Following the Public Hearing, it is recommended the City Council adopt the attached Resolution approving a City Budget for FY 2009-2010 and a multi-year Capital Improvement Program (CIP) Budget for FY's 2009-2014.

BACKGROUND

At the regularly scheduled meeting of the Clayton City Council on 16 June 2009, introduction and review of the proposed operational and capital improvement budgets of the City were provided by the City Manager. Consideration was also given to the numerous Special and Fiduciary Fund budgets of the City for the ensuing fiscal year, as well as a $2,273,727 Capital Improvement Program (CIP) budget for next year alone. The City Council ordered the proposed budgets set for Public Hearing at this time and date, and instructed staff to prepare the Budgets for adoption at this meeting.

MODIFICATION OF PROPOSED BUDGET

In preparing the Budget for final consideration in Resolution format, the City Manager noticed the Capital Improvement Project (CIP) Budget transfer from the Clayton Redevelopment Agency of $788,227 did not match the Redevelopment Agency's stated transfer of $815,687 into the CIP Budget for the "Downtown Economic Development" project account. It was understated by $27,460 and therefore requires the following correction in total Budget figures proposed for FY 2009-2010:

Budget		FY 09-10 Modified	FY 09-10 Proposed
General Fund		$ 3,637,679	$ 3,637,679
Other Funds		$ 3,171,957	$ 3,171,957
CIP Budget		$ 2,301,187	$ 2,273,727
RDA Budget		$ 5,196,353	$ 5,196,353
	Total:	**$14,307,176**	$14,279,716

This modification is for internal consistency and does not affect the Redevelopment Agency's budget. It does alter slightly the total amount of the City's Budget to the degree the overall decrease in comparison to last year's Budget is now $232,899, or -1.6% less (instead of -1.8%). The tax increment revenue flows from the Redevelopment Project Area remain consistently strong.

The clerical bump in monies transferred to the City's Capital Improvement Program (CIP) Budget adjusts the intended Program as follows:

2009 Arterial Overlay Project (federal funds)	$ 584,000
ADA Handicap Sidewalk Ramps (gas taxes)	$ 7,500
Downtown Economic Development Fund (RDA monies)	$ 815,687
2009 Pavement Rehab Project (gas taxes & Measure J)	$ 402,000
Community Park Sports Field Lighting (Measure WW grant)	$ 492,000
Total CIP Budget:	**$2,301,187**

The draft Resolution prepared for the City Council's adoption includes these modifications.

MUNICIPAL SERVICES

Despite the tailspin in local revenues, the increase in fixed and contract costs to supply services, and the threat of further State Budget "takeaways", the proposed City Budget does not curtail local public services currently provided to our community. The City organization itself is shouldering the fiscal impacts by acceptance of employee compensation cuts (4.3% salary reduction), downsizing of the Community Development Department staffing level, and elimination of all remaining training and ongoing professional education and workshops. Staff understands its employment purpose is first to serve its community through the provision of public services, and the City Budget sustains that service priority. Depending on the outcome of the State Budget, the next layer at jeopardy is actual services.

Due to the State-declared water drought and the Contra Costa Water District's mandatory water rationing/restrictions, our community will experience forced reductions in outdoor irrigation use that will manifest itself this summer with brown/dead turf and stressed shrubs and trees in the public landscaping. Efforts are underway by staff to bring on-line increased and new City well water volumes to bridge this year's drought restrictions and offer "free" groundwater interconnectivity to our public irrigation systems going forward.

STATE BUDGET STATUS

The City's Budget and its intended services and programs remain at risk until the State of California has resolved its $24.3 billion deficit. Maddening to local governments is the erroneous perspective in Sacramento that cities are a State-run program that is subject to discretionary State Legislature actions to shift, divert, "borrow", steal or otherwise rely on local revenues once again to help patch this gap in the State Budget. The magnitude of the State's fiscal hole has caused the State to eye all sources of monies that could aid their desperate situation, including the possible impacts as follows:

A. Seize $1.7 million of the local share of the Highway Users Tax
   Clayton would lose $186,110 in Gas Tax monies in FY 09-10; would cause the deferral of the City's Neighborhood Street Rehab Project in 2009.

B. Halt disbursement of voter-approved Proposition 42 Local Street Monies
   Clayton would lose $102,004 in local transportation monies slated for use in the 2009 Neighborhood Street Rehab Project.

The combination of the State's usurpation of these local transportation funds would eliminate all of the City's Gas Tax revenues in FY 2009-10, a very serious matter for our community and organization as there are no alternate funding sources (except General Fund) to conduct regular street-related services (performed by Maintenance staff), in addition to the street rehabilitation projects.

Consequently, the City Council will consider on this Agenda the adoption of a Resolution to join 130 other cities (number growing daily) and the League of CA Cities in litigation if necessary should the State seize local gas tax funds. A League-retained law firm specializing in ballot measures and election matters has concluded that in both 1974 and in 1998, voter-imposed restrictions make it unconstitutional for the State to use gas taxes for debt service on state bonds or to divert local gas taxes to the State's general fund. In fact on June 25th, the League's Board of Directors voted unanimously to take legal action against the State in behalf of its cities should the State Budget include this diversion of local gas taxes.

C. Borrow $2 billion in Local Property Tax revenues under Prop. 1A
   Clayton would lose between $139,195 and $152,338 (depending on the final formula) in General Fund revenues, further widening our operational gap and directly placing municipal programs and services in jeopardy.

D. Loss of State Law Enforcement Funds (aka SLEF or COPS Grant)
Clayton could lose some or all of our $100,000 COPS Grant annual allocation that helps funds our 11th police officer and our two police services aides. Loss of this revenue would jeopardize the retention of these positions which directly support public safety services and programs in our community.

Until the State Budget is adopted, it is impossible to follow the daily machinations or respond to the endless negative possibilities that could inflict themselves on the City's fundamental mission to supply local public services to and for our citizenry and our businesses. Once the State of California takes final action on its budget, we will need to reassess our course of fiscal action and adapt accordingly. At this point we must march forward and adopt a City Budget for operations to commence on 01 July 2009.

PROPOSITION 4 APPROPRIATIONS LIMITATION

In 1978, the California electorate voted to end the perceived runaway "tax and spend" practices of local governments by restricting the amount of annual growth in tax money expenditures allowed for each public entity. This tax limit, known as the "Gann Appropriations Limitation" (Proposition No. 4), remains in law today. As part of the annual Budget cycle, it is incumbent upon each public entity to calculate and declare its associated compliance with this tax limitation.

For FY 2009-20010, this statutory tax limitation would allow the City of Clayton to spend $11,953,145 in tax revenues over the next twelve months. The lowly City Budget submitted for adoption this year contains only $3,810,638 in tax revenues, as defined by this law.

The reality of the above mathematical exercise is that our City receives less than one-third *(31.9%)* of the containment-cap taxes permissible under this 31-year old proposition imposed on local governments by tax-weary voters in California. In other words (in tax limitation theory), the City of Clayton could receive and spend an additional $8,142,507 in tax revenues for local services, *if such taxes were approved or available from within our community.*

SUMMATION

As the City steps forward into the new fiscal year during this tumultuous time, we can be confident that our past fiscal prudence will serve our community well into FY 2009-2010. Our staff looks forward to working with the City Council in this challenging endeavor.

Attachments: Draft Resolution adopting City Budget [3 pp.]
Gann Taxation Limit exhibit [1 pg.]
Budget Message and Budgets from June 3rd

RESOLUTION NO. - 2009

A RESOLUTION ADOPTING THE ANNUAL BUDGET FOR THE CITY OF CLAYTON FOR THE 2009-2010 FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010, AND ADOPTING THE 2009-2010 APPROPRIATIONS LIMITATION

THE CITY COUNCIL
City of Clayton, California

WHEREAS, on 16 June 2009 the City Manager submitted and presented to the Clayton City Council the proposed budgets for operation of the City of Clayton in Fiscal Year 2009-2010 commencing 01 July 2009; and

WHEREAS, for 30 June 2009, a Public Hearing was set and duly held on the proposed budgets whereat opportunities were duly provided for members of the public to offer comments and input on the fiscal plans presented; and

WHEREAS, after due consideration and review, the Clayton City Council finds it is in the best interest of the general health, welfare and safety of this City, its citizens and businesspersons, to adopt a financial plan governing the receipt and expenditure of public monies in Fiscal Year 2009-20010.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby adopt the budget revenue by fund for the City of Clayton for the Fiscal Year commencing 01 July 2009 and ending 30 June 2010 as follows:

FUND	2009-2010 REVENUE
General Fund – Fund No. 101	$ 3,637,679
Gas Taxes – Fund No. 201	$ 274,052
Landscape Maintenance District – Fund No. 210	$ 897,396
The Grove Park Maintenance District – Fund 211	$ 117,302
Geologic Hazard Abatement District – Fund No. 212	$ 32,232
Street Light Assessment District – Fund No. 214	$ 127,959
Storm Water Assessment – Fund No. 216	$ 114,538
High Street Bridge Assessment District – Fund No. 217	$ 3,870
Oak Street Bridge Assessment District – Fund No. 218	$ 2,190
Measure "J" Fund – Fund No. 220	$ 191,000
Lydia Lane Sewer Assessment District – Fund No. 222	$ 20,800
Oak Street Sewer Assessment District – Fund No. 223	$ 12,870
Restricted Grants – Fund No. 230	$ 126,000
Development Impact Fees – Fund No. 304	$ 3,500
Middle School CFD – Fund No. 420	$ 695,839
Clayton Station CFD – Fund No. 421	$ 136,682
Middle School Refunding – Fund 422	$ 8,000
Self Insurance Fund – Fund No. 501	$ 3,000
Capital Equipment Replacement Fund – Fund No. 502	$ 18,636
Community Gym – Fund No. 701	$ 47,393
Endeavor Hall – Fund No. 702	$ 16,700
TOTAL REVENUE:	**$ 6,487,638** ; and

BE IT FURTHER RESOLVED that the budget appropriations by fund for the City of Clayton for the Fiscal Year beginning 01 July 2009 and ending 30 June 2010 are adopted as follows:

FUND	**2009-2010 APPROPRIATIONS**	
General Fund – Fund No. 101	$ 3,637,679	
Gas Taxes – Fund No. 201	$ 374,710	
Landscape Maintenance District – Fund No. 210	$ 738,065	
The Grove Park Maintenance District – Fund No. 211	$ 111,306	
Geologic Hazard Abatement District – Fund No. 212	$ 36,507	
Street Light Assessment District – Fund No. 214	$ 141,246	
Storm Water Assessment – Fund No. 216	$ 168,372	
High Street Bridge Assessment District – Fund No. 217	$ 4,110	
Oak Street Bridge Assessment District – Fund No. 218	$ 18,758	
Measure "J" Fund – Fund No. 220	$ 198,000	
Lydia Lane Sewer Assessment District – Fund No. 222	$ 20,217	
Oak Street Sewer Assessment District – Fund No. 223	$ 13,515	
Restricted Grants – Fund No. 230	$ 140,610	
Development Impact Fees – Fund No. 304	$ 27,500	
Middle School CFD – Fund No. 420	$ 537,999	
Clayton Station CFD – Fund No. 421	$ 133,147	
Middle School Refunding – Fund 422	$ 397,598	
Self Insurance Fund – Fund No. 501	$ 41,220	
Capital Equipment Replacement Fund – Fund No. 502	$ - 0 -	
Community Gym – Fund No. 701	$ 48,193	
Endeavor Hall – Fund No. 702	$ 20,884	
TOTAL APPROPRIATIONS:	**$ 6,809,636**	; and

BE IT FURTHER RESOLVED that the Capital Improvement Budget (CIP) of the City of Clayton for the fiscal year beginning 01 July 2009 and ending 30 June 2010 is adopted as follows:

PROJECT	**AMOUNT**	
2009 Arterial Overlay Project	$ 584,000	
ADA Handicap Sidewalk Ramps Project	$ 7,500	
2009 Pavement Rehab Project	$ 402,000	
Community Park Sports Field Lighting	$ 492,000	
Downtown Economic Development Programs	$ 815,687	
TOTAL CIP:	**$ 2,301,187**	; and

BE IT FURTHER RESOLVED the appropriations listed above constitute the budget for the Fiscal Year 2009-2010 and that the City Manager is herein authorized to transfer appropriations within the control accounts as deemed necessary, provided no change is made in the total amount designated for any one department; and

BE IT FURTHER RESOLVED that in the 2009-2010 Budget Document adopted herein, the adjusted base (annual Proposition 4 – Gann Appropriations Limitation) is calculated to be $11,953,145 while the City's annual tax proceeds total $3,810,638, less than one-third (at 32%) of the City's allowable tax expenditure cap; and

BE IT FURTHER RESOLVED that the City Council of Clayton does hereby find and determine it has complied with all of the provisions of Article XIII B of the California Constitution in determining the annual Gann appropriations limit for Fiscal Year 2009 - 2010.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California during a public hearing at a special public meeting thereof held on the 30th day of June 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

GANN TAXATION LIMIT
FY 2009-2010

(per voter-approved
PROP. 4 – 1978)

1. CLAYTON'S TAX LIMIT:

   $ 11,953,145

2. CLAYTON'S TAX REVENUES:

   $ 3,810,638

   31.9%

3. AVAILABLE TAX GAP:

   $ 8,142,507

Agenda Date: 6-16-09

Agenda Item: 10a

PROPOSED CITY BUDGET
2009 – 2010

THE CITY COUNCIL

JULIE K. PIERCE, MAYOR
ROSS "HANK" STRATFORD, VICE MAYOR
HOWARD GELLER, COUNCILMEMBER
JOSEPH A. MEDRANO, COUNCILMEMBER
DAVID T. SHUEY, COUNCILMEMBER

* * *

PROPOSED AND PRESENTED BY:
GARY A. NAPPER, CITY MANAGER

* * * * *

PREPARED BY:
MERRY PELLETIER, FINANCE MANAGER

CITY OF CLAYTON, CALIFORNIA
94517
www.ci.clayton.ca.us

BUDGET MESSAGE

TO:	**HONORABLE MAYOR AND COUNCILMEMBERS**
FROM:	**CITY MANAGER**
MEETING DATE:	**16 JUNE 2009**
SUBJECT:	**PROPOSED CITY, SPECIAL FUNDS, AND CIP BUDGETS FISCAL YEAR 2009 - 2010**

RECOMMENDATION

Following introduction and presentation of the proposed operations and capital improvements budgets for FY 2009 – 2010, it is recommended the City Council provide any policy direction and amendments accordingly designed for a Public Hearing and adoption of the City, Special Funds, and Capital Improvement Budgets at the special public meeting on 30 June 2009.

BACKGROUND

"The State of California suffers a $17.2 billion deficit." That opening sentence lead the Budget Message last Fiscal Year 2008-2009. Here is the opening banner for Fiscal Year 2009-2010:

"The State of California suffers a $24 billion deficit."

What little difference a year makes for reining-in fiscal prudence in our State Capitol. Further misfortunes are widespread since this perennial State deficit now rocks every corner of the Golden State; households, businesses, car dealers, financial institutions, cities, counties, non-profit organizations, laid-off and unemployed workers reel with the fiscal concussion of rising national debt, mind-numbing federal bailouts, economic stimuli, soaring consumer debt, home foreclosures and defaults. Can it get any worse? Sure – toss in a state water drought for good measure that requires local residences to reduce consumption by 15% while outdoor irrigators (e.g. City of Clayton) are forced by Contra Costa Water District to lower its water use by 45%, or face quadrupled monetary penalties and shut-off water. Not only does it feel bad, now it will start to look bad as well. And until the California adopts its State Budget, no one knows the final damage report.

No government is immune from the financial losses experienced locally, regardless of its tax base for revenues. Although Clayton is not wobbling from sales tax box closures, our tax base of stable real estate values has indeed suffered and the home remodeling industry is off normal mark by 50%. City General Fund revenues are down approximately ten percent overall (9.2%), and in some individual cases revenue sources have dissipated entirely (e.g. rental income from Oak Street City properties; Concord Sewer Agreement funds). Our City is not guilty of over-staffing its organization during good times (Clayton has employed the same number of permanent staff (28) since this City Manager's arrival in November 2001); our City cannot be criticized for inflating or offering post retirement employee benefits (OPEB), as witnessed in other sister cities and our County as they wither under that unfunded burden; Clayton continues to hold one of the lowest shares of the 1% assessed property tax bill in the county (4.20%; 4th lowest of the 19 Contra Costa County cities; average tax share is more than double at 8.57%); and through it all, the City historically maintained an annually balanced General Fund Budget each year without employee layoffs or observable trimmings in local services.

Clayton's municipal budget has always been relatively lean; neither the employee organization nor the community enjoys the same or higher level of benefits or services experienced in nearby wealthier cities and larger communities. Leadership and organizational culture have driven the mindset to parsimoniously expend tax monies, find creative and alternative ways to deliver public services, and expect to operate on fewer funds than provided. The City's General Fund has consistently increased its reserve at the end of each fiscal year. However, no amount of fiscal conservatism could have prepared the City for the depressing financial affairs presented this fiscal year. Conference and employee training/travel expenses were already cut to zero, the City Hall bottled water contract terminated in March 2009, sinking fund (CERF) allocations previously ceased, and equipment replacements pushed out to future years. There are no more rabbits left in the magic hat....

Contract service providers now push their own economic losses down to our City at the bottom of the totem pole (e.g. Concord public safety dispatching services; County animal control services; County property tax administration fees; general liability insurance premiums; water rate increases). The twin birth of lower revenues and higher expenses is taking an unprecedented toll on local budgets. Throw in a nasty case of "State takeaways or borrowing" and the patient prognosis rises to critical care. Bring in the emergency crash cart: one-time monies to stitch up the deficit wound or start losing major appendages of the patient. In my 25 years as a California city manager, I have never seen a more terrible financial crisis for local governments.

This year, our FY 2009-10 General Fund will still be balanced as required by state law but it will be necessary to rely on a transfer of $155,579 from Trust & Agency interest earnings to maintain public services and staffing at the expectant level. This gap closure exists even following employee compensation concessions amounting to $112,000 (over 4% cut to all employee compensation), and a 20% reduction in staffing to the Community Development Department. The chart below captures the five (5) year history of our City's overall budget:

CITY OF CLAYTON BUDGETS

Budget	FY 09-10	FY 08-09	FY 07-08	FY 06-07	FY 05-06
General Fund	$ 3,637,679	$ 3,767,800	$ 3,784,028	$ 3,719,432	$ 3,667,217
Other Funds	$ 3,171,957	$ 2,902,386	$ 3,032,335	$ 2,753,427	$ 3,087,000
CIP	$ 2,273,727	$ 2,644,432	$ 728,995	$ 1,100,000	$ 4,414,714
RDA	$ 5,196,353	$ 5,225,457	$ 4,395,587	$ 4,104,862	$ 5,409,802
TOTALS:	$14,279,716	$14,540,075	$11,940,945	$11,677,721	$16,578,733

PROPOSED TOTAL BUDGET

The combined financial program proposed for the City, its Special [Enterprise] Funds, the Redevelopment Agency, and its CIP Budget is $14,279,716, an overall decrease of $260,359 (-1.8%) under last year's total Budget. Most notable is the reduction in monies flowing to the City's Capital Improvement Project (CIP) Budget, down by $370,705 in comparison to last year's allocation. CIP monies stream primarily from the City's Redevelopment Agency yet also include Gas Tax funds (when they are secured) for street repaving projects.

Revenues for the General Fund portion of the FY 2009–2010 City Budget are planned at $3,637,679 offset by a matched expenditure program of $3,637,679. Consistent with previous policy direction provided by the City Council, the operating budget of the City *does not* draw down the General Fund reserves to operate the City. It does require the unusual augmentation of a one-time transfer of Trust & Agency interest earnings in the amount of $155,579 to keep public services and minimal staffing levels deployed.

In comparison to last year's Budget, the General Fund's budget declines overall by 3.5% with the raw dollar amount of that decrease at $130,121. This is the smallest General Fund Budget in half a decade (since FY 04-05).

GENERAL FUND REVENUES

Looking for bright spots in the flow of general taxpayers' revenues to the City treasury? No such stars exist this year. Secured property tax revenue shares are down by 4% and analysts predict housing values have yet to hit appraisal bottom. Supplemental property taxes (incremental taxes due when real properties sell at higher than Prop 13-capped values) have dropped by 34% as sold-home values are frequently less than artificially appraised/taxed values. City land use permit applications and building permit applications have fallen by 50%, generally reflecting the downturn in the economy as discretionary income dries up to undertake such building improvements or expansions.

Projected interest earnings on City monies have also fallen by 50%, not because of fewer reserves for the City but due to lowered interest rates by financial institutions and the Local Agency Investment Fund (LAIF). As noted previously, the City's tenants in its buildings on Oak Street (slated for eventual sale via the Rivulet Project now under consideration by the Planning Commission) vacated the premises earlier than expected and the City lost $40,000 in rental income; the City of Concord, during its own internal review, questioned the Sewer In-Lieu Agreement between both municipalities with the conclusion the in-lieu revenue for both agencies ($86,650 to Clayton) must end starting this Fiscal Year. Both of these permanent revenue losses total $128,650 to the General Fund (-3.4%), which further complicated the City's ability to overcome the economic slump in one year. Sales tax revenues fell by 12%; the opportunities to enhance tax revenue productions are severely limited during the economic recession. Even our stalwart Motor Vehicle License Fee (VLF) revenue flopped by 29% as resident car owners stopped buying and trading for newer cars.

The proposed General Fund revenue budget totters on assumptions that property tax values in Clayton are historically more stable than rapid development communities (e.g. East County) and the socio-demographics of Clayton will continue to provide reasonable discretionary income to sustain vehicle license fees and local sales taxes at the lowered amounts. For the most part, the revenue side of the ledger is the one the City can least control or manage. The City's mid-year budget review in 2010 will once again provide the opportunity to measure our projections against the economy.

GENERAL FUND EXPENDITURES

Compounding the revenue dive next year is the escalation of business expenses and fixed costs for doing "business" as a local government. Clayton has always operated at sparse staffing levels and consequently the organization does not have vacant positions to "freeze" (leave unfilled) to scale back its operations. Legal counsel and engineering are contract services (larger cities typically perform these functions with in-house personnel), and all existing classifications are already multi-faceted in tasks and responsibilities. No position in the organization is specialized in terms of singular job assignment; each handles a variety of duties.

Services offered by government are provided by labor – government is a service organization, not an industrial or manufacturing base. Therefore, the loss of employee positions directly translates to loss of services. Since Clayton operates at a bare minimum in all functions, there is no buffer for "picking up the slack". The recommended Fiscal Year budget does not propose cutting services to the community, although such discussions may become necessary depending on what an adopted State Budget throws on the table at cities.

Costs for certain critical services unexpectedly spiked and presented considerable challenge to staff for absorption into the General Fund Budget. Most notable was the City of Concord's quest to renegotiate the financial terms of its public safety dispatching services for Clayton Police Department, prodded by its internal review effort to stem the expense hemorrhage of its operations. Pushing their contract service from a marginal cost toward fuller payment based on number of police calls (Clayton is 6% of Concord Dispatch calls), next year's cost exploded:

	FY 09-10	FY 08-09	FY 07-08
Concord Dispatching	$120,000	$53,000	$28,304
Concord Jail Detention	$ 9,267	-0-	-0-

In addition, a struggling Contra Costa County continues to pass through its retirement pension and retiree health insurance liabilities to contracting public agencies, as seen in the continuing escalation trends below:

	FY 09-10	FY 08-09	FY 07-08
County Animal Control	$56,710	$51,318	$45,880
Property Tax Admin.	$21,585	$18,139	$15,186

Each contract service noted above experienced cost increases vastly surpassing the cost-of-living index of 0.8% for the Bay Area (April 2008 – April 2009). Don't forget the Contra Costa Water District's 4.12% water rate increase for similar comparison.

And of final note, although the City's general liability history in number of claims made or paid is extremely low, the plethora of litigation filed by various Oakhurst private property owners concerning hillside movement in recent years has ramped up the City's premium each year for this insurance expense. The impact is illustrated as follows:

	FY 09-10	FY 08-09	FY 07-08
General Liability Insr.	$96,418	$65,896	$28,233

Much print and blogs in the press have been devoted recently to public employee pension systems and costs. The City is a long-term participant in the California Public Employees Retirement System (CalPERS) and each permanent position in this City is enrolled in this system. Clayton does not monetarily contribute to retiree health insurance coverage (OPEB) and therefore our City does not have the unfunded liability exposure experienced by many other public organizations (e.g. County; State of California). And for Fiscal Year 2009-2010, our City's CalPERS rates actually drifted downward:

	FY 09-10	FY 08-09
Clayton Public Safety	32.6%	34.148%
Clayton Miscellaneous	13.9%	14.593%

While recognizing CalPERS lost billions in investment value during the last year as did private investors and 401k Plans, a *Wall Street Journal* article summarized the following CalPERS news the week of June 9th:

> *CalPERS posted a 12.9% gain in the last three months – fund assets are up $20 billion in that time period, posting its total worth at $180 billion. Still short of its $250 billion value realized two years ago.*

This positive news is encouraging to public agencies and its employees who have lately wondered along with pundits whether the CalPERS retirement system was sustainable over the long or short term.

As a service-provider organization it is expected our expense for Personnel Services will consume the majority of the General Fund. It now equals 69% of the overall $3.6 million Budget (a drop from 72.5% last year). Recognizing that some of the extraordinary increases hitting next year are structural expenses that if left unattended could tip the City's historic trend of returning monies to the General Fund each year, several unusual measures were sought and incorporated into the General Fund Budget requiring mutual partnership with our City employees. The labor concessions include:

	Item	Value
•	No Cost-of-Living Adjustment to Salaries	$ 12,650
•	No Holiday Pay for all Employees	$112,494
•	Organizational Downsizing (Assistant Planner to 24 hrs/wk)	$ 40,000
•	No Merit Increases for eligible Employees	$ 28,680
•	All Employees pay Medical & Dental Insr. increases	$ 15,580
	Total Value:	**$209,404**

Further, our contract City Attorney (Turner, Huguet and Adams) and contract City Engineer (PERMCO), each for the 2nd straight year, did not seek increases in retainer service payments. Clearly, the City organization understands and supports the principle of "team" and works together to solve crises when presented. Since the "No Holiday Pay" option alone approximates a 4.3% pay cut to each employee's pocketbook, this sacrifice as one piece of our fiscal puzzle is commendable. It is also proposed the full-time Assistant Planner position in the Community Development Department be reduced from 40 hours per week to 24 hours per week in recognition of the downsized General Fund condition and the fact current planning and building activities at City Hall have declined in similar relationship to the slowdowns in the building industry market.

Link these unusual movements with the City's previous years' rollbacks in employee training, conference attendance and workshops, transportation and travel costs, and very limited City business expenses, the City of Clayton's operational expenses are wholly focused at providing direct public services to its community.

Once again, as in prior years as a temporary means to bridge budget gaps, the proposed budget halts the annual depreciation charge of $97,582 to the City's Capital Equipment Replacement Fund (CERF). This internal service fund is normally replenished each year to underwrite automatic replacement of vehicles and other rolling stock as age and condition dictate; since it has a fairly healthy reserve balance (see Section I. below) it is proposed another "stay" in allocation be implemented during this fiscal squeeze.

Below is a recap of each Department in comparison to last year's Budget:

GENERAL FUND DEPARTMENTS

DEPARTMENT	FY 09-10	FY 08-09	% CHANGE
LEGISLATIVE	$ 59,705	$ 64,539	- 7.5%
ADMIN/FINANCE	$ 814,072	$ 850,650	- 4.3%
PUBLIC WORKS**	$ 142,495	$ 119,191[2]	+ 19.6%
COMMUNITY DEV.	$ 254,488	$ 304,566	- 16.4%
GENERAL SERVICES	$ 164,604	$ 138,239	+ 19.1%
POLICE	$ 1,800,990	$ 1,838,073	- 2.0%
LIBRARY	$ 133,677	$ 125,431	+ 6.6%
ENGINEERING	$ 96,758	$ 97,078	- 0.3%
COMMUNITY PARK[a]	$ 170,889	$ 230,033	- 25.7%
TOTAL:	**$ 3,637,679**	**$ 3,767,800**	**- 3.5%**

Notes: (** [a]): Starting last Fiscal Year, the Budget separately tracks personnel time, expenses, and revenues associated with maintaining the Clayton Community Park as its own "department" (No. 09).

([2]): When stripping the Community Park expenses for accounting separately from the Public Works Budget, $33,364 for Gas & Electricity Services was accidentally omitted. The amended 08-09 Budget reinserted this oversight but the above number represents the adopted Budget for comparison purpose. The inclusion of this expense actually brings the true Department Budget to $152,555 for 08-09, which then would reveal the 09-10 Public Works Budget is a 6.6% reduction.

Police Department operations now account for 49.5% of our General Fund Budget (last year: 48.8%). This statistical creep means that of every $1.00 paid by taxpayers as general tax revenues to the City, almost half of the monies(or 50 cents) goes to pay for local law enforcement services.

The one-year elevation in General Service expenses by 19.1% is caused by the hike in General Liability insurance premiums paid by the City, as noted earlier.

GENERAL FUND SHORTFALL

Despite these cost containment measures, the General Fund continues to stare at a revenue gap of $155,579 (or 4.3% of the annual expense budget). As publicly discussed during the Mid-Year Budget Review, possible General Fund equivalents to generate $150,000 would be: 1) 24 additional work furlough days (unpaid) for all civilian employees (cannot furlough sworn law enforcement), which equates to another 9.2% pay cut; 2) 6% salary reduction for all 28 employees, including police; 3) eliminate 2.25 police officers, 1 police sergeant, the City Clerk and a Public Works Maintenance Worker, the Assistant to the City Manager and the Accounting Technician, or the City Manager; 4) complete closure of the Clayton Community Library; or 5) full closure of Clayton Community Park.

Recognizing the value of these community assets and employee services, it is proposed the General Fund gap be closed by the transfer of $155,579 in interest earnings from the City's Trust & Agency Account. This Account holds the non-interest bearing deposits of various applicants and specific users of benefit services attributed directly to the depositor. For example, land use application fees based on time and materials, storm water permits, or construction and demolition permits filed with the City for individual public services not of benefit to the general public. Although these deposits do not earn interest for the depositor, these monies do enter the City's general pooled cash account for interest earnings which are then dispersed back into the Trust & Agency Account in lump sum form. Over decades of operation, this Account has accumulated interest earnings of approximately $428,700, from which $155,579 (36%) will be transferred to the General Fund as the necessary one-time gap funding.

MID-YEAR BUDGET RECONCILIATION

On 10 March 2009 the City Council held a special meeting to receive and critique the mid-year fiscal status of the City's General Fund as all cities and counties were crashing under the economic tailspin. At that time, staff informed the City Council we expected a General Fund gap to occur of $127,835 in recognition of declining revenues and fixed expenses. The City Council instructed staff to address the final fiscal year shortfall using monies previously set aside in a Deferred Maintenance Fund (at the end of 2006-07) having a current unused balance of $189,355 (out of the original $327,962 set aside).

It now appears the General Fund shortfall for Fiscal Year 2008-09 will not be as severe as anticipated three (3) months ago due to gently-favorable revenues and slight under-expending:

General Fund	Mar. 2009	June 2009	Difference
Total Expenses Projected	$3,761,526	$3,757,377	$ 4,149
Encumbrances Spent	- 71,579	- 71,579	0
Net Expenses:	$3,689,947	$3,685,798	$ 4,149
Total Revenue Projected	$3,562,112	$3,610,526	$48,414
Fiscal Year Gap:	$ 127,835	$ 75,272	$52,563

Therefore, the necessary draw of $75,272 in Deferred Maintenance Fund monies will be 59% less than anticipated and previously authorized to close out Fiscal Year 2008-09.

GENERAL FUND EQUITY BALANCE

According to the City's audited financial statements, the un-earmarked fund balance of the General Fund on 30 June 2008 was $4,946,527. Reducing that figure further by authorized FY 07-08 encumbrances of $307,277, the City's net unreserved fund balance on 01 July 2008 (start of the fiscal year) was $4,639,250. The City Council has directed an absolute minimum reserve of $250,000 as our never-to-be-expended "catastrophic reserve", which practice is implemented (and should likely be updated). The stated Policy Goal of the City Council is to establish and retain an undesignated reserve of 50% relative to each annual General Fund Budget.

It is projected our City will close Fiscal Year 2008-2009 with the slight deficit of $75,272, missing our balanced budget mark by merely 2.0% during a financial journey that began well before "Mr. Toad's Wild Ride" lurched in the fall of 2008. Since City Council action directed the General Fund reserves will not cover this gap, instead using Deferred Maintenance Fund monies, the opening unreserved General Fund balance of the City will remain the same at $4,639,250 on 01 July 2009.

The City's reserve equity is therefore equal to 127% of our annual General Fund operations for FY 2009-2010. Subtracting the "untouchable" $250,000 reserve lowers our total reserve equity to a position of 121% ($4,386,250). Our City finds itself in a very enviable financial position comparative to most other cities, counties, school districts, state government and our nation. Fiscal prudence has been the watchword and hallmark of this premier small city. Still, in terms of raw purchase power, $4.6 million burns very quickly when presented with civil emergencies or natural disasters.

* * * * *

SPECIAL REVENUE AND ENTERPRISE FUNDS

As an appendage to the General Fund operations of the City, the City Council and staff are charged with stewardship over the provision of public services employing restricted-use monies. Referred to as "Special Revenue" or "Enterprise" Funds, strict controls and regulations are placed on their express purpose and expenditure. They are in essence self-contained operations yet form a critical portion of the overall City Budget as these Funds underwrite much of the improvement tasks of the City. Discussion of the fiscal status of each of these Special Funds takes place below:

A. Gas Tax Fund – No. 201

Derived from a series of state transportation taxes on the sale of gasoline [Street and Highway Code, Sections 2105, 2106, 2107 and 2107.5; voter-approved Proposition 42 "Traffic Congestion Relief Act" monies], this group of revenues is collectively referred to as our "Gas Tax Fund". Local gas tax funds have been a reliable source of funding for cities since the 1970s and are universally used to fund local road maintenance and repairs. Our City uses these monies to perform annual street re-striping and safety re-markings, traffic regulation signs and replacements, resealing of street cracks, sidewalk and gutter repairs, certain street light repairs, and traffic signal maintenance.

Last year the City expected to receive a total of $359,210 in total local transportation funds. Consumer purchase of vehicle fuel was curtailed by gasoline prices and the economic pinch so fewer monies were actually received ($290,466). In addition, since State of California delayed disbursement of Proposition 42 monies to cities as a mechanism to manage the State's cash flow deficiency, our City received the bulk of Proposition 42 monies after we performed our annual Street Repaving Improvement Project last summer. Consequently, the FY 09-10 Gas Tax Fund opens the new budget year with a positive balance of $100,658 available for local transportation-related uses.

At this time the City "expects" to receive an annual allocation of $273,252 in gas tax revenues (plus interest earnings of $800 for a total revenue projection of $274,052). After allocation of monies for basic transportation maintenance and operation expenses (e.g. electricity for street lights at $43,472; traffic signal maintenance performed by the County at $26,000; in-house Maintenance personnel compensation of $48,983 for street maintenance and traffic sign replacements), it is projected this Fund can still transfer $215,500 (57.5%) to the City's Capital Improvement Project Budget for the following street improvements and repairs:

2009 Pavement Rehab Project	$ 208,000	CIP No. 10408
ADA Handicap Sidewalk Ramps	$ 7,500	CIP No. 10394A

Monies for the City's annual Street Pavement Rehabilitation Project are distinct from the over ½ million dollar arterial road improvement project the City will also perform this fiscal year on portions of Clayton Road and Oakhurst Drive. The source of those monies are from the federal Economic Stimulus Program (aka "American Recovery and Reinvestment Act" [ARRA]), which cannot be used on local neighborhood streets and roads.

One huge caution hovers over the availability of these Gas Tax Funds for next year: in order to partially solve its huge $24 billion deficit, the California Department of Finance and the State's Legislative Analyst Office (LAO) have both proposed cutting and borrowing these local transportation funds from local governments. The CA Finance bureaucrats are calling for virtually taking all local shares of Highway User Taxes in FY 2009-10 (-$139,764 for Clayton) and 72% of these monies each year thereafter until the State's highway bond debt is retired. The LAO alternatively suggests the State "borrow" these monies with promises it will repay local government with interest in 3 years. Furthermore, the LAO proposes to suspend 80% of the voter-approved Proposition 42 distribution to cities for use in local street and road maintenance, a concept if enacted would gut our revenues by $81,603. And finally, the LAO is brazen enough to recommend the repeal of voter-approved Proposition 42 monies earmarked for local street and road upkeep!

Various municipal attorneys are analyzing these proposals as they may be unconstitutional on several fronts. However, until the State takes action to adopt its budget and the fiscal landscape is clearer, staff recommends moving forward to budget these monies but defer designing, bidding or awarding a local street repaving project until the State Budget is finally adopted and it is known if local Gas Tax funds will be received. The 2009 Street Repaving Project is slated for repairs and maintenance of neighborhood-served streets.

Over the last five years the City has spent $2.7 million to repair and maintain our local streets and roads, part of the reason our City's rated "Pavement Condition Index" is so relatively high at 76 PCI ("Very Good"; top category) in comparison to the other 18 cities and the county in Contra Costa County. The City has invested significant monies to maintain this important local infrastructure and has also spent over $70,000 in sidewalk repairs. The proposed budget includes the annual allocation of $7,500 to continue our progress installing ADA handicap sidewalk ramps throughout the City.

B. <u>Citywide Landscape Maintenance District – Fund No. 210</u>
In June 2007, Clayton voters approved a replacement real property tax to continue funding the operation and maintenance of our citywide public landscaped areas. This annual tax is specifically for costs associated with roadway medians and parkways, our trails system, open space weed abatement and irrigation, and also funds the "Clayton Fountain". Maintenance of City Parks *is not* included as an authorized expense under the District's act; park maintenance obligation falls to the City's General Fund. *Citywide public landscaping services have always been funded by a special revenue tax levied on private properties throughout the City.* The District is completing its second year of a 10-year approved operation (Measure B) and its citizens' oversight committee (Trails and Landscaping Committee) meets quarterly to ensure the promised maintenance standards and efficiencies are achieved with these special-purpose tax revenues.

Pursuant to the terms of voter-approved Measure B, the special tax rate may be modified annually by the change in the Consumer Price Index (CPI; San Francisco – Bay Area) from April to April. In no event shall the tax rate be increased by more than 3% each year. The CPI change (from April 2008 to April 2009) arrived at 0.8%. The District's revenue projection was increased by that factor accordingly and is set at $894,396.

The Landscape Maintenance District opens the fiscal year with a projected positive equity of $293,760, up significantly from last year due to under-expending in FY 08-09 by $130,527. There are several underlying causes for this return of District monies to the District's reserve:

1) Measure B's approved Budget allowed for the funding of one (1) more permanent Maintenance Worker to the organization to manage irrigation system controls and leaks. The District has not filled the position during the first two years of operation, relying instead on seasonal and temporary workers to manage this need. By doing so, the District "saved" approximately $80,000 each year in salary and compensation benefits; and

2) Certain Landscape District plants routinely die (e.g. Emerald Carpet ground cover in the arterial medians) and area sprinkler heads have been shut off accordingly so as not to water the dirt. In addition, the District's elevated level of responding to and repairing irrigation system leaks and correcting overspray has reduced water use. Consequently, metered water purchases were lowered by $20,000 in FY 08-09 along with other forced water conservation measures.

An enormous impact on the Landscape District's operation this fiscal year will be the declared drought conditions and the severe water conservation reductions imposed on outdoor watering by the Contra Costa Water District (CCWD). While homeowners have been placed under a 15% reduction plan, cities and large water outdoor water consumers have been saddled with a **45%** mandatory water reduction order. With irrigation cutbacks of that magnitude, the City Council found it necessary to sacrifice certain water-intensive landscape (e.g. turf) in the District in order to sustain the more valuable plants and mature signature trees of the District. Therefore, the District budget plans on using [purchasing] less metered water this coming fiscal year and the Water Service account has been reduced by approximately $45,000.

Other significant expenses of the District include the annual weed abatement Citywide ($30,385 for the fire season), and the huge expense of $61,450 to abate noxious and exotic weeds in the Oakhurst Hills (a condition of project approval for the Oakhurst residential development). The annual $20,000 in Measure B monies is set again in Account No. 7316 for District landscape improvements, which the Trails and Landscaping Committee has targeted initially for Trail System recovery and upgrades.

The District's ending fund balance on 30 June 2010 is projected to be $453,091, which now equates to a reserve of 61% to its annual operation budget. This reserve growth is confirmation the City does not siphon surplus monies of the District into its General Fund. Its monetary existence will be crucial once the water drought is over and the District examines priorities to replace landscape lost during the extreme water conservation measures.

C. <u>Street Light Fund – No. 214</u>
This is a special assessment fund collected through the property tax bill on residential properties [current assessment ranges from $8.34 - $43.54 per residential unit per year]. These assessments are restricted for street light operations and maintenance

within our residential neighborhoods. While we expect to realize $125,459 in revenues (identical to last year), this assessment can only be increased by affirmative vote of the assessed property owners (Proposition 218 voter requirements). A 6-year trend analysis of our operational experience with these residential street lights reveals the actual cost of electricity and maintenance expenses marginally yet consistently exceeds the flat-lined assessment revenue income.

In order to continue providing the current services paid for by assessed property owners, we must again draw on existing reserves, this year by approximately $13,287 which is 65% higher than FY 08-09. Causes for this functioning deficit are electrical rate increases prompted by PG&E's field audit 2 years ago as to correct tariff categories, and the property tax administration fee increases charged by the County, and non-payment of property tax bills by homeowners in default.

With a reserve balance of $103,922 projected for closure on 30 June 2010, there is little merit or justification to approach voters to increase their tax assessment. However, at this rising reserve use trend, the life of this reserve is cut almost in half from 14 years to 7.8 years in one year at this rate. The status of this Fund will require closer monitoring each year. It has been 13 years since neighborhood street light benefit assessment rates were raised, and voter approval is mandatory to do so.

D. <u>Storm Water Fund – No. 216</u>
This account manages the special parcel tax (labeled "ERUs") levied locally to assist the City in compliance with unfunded State-mandated regulations through our National Pollution Discharge Elimination System (NPDES) Permit.

The levy was maximized at its allowable cap yet only produces $71,238 for use locally in FY 2009-2010 (plus interest earnings of $1,000). In reality, the parcel tax generates higher revenues ($127,055). However, the Contra Costa [Cities] Clean Water Coalition (of which our City is a member) siphons administration and general program fees from each city ($41,017 this year from Clayton) to wage the collective battle against an ever-aggressive state regulatory board that increasingly imposes its will for local clean water mandates without providing <u>any</u> state funds for implementation. The goal of cleaner storm waters, creeks and bays is universal and of statewide interest, and cities do not oppose that mission. We are frustrated, however, by such public policy principles that cities should be the sole fiscal agents charged with utopian local and regional clean water burdens, without any new source of revenue to pay for the expenses!

The City's 5-year Stormwater Permit issued by the San Francisco Regional Water Quality Control Board is in the process of being reissued. This is a process whereby all cities within the region and several other counties are having their permits reissued together under one master approval process, called the Municipal Regional Permit (MRP). Public hearing testimony was taken by the Regional Board on May 13, 2009. It is expected that within the first half of FY 09-10 the Permit will be issued and become effective. The Permit is expected to contain additional or enhanced requirements for cities related to removal of all litter, commercial business inspections (i.e. restaurants and retailers), monitoring, maintenance, and enforcement actions. These Permit requirements will have significant financial implications to each public agency, including Clayton. The current Permit has over 236 requirement items, and local revenues collected are already set at the maximum levy without further Proposition 218 voter approval to increase them. For Clayton, these rates of approximately $29 per year per single family home have held the same for the last 10 years. In the FY 09-10 Budget, the City's stormwater costs under the expiring Permit regulations (of lesser mandate) will exceed available revenues by $52,000. Because there is a reserve balance in this restricted-use fund, there are monies available to cover the shortfall. For several fiscal years, this reserve balance has been declining as a result of added Permit requirements imposed by the Regional Board in 1996 (referred to as "C-3 amendments").

Given the Board's predilections in the proposed Permit re-issuance, and lack of current revenues to meet these enhanced requirements, the Clean Water Coalition is researching future revenue options via a Proposition 218 process. Should the Regional Board permit requirements be similar to that recommended by their staff, it is expected the City will not have sufficient funds to perform the obligations without subsidizing these costs (unfunded mandates) from General Fund revenues in about 2-3 years (FY 2011-12), unless alternative additional revenue sources are obtained. The proposed State-issued Permit uses a phased-in approach and escalates the Permit requirements over the five year Permit period. Initial staff analysis reveals an additional $225,000 to $515,000 in annual costs could impact the City's fiscal operations.

Local expenditures from this Fund cover Public Works maintenance of our municipal storm drain system and proactive measures for the prevention of pollutants into these waters, which ultimately emerge into the San Francisco – Oakland Bay. Educational materials and supplies are also part of this Fund's budget, along with our membership in the Contra Costa Clean Water Program. Recoverable expenses include that portion of staff time when working on clean water issues, programs, and Regional Water Quality Control Board directives for more programs and local enforcement. City Hall staff (Assistant to the City Manager) expends an inordinate portion of her time engaged in the management and administration of this federal and state mandated program for cleaner runoff waters. Hence, the transfer of $31,605 to the City's General Fund to partially offset this incurred staff time, an amount that has remained the same for several fiscal years due to lack of overall funds.

The Fund opens the fiscal year with approximately $99,080 in equity and projects a year-end balance on 30 June 2010 of $45,247. It is noted the street sweeping contract must be re-negotiated with its expiration in August 2010, and the monthly cost may need to rise relative to the rise in fuel expense to operate the street sweeper. Presently, street sweeping revenues generate $42,000 from the subscribers' trash bill and the contract cost is expected to increase to $44,100 for the monthly services required by the Permit. Public streets and gutters are swept to mitigate pollutants from entering the storm drain system, not for street aesthetics or as a substitute for the adjacent property owner's sweeping of leaves and debris. During FY 2009-2010, staff will conduct an internal analysis of this street sweeping expense, rates, and collection services for report and recommendations of actions to the City Council.

E. Measure "J" Fund – No. 220

This special fund receives its final revenues from the $0.05 sales tax levy approved by County voters in 1988 (Measure C) to provide regional and local transportation and street improvements, a growth management process, and a regional planning process to address quality of life issues. One of the program components of Measure C is the "Return to Local Source" monies wherein cities fully complying with the Measure C Growth Management Checklist are eligible to receive an annual allocation of monies for local streets and roads maintenance. However, disbursement of these monies hinges on a city earning and maintaining a certified housing element (either by the California Department of Housing and Community Development (HCD) or via self certification). The Contra Costa Transportation Authority (CCTA), cities and the county of Contra Costa were successful in 2004 in obtaining voter approval of Measure J, which extends the authorization of the current sales tax in the County for an additional 25 years beyond Measure C's expiration on 31 March 2009.

The City of Clayton has a HCD-certified Housing Element valid through June 2009. The City is therefore eligible to receive its Measure J "Return to Local Source" funds. The City is presently working on its next Housing Element Update covering the 5-year time period of 2009-2014 and intends to submit its draft Housing Element to HCD for comment on 01 July 2009.

Due to declining consumer sales in the county as a result of the economic recession, the Measure J sales tax levy is not generating previous levels of revenues for local and regional transportation projects. The City is informed by CCTA we can expect to receive $190,000 in July 2009 from Measure J's "Return to Local Source" account, a 7.6% decrease from prior year's revenue receipt directly caused by the sputtering economy. Allocating the opening fund balance of $7,841 for use this fiscal year, it is proposed that $194,000 in Measure J monies be transferred to the City's Capital Improvement Project (CIP) budget to partially underwrite the cost to perform annual street repaving projects. By doing so and coupled with Gas Tax Funds, the CIP Budget will have approximately $402,000 for a local street repaving project (should all state revenues be realized). These two revenue sources drive the amount of monies the City has available for street repaving projects.

F. Oakhurst Geological Hazard Abatement District [GHAD] - Fund No. 212

Established by the City Council during the construction of the Oakhurst Development Project, this special assessment district encompasses all of the lots and open spaces within the Oakhurst Development. The GHAD has the authority but not the obligation to perform repairs to public, or authorized private, properties caused by certain geologic hazards such as landslides within this area. In order to fund any such operations, the

GHAD Board of Directors (City Council) is required by state law to receive affirmative vote by real property owners within the District for any increased assessment. Insufficient assessment revenues have always existed to perform much of the identified or speculated repairs; property owners within this District have rejected any assessment increase three (3) times in the past. The District Manager (City Engineer) manages the District and provides a separate budget and annual report to the Board of Directors in June of each year (scheduled for introduction at the June 16th Council meeting this year).

Due to the restricted amount of approved assessments, the GHAD levies an annual assessment that generally produces the same amount of revenue each year for geologic hazard purposes within the Oakhurst Development. In FY 09-10, assessment revenue is projected at $32,232. Interest earnings are non-existent for this Fund as the GHAD operates for most of the 12 months in a cash-flow deficit since assessment revenues are not received until property owners pay their tax bills in December and in April.

Nominal management expenses proposed for the District this year include $5,000 for City Engineering services (District Manager) and $7,000 allocated for specialized legal services. A new expense this year ($12,677) is the Fund's 50% sharing of the City's General Liability Insurance premium increase caused by the Oakhurst hillside movement litigation that served lawsuits against the GHAD as well as the City. There is the annual $6,000 transfer of monies to the City's General Fund for general administrative and clerical support services necessary to sustain the bare existence of the District. County administration fees to levy, collect and disburse the District's property tax bill assessment continue to rise ($1,130; 33%). Finally, $4,000 in Program Services is allocated for monitoring of the Pebble Beach Drive inclinometers.

As proposed District expenses exceed the annual assessments, it is necessary for the District to draw on its limited reserves this year by $4,275 to carry probable expenditures. The District will close with an unallocated Fund Balance of $4,568 on 30 June 2010.

No capital projects are proposed for the coming fiscal year due to lack of further fiscal resources authorized by property owners' vote. Clearly, no geologic hazards can be mitigated in exchange for a paltry $32,232 per year. The District maintains its legal life in the recommended hope property owners might wish to proactively exercise the instrument to address hillside movement remediation.

G. Restricted Grants (Fund No. 230)

This account is the repository for State and subvention grants restricted for the stated purpose. Foremost among the State grants is the Citizens Option for Public Safety (COPS) program, of which our City receives the minimum amount of $100,000 per year due to our small population size. The COPS grant pays a portion of salaries and benefits for our 11th police officer position and our two (2) police services aides. Without these monies, the City must consider retaining these key positions by use of General Fund monies or reserves. The alternative is to eliminate the 3 positions or eliminate $100,000 in other expenses in the General Fund in order to absorb these police positions. Maintaining status quo Police operations calls for using $140,610 from this Fund in FY 2009-10.

At this stage in municipal budget preparations, staff anticipates with optimism the full receipt of the minimum $100,000 in COPS grant monies. The Governor and the State Legislature have traditionally been pro public safety, and reducing or eliminating funds to support law enforcement officers on patrol are poker-playing swaggers that usually do not materialize. However, unprecedented fiscal perils exist at the Capitol and whacking the COPS Grant monies partially or totally is "on the table" according to the Governor's latest missives. Until the State Budget is finalized, staff proposes the full grant allocation of $100,000 in COPS revenue. Similar bull-snorting occurred last year during State Budget wrangling yet the City will receive its full allocation by mid-July 2010 ($52,138 year-to-date)

Augmenting the COPS grant monies, this Fund expects receipt of $16,000 in revenues from our cable communications franchise company, Comcast, for restricted use in Public, Education & Government (PEG) broadcast services and equipment. The City was just approved to receive another $5,000 grant from the CA Department of Beverage Control (DBC) as a Recycling Grant to promote and capture the public's recycling of cans and bottles.

In addition to personnel expenditures using the COPS grant monies, $13,173 in one-time dispatch center equipment upgrade monies are due the City of Concord following its recently-completed overall of its Police Dispatch Center. Most of that expense is for prorated software and hardware licensing fees (e.g. TriTech VisNet mobile and AVL licenses) and office workstation access. One-time expenses incurred in FY 08-09 included $13,751 for new recycling trash cans in The Grove Park and $23,790 in audio-visual equipment renovations at Hoyer Hall (Clayton Community Library meeting room) for an enhanced public address system and taped replay of City Council public meetings on cable television.

The Restricted Grants Fund is expected to close the fiscal year with a positive fund balance of $114,696.

H. <u>Self Insurance Fund – No. 501</u>

This internal-service Fund manages the fiscal obligations of the City's self-insured program and our self-insured retention deductible ($5,000 per claim) on initial claims filed against the City for liability and workers' compensation. It also handles other unassigned legal expenses to defend the City's interest in related cases. A traditional expense hitting this Fund is the annual premium ($1,220) to cover our Employee

Assistance Program (EAP), a shared public entity consortium for good-health counseling services benefiting our permanent employee organization.

An unexpected expense surfaced in FY 08-09 necessitating Special Legal Services that involved the retention of a law firm to represent the City's interests in ensuring full claims coverage for the Oakhurst Hillside litigation cases. Approximately $32,500 from this Fund will be spent in the current fiscal year with further projected expenses of $35,000 in FY 09-10. The combined cost of $67,500 pulls significantly on the Fund's reserves and is the reason its fund balance will drop to approximately $104,597 by 30 June 2010 (41% reserve decline since July 2008)

I. <u>Capital Equipment Replacement Fund (CERF) – No. 502</u>

This Fund functions as the City's depreciation account to underwrite the replacement purchase of City vehicles and capital equipment. The CERF opens FY 2009-2010 with a cash reserve balance of $208,746. In normal fiscal years, the full CERF expense and posted revenue to CERF of $97,582 would be levied internally to this sinking fund in the form of CERF charges to various departments (e.g. Police; Public Works; Admin.) via expense Account No. 7486.

For several fiscal years due to constrained financial conditions, the General Fund has not contributed to the replenishment of this sinking fund for replacement purposes. The comparatively healthy balance of this Fund provided the comfort buffer. Those previous actions were deemed temporary but must be redeployed in FY 09-10 in order to balance the City's General Fund fiscal situation.

Prior to the enactment of Measure B by the voters in June 2007, the General Fund of the City was the <u>sole</u> contributor to this vehicle and equipment depreciation schedule. As the Landscape Maintenance District (LMD) accounts for 55% of Public Works' personnel time, voter-approved Measure B included a CERF expense in its budget ($12,936) to assist in the replacement of capital equipment and trucks used in the field. The FY 09-10 CERF Budget shows incoming revenues from the Landscape Maintenance District of $12,936 plus the voter-approved $2,700 CERF charge in the Downtown Park Fund, for a total of $15,636 in CERF contributions (plus $3,000 interest earnings for a total revenue stream of $18,636).

Concerning expenses from CERF, no expenditures are proposed this year. In FY 08-09 the City replaced a 5-year old Ford Crown Victoria patrol car in the Police Department that had over 90,000 miles on it (cost of $36,787). An inventory and inspection of our vehicle fleet and equipment reveals no necessity to automatically replace any stock this year. The net effect of this plan is the Capital Equipment Replacement Fund (CERF) will increase its cash balance to $227,382 by 30 June 2010.

J. Community Gym (Fund No. 701)

Upon opening the Clayton Community Gymnasium in September 2003, this operation was established as an enterprise fund to track the expense and revenue generated by the Mt. Diablo Region YMCA serving as our fiscal and program agent for Community Recreation Services. By virtue of our Agreement with the YMCA, this fund is self-supporting; any revenues exceeding expenses for utilities and School District custodial services will go into the Fund's reserve as a sinking fund for general and special maintenance of the facility shared with the Mount Diablo Unified School District. The YMCA absorbs all expense exceeding program revenues.

To date no such monies have been returned to the City as the YMCA absorbs a net operating loss each year of approximately $20,000+. This program loss is fairly universal amongst public recreation programs as even cities that directly provide such services wind up with forced subsidies from their general funds. The YMCA can cover its program expenses to offer community recreation programs but School District facility costs for custodial services, supplies and allocation of utilities overwhelm the YMCA's program enrollment fees.

The negative opening position of the Fund at $2,680 is merely a cash flow timing issue based on payment of bills by the YMCA with regard to custodial labor, utility and custodial supplies advanced by the City when billed by the School District. As noted, community recreation programs and services run by other public entities are typically subsidized to some degree (20%-30%) by General Funds. Our City is fortunate in its partnership with the YMCA to offer public recreation programs to our community at no direct cost to the City (or its General Fund). The public's recreational access to the Community Gym incurs approximately $48,200 each year in utility and custodial expenses charged to the City by the School District to keep the Gym available for community recreation programs. This expense does not include YMCA staff and instructor costs.

K. Endeavor Hall (Fund No. 702)

This separate fund was established in the 2002-2003 Budget to track specific revenues and expenses of the million dollar historic Endeavor Hall.

Despite the flailing economy, Endeavor Hall rental income projected at $18,294 for this year nearly matched the $19,339 produced in FY 07-08. The Hall continues to offer a more intimate setting for weddings, anniversaries, family reunions, small corporate retreats, and birthday parties than other competitors. That same quaintness is found by some prospective renters to be a facility constraint since its size can only comfortably accommodate 95 persons for a sit-down dinner reception. Rental use of the Hall has a limited occupancy rating of 120 persons, plus the necessity for the rental party to set up, clear, and put away the tables and chairs. However, the current recession pinch could make Endeavor Hall more attractive next year as celebratory hosts may similarly downsize their guest invitation list; staff has experienced an increase in calls and site visits by potential renters looking for the perfect facility.

The Fund is expected to open with a cash reserve balance of $6,946 with revenue projections conservatively set at $16,000. Expenses, largely incurred for preparation before the rental and cleaning services afterward when the Hall is actually rented, are set at $20,884. The previous 6-year trend for use of this restored historical building is approximately $20,000 in rental revenue offset by $21,000 in expenses. The City continues to advertise the facility's availability in the *Yellow Pages* under "Rental Halls and Facilities", which expense is borne by the Clayton Redevelopment Agency as supportive promotion of the Town Center business sector.

The City has not adjusted its rental rates since the Hall opened in 2001 so the facility is undoubtedly competitive in the rental facility market. In FY 08-09, monies were authorized from the City's Development Impact Fund to add interior white shutters over the windows, a design improvement that has enhanced an already attractive building. The cash balance of the Fund is expected to decline slightly to $2,762 by 30 June 2010.

L. The Grove Park – Fund No. 211

The Grove Park officially opened to our community on 12 January 2008, and on 29 May 2008, City Maintenance assumed full responsibility for the care and maintenance of The Grove Park. It has been a popular hit since Day One and is the Town Center's magnet that draws residents and visitors into the downtown for a Norman Rockwell experience.

Voters approved a special property tax in November 2006 to maintain the park for 10 years (levy first collected in FY 07-08) so this will be the 3rd year of its separate operation. The Downtown Park assessment will yield $105,802 in the coming year (with the allowed CPI tax rate adjustment of 0.8%), and an additional $10,000 per year (for 10 years) is further provided by the land owner of the Longs Drugs Store/CVS-Pharmacy (Endashiian, Inc.). Bolstered by these revenues and under the ever-watchful expense eye, the Downtown Park Fund maintains a positive cash balance position expected to be $124,972 at the close of FY 09-10.

Of that fund balance amount, $54,000 represents 3 years' worth of the $18,000 annual Asset Replacement allocation approved in the adoption of Measure O, $30,000 in donations by Endashiian, and $15,000 in Reserve funds. Backing out those forced and pledged reserves, the Downtown Park's actual maintenance experience does indeed operate below assessment revenues by $25,972 during its initial 3 years. This trend will serve the Park well when its assets mature in age and require increased attention due to high public use.

Through the CERF Fund, our Public Works Department recently acquired a $6,000 aerator that is now used frequently on the lawn in The Grove Park for improved turf care and appearance. Under CCWD's water drought regulations, the Water Service expense remains at the $12,000 level in order to address any imposed rate penalties for our priority to maintain the highest possible level of service to the park. The $12,600 expense for Janitorial Services appearing in the line item budget (Acct. No. 7417) is not new; custodial services have always been supplied to the park and were bundled under

Acct. No. 7419 (Other Professional Services). For tracking purpose and accounting uniformity, the expense has been transferred to this Account. During summer and Concert Series weekends, a part-time Maintenance Worker has been assigned to perform routine maintenance and oversight tasks at the Park to ensure this highly-visible asset shines for our community.

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FIDUCIARY FUNDS

Tracked by the City and included herein for reference, Fiduciary Funds of the City are not typically considered part of a one's "budget" since the City essentially serves as the fiscal conduit (fiscal agent) to collect the previously-approved assessments and then pay the incurred obligations. No underlying debt obligation of the City is assumed in administering the fiscal transactions of these funds. Fiduciary Funds operating with negative cash flow balances have interest charges applied for temporary reliance on the use of pooled reserves to underwrite their annual operations.

A. Middle School Community Facilities District (1990-1) – Fund No. 420

As its name implies, this Fund manages the accumulation of annual real property assessments that paid (in part) for the construction of the Diablo View Middle School, a 2007-recognized CA Distinguished School. Professional service expenses are incurred for the fiscal administration of this Fund, which is projected to have an ending Fund Balance of $1.432 million on 30 June 2010. This year, the principal and interest payment amounts to $511,057 (95% of the planned expenses). In FY 2007-08 the outstanding debt was refunded to obtain a lower interest rate on the remaining principal (see Fund No. 422).

B. Clayton Station Community Facilities District (1990-2) – Fund No. 421

This debt service account pays the obligations of this small special district that assisted in the installation of on-site and offsite capital improvements for the private development of the Clayton Station commercial shopping center. The debt is solely retired through an annual levy against this private real property with a principal and interest payment of $120,324 slated for this fiscal year. The Fund expects an ending balance of $160,918 on 30 June 2010.

C. Special Tax Revenue Refunding Bonds (2007) – Fund No. 422

In 1997 the Clayton Financing Authority issued $7.16 million in Special Tax Bonds to finance in part the construction of the Diablo View Middle School (see Fund No. 420). Approximately $5.285 million remained outstanding on the debt carrying a final maturity date of 2022 when in May 2007 the Board of Directors determined it was fiscally advantageous to the Oakhurst Development property owners for the Authority to refinance the outstanding debt to achieve savings in annual debt payments. Upon its issuance the refunding captured a savings of $600,000 to the District rate payers with individual property owners saving approximately $20 - $51 per year. Bond interest rates fell from the range of 5.25% - 5.90% down to 3.5% - 4.2%.

This year, the principal and interest payment totals $397,473, drawing on planned reserves to do so. The Fund is projected to close the 2009-10 Fiscal Year with an ending balance of $3.795 million.

D. Development Impact Fees (Fund No. 304)

This restricted-use fund holds the impact fees the City presently imposes on and extracts from new developments within our community. Revenues are private development driven and restricted for use on the purpose of the impact fee. Although it is unknown exactly when any proposed development will come "on-line" thereby triggering the payment of these impact fees, staff does not wish to budget for new development to occur and not be realized. A possibility exists the pending mixed-use Rivulet Project downtown could materialize into construction this fiscal year. The Diablo Pointe residential subdivision is facing a foreclosure sale and is unlikely to generate any development traction soon. Therefore, the following balances display actuals and projected, respectively:

DEV. IMPACT FUND	JULY 2009	JULY 2010
Childcare Facility Fees	$ 32,351	$ 34,118
Parkland Dedication Fees	$ -0-	$ 280
Offsite Arterial Improvement Fees	$ 99,574	$ 76,760
Fire Protection Fees	$ -0-	$ -0-
Community Facility Fees	$ 5,025	$ 5,025
Sewer Study Impact Fees (MCR)	$ (62,106)	$ (62,106)
Police Impact Fees	$ 24,380	$ 24,380
Open Space In-Lieu Fee	$ 42,397	$ 42,397
Interest Earnings	$ 8,000	$ 3,500

These monies are restricted to capital improvement projects and cannot be used for operations and maintenance, with the exception of the Police Impact Fees. This Fund is expected to have a total of $124,354 in its ending cash position on 30 June 2010. Use of $25,000 in Offsite Arterial Improvement Fees has been identified in the FY 2009-

2010 for non-reimbursed local design expenses in the upcoming 2009 Arterial Street Overlay Project funded by federal Economic Stimulus monies.

Expenses from this Fund in FY 08-09 included full use of $107,319 in Parkland Dedication Fees to assist in the addition of new picnic and play facilities in the upper level of Clayton Community Park. And, $28,983 in Offsite Arterial Improvement Fees was used in the 2008 Street Repaving Project accomplished last summer.

E. High Street Bridge (Fund No. 217) and Oak Street Bridge (Fund No. 218)
These assessments are levied against certain private property owners in the Oak – High Streets area to maintain the bridges constructed in these areas in behalf of the owners to serve their private real properties. The High Street Bridge project is repaid over thirty (30) years, with debt finally retired in 2029. The Oak Street Bridge project is repaid over twenty (20) years with its debt ultimately retired in 2020. Both Funds carry negative balances of $20,478 and $102,567, respectively, until the full levy of real property assessments retire the incurred debt.

F. Lydia Lane Sewer Assessment District (Fund No.222)
Established and funded solely by private property owners along south Lydia Lane, this sewer and associated street overlay project was completed in 2003 with bonds issued by the City for repayment over a thirty (30) year life. This Fund manages the retirement of that private debt of the assessed real property owners, which reveals a positive Fund Balance of $84,773 expected on 30 June 2010.

G. Oak Street Sewer Assessment District (Fund No. 223)
This is the most recent Fiduciary account to appear in the City's Budget as the neighborhood sewer project was completed in 2004. The Redevelopment Agency paid for a portion of this project (50%) with real property owners agreeing to annual assessments for the balance of the expense. This Fund manages the retirement of that private debt over twenty-five (25) years, paid off in 2029. The Fund carries a temporary negative balance of $13,783 projected on 30 June 2010.

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CAPITAL IMPROVEMENT PROGRAM (CIP)

The City completed two (2) capital improvement projects in FY 08-09 that enhanced and maintained the public's investment in its infrastructures and overall quality of life:

1. The 2008 Street Pavement Rehabilitation Project (No. 10406) in the amount of $1.06 million; and

2. Replacement of the deteriorated and failing old Marsh Creek Road retaining wall in the amount of $319,980 (Project No. 10404).

Capital improvement projects previously budgeted and awaiting commencement or completion are:

1. The Clayton Road Trail Connection (Project No. 10402; $100,000) abutting the Longs Drugs Store and extending to the intersection of Clayton Road and old Marsh Creek Road; and

2. The Town Entry Directional Signage on Daffodil Hill and Banner Hill [Oak Street exit off Clayton Road] (Project No. 10403; $50,000) in partnership with a hillside beautification project by CBCA ($65,500).

These CIP improvements were combined into a single project for bidding and construction purpose and construction contract in the amount of $199,167 was awarded by the City Council at its meeting on 05 May 2009. It is anticipated this improvement and signage project will commence the week of 15 June 2009 and is expected to be completed before the end of summer 2009.

The following CIP Projects are recommended for inclusion in the FY 2009-10 Budget:

1. 2009 Arterial Overlay Project (CIP No. 10412) $ 584,000
   Taking advantage of the federal Economic Stimulus grant monies made available by the new Administration under the American Recovery and Reinvestment Act (ARRA), this street rehabilitation project has been approved and will go to bid shortly. It will encompass surface rehabilitations to remaining sections of Clayton Road and Oakhurst Drive. These federal monies cannot be used on neighborhood streets.

2. ADA Handicap Sidewalk Ramps (CIP No. 10394A) $ 7,500
   In the City's on-going program to install approved Handicap Ramps at all sidewalk corners, approximately 5% of our annual Gas Tax revenues are committed for completion of this goal. This allocation is targeted for the remaining neighborhoods lacking such facilities.

3. Downtown Economic Development Fund (CIP No. 10400) $ 788,227
The annual allocation of Redevelopment Agency monies to this CIP Project (No. 10400) replenishes the main revenue account used by the City to encourage economic revitalization and private commercial/retail developments into the Downtown Area. Use of redevelopment tax increment monies to stimulate economic development within a key business sector is a primary use for such funds and has proven to be a successful promoter of recent commercial development activities in the Clayton Town Center. This monetary augmentation will push this Project account up to $2,763,850 to be used for viable capital improvements and continuing economic developments.

4. 2009 Pavement Rehab Project (CIP No. 10408) $ 402,000
Combining Measure J monies and prospective Gas Tax funds, this Project represents the City's annual effort to maintain our local streets and roads. Targeted streets this year will be the neighborhood roads earning the lower-rated Pavement Condition Index. Until the State Budget is adopted and the fate of our local share of Gas Tax monies is known, this Project will not go to bid as approximately ½ of the monies are at risk as State Budge takeaways.

5. Community Park Sports Field Lighting (CIP No. 10413) $ 492,000
City Council interest was piqued on the idea to install lights at the existing sports fields in Community Park. Added attention was drawn to the flexibility of replacing the grass sports fields with synthetic turf to enhance year-round play and to halt metered watering of the lawn and water losses due to constant breakage in water mains caused by soil movements in the area. Based on that action, staff was instructed to conduct an economic feasibility and recovery analysis on the suggestions, which is presently underway. A CIP has been established to track this possibility and expenses incurred. The funding shown is the City's per capita grant monies from the East Bay Regional Park's successful bond extension (Measure WW) but current research expenses are paid for out of CIP interest earnings.

STATE BUDGET AND LEGISLATIVE IMPACTS

Still sounds quite like the proverbial Bridge over Troubled Waters....

The budget crisis in Sacramento seems to grow bleaker by the day. California voters in a May 2009 special election tanked all budget magic measures proposed by the Governor and State Legislature to address a crumbling and broken monetary situation. With the Obama Administration saying no loan guarantees would be granted the Great State of California without an act of Congress, the Schwarzenegger Administration abandoned all plans to seek $6 - $8 billion in federal emergency loans to help close a widening budget hole. Announcing the "day of reckoning" has come as voters sent clear signals it is fed up with half measures, marginal fixes, smoke and mirrors, a term-limited band aids for future generations to fix, the State Capitol is pressed with the hard reality that a fundamental change must occur in Sacramento.

Compounding the hurdle is the State Controller's statement on June 11th that California's revenue collections for the 11 months of the fiscal year fell $827 million short of the Governor's forecasts issued just last month. The May 2009 figures support the estimate that California's budget deficit will be $24 billion through June 2010, some $3 billion more than the Governor's declaration. California is poised to run out of cash to pay creditors on July 28th unless it can secure a short-term loan to cover expenses until the second half of 2009-2010 when it collects most of its revenues.

Meanwhile, budget murder is being committed in the hallowed halls as sacred and honored state programs are slashed and terminated. State universities and colleges, state parks, cash grants to college students (Cal Grants), health insurance for low-income families, reductions in court funding, additional work furloughs and pay cuts to state employees, elimination of the California Conservation Corps (CCC), early release of non-violent inmates, altering the state's "three strikes law", and raising community college fees – if you can think it, they are too, as truly everything is on the table open for discussion to resolve the state's worst fiscal nightmare.

While school districts flounder under teacher layoffs and program cutbacks, the State frantically scans every corner for the sign of money for the taking. Cities have always been in their sights; since 1991, the State has seized over $8.6 billion in city property tax revenues statewide to fund its programs. For the City of Clayton and its citizens, **$5.4 million** in local share of the property tax pie has been siphoned to Sacramento to patch faulty state budget schemes. Last year's adopted State Budget called for a "donation" from each redevelopment agency throughout the state amounting to $350 million. The questionable budget act was summarily challenged in court and an April 2009 decision ruled the State's attempted thievery as unconstitutional. That favorable ruling saved the Clayton Redevelopment Agency $404,570 for the time being as the State quickly appealed the court's perspective.

Troubling this year for municipal officials and staff is the fact every day brings the new possibility of likely revenue loss. Not only is the State smothering local budget projections, the economic recession brings dismal news daily into city halls. The Governor's "May Revise" called for the desperate act of suspending voter-approved

Proposition 1A protections of local property taxes, setting the stage for the State to "borrow" local government revenues in the amount of $2 billion to aid its rescue. How a loan solves a monetary deficit with no funds for repayment has never been a stumbling block for State leaders – no wonder this mindset morphed into the housing mortgage crisis! While our City's share of the $2 billion "loan" is calculated at **$152,338 or more** in General Fund monies, the California Constitution does not require the property tax borrowing to be implemented on an across-the-board basis. Instead of borrowing 8% from each local agency, the State could borrow a larger percentage from agencies that have a greater capacity to reduce local programs or replace the borrowed property taxes with fees or other revenue. For example, the state could borrow more monies from special districts (e.g. waste water or water districts), or it could survey the reserve status of local governments and arbitrarily determine who can afford to give. Such discretion is frightening in the hands of those who have demonstrated little fiscal prudence in the past.

As referenced in this Budget Message, the State is also toying with the thought to take local transportation funds, including Proposition 42 monies and local Gas Tax revenues, and is considering redirecting half of the restored Vehicle License Fee increase on car owners from local governments to its general fund coffers. The despair in Sacramento is feeding their delusions that all tax revenues belong to the State and they have first right to use them; cities have experienced local property taxes taken, local sales tax revenues shifted, vehicle license fees diverted, and local transportation monies withheld. We could very well wake up one morning and sadly discover this perception has become reality.

Until the fetid State Budget mess is known through its final adoption, cities have no recourse but to plow forward and do their best at establishing a financial plan for 2009-2010. The City Budget as recommended does not incorporate safety nets for whatever detrimental action the State might impose. When that template becomes available, the City Budget must be revisited to assure its fiscal integrity in the wake of the State's action or make further modifications to address monetary matters not of our own doing.

Meanwhile, beneath the State Budget haze stands a host of legislative bills that could further impact our City's operations and finances. "California government is not only broken, it has become destructive to our future."

* * * * *

COUNCIL BUDGET SUB-COMMITTEE REVIEW

The Council Sub-Committee of Mayor Pierce and Vice Mayor Stratford met with the City Manager and the Finance Manager on June 11th in a 3½ hour marathon to scrutinize every dollar, eyeball every line item account, confirm Budget policies and suggest improvements to present an accurate City Budget that will sustain municipal services at the highest level possible. Staff appreciates their attention for detail and acknowledges their diligence in providing the financial stewardship over the public treasury. The document herein has received their endorsement for submittal to the City Council as the proposed budget for Fiscal Year 2009-2010.

BUDGET PREPARATION

Until one has experienced it, it is impossible to articulate the trauma and the drama that unfolds in putting together a municipal budget each season. Since the Clayton City Budget relies heavily on the power of every revenue dollar available to provide public services, accounting for each dollar is critical to the local quality of life offered and expected when residing or working in the small city of Clayton.

Acknowledgement and appreciation is expressed to our Finance Manager, Merry Pelletier, who assiduously labors each year to perform the fiscal feat of assembling numbers that have real meaning and can in turn offer meaningful services and programs to our community.

In behalf of a small City organization that is proud of its past accomplishments and its legacy of solvency amidst the troubled waters of personal, corporate and government bankruptcy, we press forward into the challenging year of 2009-2010.

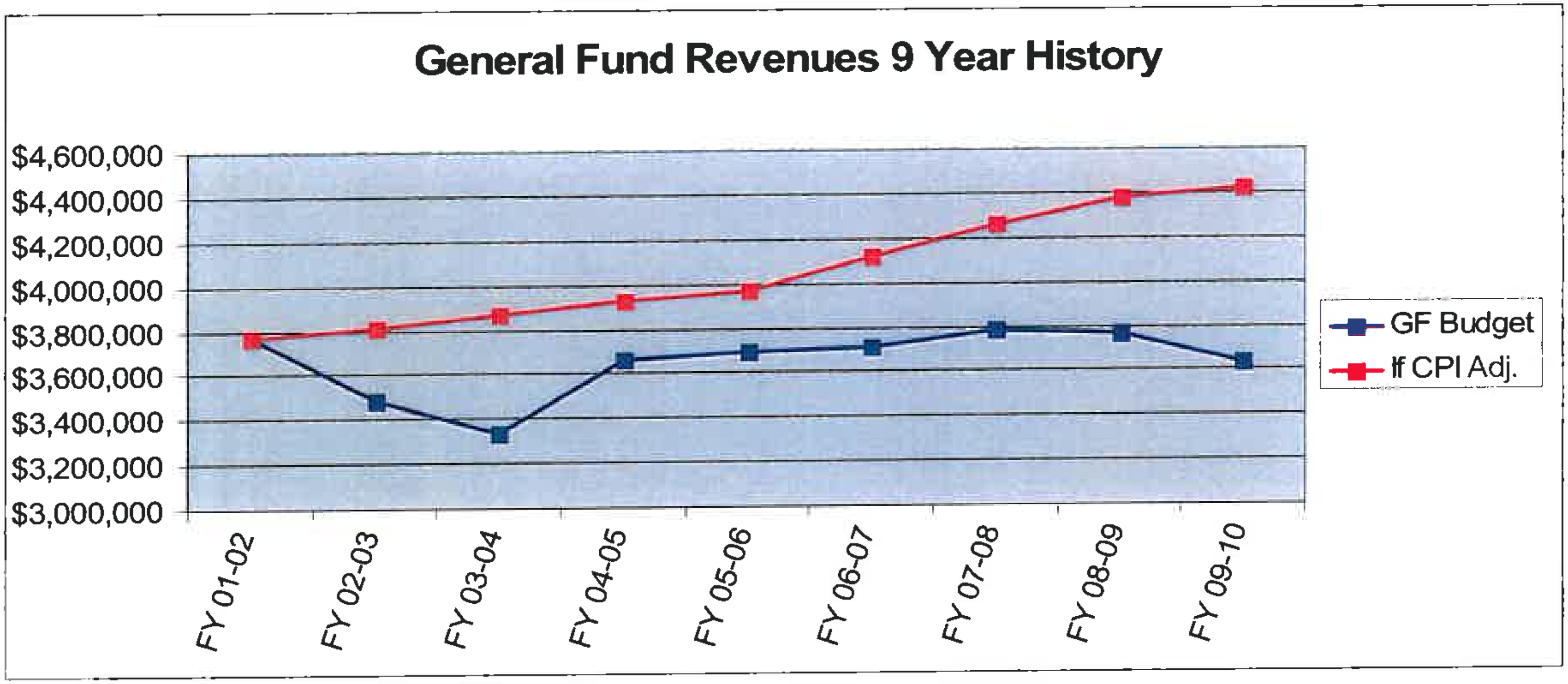
Respectfully submitted,

Gary A. Napper
City Manager

Attachments: Proposed FY 2009-20010 City Budget and 5-Year CIP Budget

GENERAL FUND REVENUES

FY 09-10


General Fund Revenues 9 Year History
$4,600,000
$4,400,000
$4,200,000
$4,000,000
$3,800,000
$3,600,000
$3,400,000
$3,200,000
$3,000,000
FY 01-02
FY 02-03
FY 03-04
FY 04-05
FY 05-06
FY 06-07
FY 07-08
FY 08-09
FY 09-10
GF Budget
If CPI Adj.

GENERAL FUND EXPENDITURES

FY 09-10

CITY OF CLAYTON GENERAL FUND PROPOSED BUDGET
2009-10

Account Number	Account Name	2008-09 Adoped Budget	Legislative Dept 01 2008-09 Adoped Budget	2008-09 Projected 6/30/2009	2009-10 Proposed Budget	Administration/Finance Dept 02 2007-08 Actual 6/30/2008	2008-09 Adoped Budget	2008-09 Projected 6/30/2009	2009-10 Proposed Budget	Public Works Dept 03 2007-08 Actual 6/30/2008	2008-09 Adoped Budget	2008-09 Projected 6/30/2009	2009-10 Proposed Budget
7111	Salaries/Regular	-	-	-	-	479,226	500,499	504,043	477,910	77,559	7,215	11,512	8,790
7112	Temporary Help	-	-	-	-	-	-	-	-	25,826	559	3,840	3,000
7113	Overtime	-	-	-	-	-	-	-	-	233	1,000	1,000	2,000
7114	Holiday Pay	-	-	-	-	-	-	-	-	-	-	-	-
7115	Council/Commission Comp	18,000	23,400	21,150	23,400	-	-	-	-	225	-	-	-
7116	Part-time Salaries	-	-	-	-	-	-	-	-	-	-	-	-
7218	LTD Insurance	-	-	-	-	4,454	4,755	5,080	4,540	416	69	181	62
7220	PERS Retirement	3,848	5,366	4,645	4,968	101,765	114,764	109,477	101,461	14,228	1,654	1,190	1,388
7221	City Attorney PERS	-	-	-	-	-	-	-	-	-	-	-	-
7231	Workers Comp Insurance	497	448	448	390	13,005	9,572	9,572	7,997	2,958	152	781	150
7232	Unemployment Insurance	-	-	-	-	-	-	-	-	-	-	-	78
7233	FICA and Medicare	261	563	316	339	7,593	7,257	7,826	7,285	2,705	148	887	257
7241	Auto Allowance/Mileage	-	-	-	-	10,764	10,740	10,740	10,740	-	-	-	-
7242	Uniform Allowance	-	-	-	-	-	-	-	-	-	-	-	-
7243	Certificate Pay	-	-	-	-	-	-	-	-	-	-	-	-
7244	Tuition Reimbursement	-	-	-	-	-	-	-	-	-	-	-	-
7246	Benefit Insurance	-	-	-	-	66,582	65,138	66,924	69,075	11,488	1,507	2,751	2,207
7310	Supplies & Equipment	-	-	-	-	-	-	-	-	-	-	-	-
7311	General Supplies	-	-	-	-	-	-	-	-	11,001	10,000	8,000	8,000
7312	Office supplies	85	300	-	-	-	-	-	-	-	-	-	-
7313	Small Tools & Equipment	-	-	-	-	-	500	-	-	-	200	-	-
7314	Postage	-	-	-	-	-	-	-	-	-	-	-	-
7315	Materials	-	-	-	-	-	-	-	-	-	-	-	-
7316	Special Events	-	-	-	-	-	-	-	-	-	-	-	-
7319	Safety supplies	-	-	-	-	-	-	-	-	-	-	-	-
7321	Printing and Binding	-	-	-	-	-	-	-	-	-	-	-	-
7322	Newsletter	-	-	-	-	-	-	-	-	-	-	-	-
7323	Books/Periodicals	-	-	-	-	-	-	-	-	-	-	-	-
7324	Dues and Subscriptions	10,917	11,168	11,210	12,297	2,492	2,552	2,078	1,775	-	100	-	-
7327	Street Maint Supplies	-	-	-	-	-	-	-	-	-	-	-	-
7328	Park Services	-	-	-	-	-	-	-	-	16,228	-	300	-
7329	Park Supplies	-	-	-	-	-	-	-	-	13,256	-	47	-
7331	Rentals/Leases	-	-	-	-	-	-	-	-	1,652	-	284	107
7332	Telecommunications	-	-	-	-	9,341	9,350	9,200	9,350	3,362	-	3,003	3,000
7335	Gas & Electric Serv.	-	-	-	-	-	-	-	-	37,304	-	33,364	33,364
7338	Water Service	-	-	-	-	-	-	-	-	100,162	23,084	22,000	23,000
7339	Equipment Lease	-	-	-	-	-	-	-	-	-	-	-	-
7341	Buildings & Grounds Mtn	-	-	-	-	-	-	-	-	11,567	11,884	7,529	7,501
7342	Machinary/ Equip Maint.	-	-	-	-	-	-	-	-	8,405	13,500	8,909	8,000
7343	Vehicle Maintenance	-	-	-	-	-	-	-	-	12,587	13,500	10,233	9,000
7344	Vehicle Gas, Oil, and Supplies	-	-	-	-	-	-	-	-	15,269	16,000	15,000	15,000
7345	Office Equip Maint. & Repairs	-	-	-	-	-	-	-	-	-	-	-	-
7346	HVAC Mtn & Repairs	-	-	-	-	-	-	-	-	20,636	9,944	8,521	9,300
7347	Deferred Mtn Projects	-	-	-	-	-	-	-	-	138,329	-	30,221	-
7348	Shop Equip & Supplies	-	-	-	-	-	-	-	-	-	-	-	-
7351	Insurance Premiums	-	-	-	-	-	-	-	-	-	-	-	-
7353	Contingency	-	-	-	-	-	-	-	-	-	-	-	-
7361	Advertizing	-	-	-	-	-	-	-	-	-	-	-	-
7362	City Promotional Activity	15,682	13,695	3,736	7,736	-	-	-	-	-	-	-	-
7363	Business Expense	268	-	-	-	48	50	-	50	-	-	-	-
7364	Employee recognition	-	-	-	-	1,947	2,239	1,946	1,000	-	-	-	-
7365	Volunteer Appreciation	56	400	-	-	280	500	-	-	-	-	-	-
7371	Travel	-	-	-	-	-	100	-	-	-	-	-	-
7372	Conference	2,743	1,200	1,850	1,200	122	100	-	-	-	-	-	-
7373	Education and Training	-	-	-	-	508	100	-	-	1,005	500	715	715
7381	Property Tax Admin Cost	-	-	-	-	-	-	-	-	-	-	-	-

CITY OF CLAYTON GENERAL FUND PROPOSED BUDGET
2009-10

Account Number	Account Name	2008-09 Adoped Budget	Legislative Dept 01 2008-09 Adoped Budget	Legislative Dept 01 2008-09 Projected 6/30/2009	Legislative Dept 01 2009-10 Proposed Budget	Administration/Finance Dept 02 2007-08 Actual 6/30/2008	Administration/Finance Dept 02 2008-09 Adoped Budget	Administration/Finance Dept 02 2008-09 Projected 6/30/2009	Administration/Finance Dept 02 2009-10 Proposed Budget	Public Works Dept 03 2007-08 Actual 6/30/2008	Public Works Dept 03 2008-09 Adoped Budget	Public Works Dept 03 2008-09 Projected 6/30/2009	Public Works Dept 03 2009-10 Proposed Budget
7382	Election Services	-	-	-	-	-	-	118	-	-	-	-	-
7384	Legal Notices	-	-	-	-	500	500	-	200	-	-	-	-
7385	Transpac Fees	-	-	-	-	-	-	-	-	-	-	-	-
7386	NPDES Permit Fees	-	-	-	-	-	-	-	-	-	-	-	-
7389	Misc. Expenses	-	-	-	-	-	-	-	-	-	-	-	-
7409	Street Sweeping Services	-	-	-	-	-	-	-	-	37,152	-	-	-
7411	Prof. Services Retainer	-	-	-	-	96,000	96,000	95,998	96,000	-	-	-	-
7412	Engineering Inspection	-	-	-	-	-	-	-	-	-	-	-	-
7413	Special Legal Services	-	-	-	-	1,130	-	1,022	-	-	-	-	-
7414	Auditing Services	-	-	-	-	14,536	12,530	12,530	12,530	-	-	-	-
7415	Computer Services	-	-	-	-	1,236	4,000	5,446	5,000	-	-	-	-
7417	Janitorial Services	-	-	-	-	-	-	-	-	7,121	7,100	6,900	6,900
7418	Eng Plan Check	-	-	-	-	-	-	-	-	-	-	-	-
7419	Other Prof Services	7,163	8,000	8,000	9,375	8,657	9,404	9,252	9,059	-	-	-	-
7421	Green Waste Recycling	-	-	-	-	-	-	6	-	271	400	43	-
7423	Business Audit / Library Aide	-	-	-	-	-	-	-	-	-	-	-	-
7424	Dispatch Services	-	-	-	-	-	-	-	-	-	-	-	-
7425	Lab Fees	-	-	-	-	-	-	-	-	-	-	-	-
7426	Jail Booking Fees	-	-	-	-	-	-	-	-	-	-	-	-
7427	Cal ID Services	-	-	-	-	-	-	-	-	-	-	-	-
7428	C N E.T. Services	-	-	-	-	-	-	-	-	-	-	-	-
7429	Animal Control Services	-	-	-	-	-	-	-	-	4,859	675	675	675
7430	Well Monitoring Contract	-	-	-	-	-	-	-	-	-	-	-	-
7431	Recycling Contract	-	-	-	-	-	-	80	100	-	-	-	-
7432	Emergency Services	-	-	-	-	-	-	-	-	-	-	-	-
7433	Integrated Justice System	-	-	-	-	-	-	-	-	-	-	-	-
7486	CERF Charges/Depreciation	-	-	-	-	6,717	-	-	-	42,238	-	-	-
	Sunday Operating Hours												
	Total	59,518	64,540	51,355	59,705	826,904	850,650	851,336	814,072	618,042	119,191	177,865	142,495
	Revenues												
	Balance (Shortfall)												
	Encumbrances												
	Ending Balance (Shortfall)												

CITY OF CLAYTON GENERAL FUND PROPOSED BUDGET
2009-10

Account Number	Account Name	Community Development Dept 04 2007-08 Actual 6/30/2008	2008-09 Adoped Budget	2008-09 Projected 6/30/2009	2009-10 Proposed Budget	General Services Dept 05 2007-08 Actual 6/30/2008	2008-09 Adoped Budget	2008-09 Projected 6/30/2009	2009-10 Proposed Budget	Police Services Dept 06 2007-08 Actual 6/30/2008	2008-09 Adoped Budget	2008-09 Projected 6/30/2009	2009-10 Proposed Budget
7111	Salaries/Regular	169,078	191,739	186,216	157,880	-	-	-	-	810,793	863,931	814,996	837,581
7112	Temporary Help	-	-	5,587	-	-	-	-	-	-	-	-	-
7113	Overtime	155	-	37	-	-	-	-	-	127,115	95,000	95,000	95,000
7114	Holiday Pay	-	-	-	-	-	-	-	-	37,232	39,644	44,438	-
7115	Council/Commission Comp	6,000	7,800	6,100	7,200	-	-	-	-	-	-	-	-
7116	Part-time Salaries	-	-	-	-	-	-	-	-	3,333	4,844	3,871	4,348
7218	LTD Insurance	1,359	1,822	1,578	1,500	-	-	-	-	7,457	8,207	7,809	7,623
7220	PERS Retirement	30,542	43,966	35,391	33,518	-	-	-	-	332,957	371,735	370,902	322,079
7221	City Attorney PERS	-	-	-	-	-	-	-	-	-	-	-	-
7231	Workers Comp Insurance	5,019	3,667	3,667	2,632	1,673	1,969	2,898	913	25,263	16,616	16,616	13,448
7232	Unemployment Insurance	-	-	-	-	4,198	4,294	8,785	5,869	-	-	-	-
7233	FICA and Medicare	2,382	2,780	2,965	2,289	-	-	-	-	13,981	14,276	15,547	13,345
7241	Auto Allowance/Mileage	2,866	4,140	4,140	4,140	-	-	-	-	4,444	4,440	4,440	4,440
7242	Uniform Allowance	-	-	-	-	-	-	-	-	6,000	6,000	9,415	9,000
7243	Certificate Pay	-	-	-	-	-	-	-	-	-	-	-	-
7244	Tuition Reimbursement	-	-	-	-	-	-	-	-	-	-	-	-
7246	Benefit Insurance	15,830	25,943	26,040	21,451	-	-	-	-	143,411	136,320	137,960	155,052
7310	Supplies & Equipment	-	-	-	-	-	-	-	-	-	-	-	-
7311	General Supplies	-	-	302	-	80	100	-	-	9,825	9,200	5,120	5,500
7312	Office supplies	-	-	-	-	7,332	7,500	7,405	7,775	4,092	4,500	4,500	4,500
7313	Small Tools & Equipment	-	-	-	-	-	-	-	-	-	-	-	-
7314	Postage	-	-	-	-	5,274	6,511	6,511	6,641	355	500	300	375
7315	Materials	-	-	-	-	-	-	-	-	-	-	-	-
7316	Special Events	-	-	-	-	-	-	-	-	-	-	-	-
7319	Safety supplies	-	-	-	-	-	-	-	-	-	-	-	-
7321	Printing and Binding	-	-	-	-	-	-	-	-	-	-	-	-
7322	Newsletter	-	-	-	-	-	-	-	-	-	-	-	-
7323	Books/Periodicals	17	100	164	100	-	-	-	-	-	50	-	-
7324	Dues and Subscriptions	200	125	125	550	-	-	-	-	5,215	4,882	5,222	3,702
7327	Street Maint Supplies	-	-	-	-	-	-	-	-	-	-	-	-
7328	Park Services	-	-	-	-	-	-	-	-	-	-	-	-
7329	Park Supplies	-	-	-	-	-	-	-	-	-	-	-	-
7331	Rentals/Leases	-	-	-	-	9,414	13,363	14,137	13,911	-	-	-	-
7332	Telecommunications	804	805	838	850	-	-	-	-	12,062	11,400	12,260	12,300
7335	Gas & Electric Serv	-	-	-	-	-	-	-	-	-	-	-	-
7338	Water Service	-	-	-	-	-	-	-	-	-	-	-	-
7339	Equipment Lease	-	-	-	-	-	-	-	-	-	-	-	-
7341	Buildings & Grounds Mtn	-	-	-	-	-	-	-	-	409	-	-	-
7342	Machinery/ Equip Maint	-	-	-	-	-	-	-	-	2,423	3,000	1,000	1,500
7343	Vehicle Maintenance	-	-	-	-	-	-	-	-	18,975	12,000	12,000	13,000
7344	Vehicle Gas, Oil, and Supplies	-	-	-	-	-	-	-	-	30,696	30,000	25,093	26,000
7345	Office Equip Maint. & Repairs	-	-	-	-	3,504	-	200	600	1,464	1,725	1,485	1,500
7346	HVAC Mtn & Repairs	-	-	-	-	-	-	-	-	-	-	-	-
7347	Deferred Mtn Projects	-	-	-	-	-	-	-	-	-	-	-	-
7348	Shop Equip. & Supplies	-	-	-	-	-	-	-	-	-	-	-	-
7351	Insurance Premiums	-	-	-	-	26,187	65,896	38,436	96,418	-	-	-	-
7353	Contingency	-	-	-	-	-	-	-	-	-	-	-	-
7361	Advertizing	-	-	-	-	-	-	-	-	-	-	-	-
7362	City Promotional Activity	-	-	-	-	-	-	-	-	-	-	-	-
7363	Business Expense	212	100	-	-	-	-	-	-	848	200	200	200
7364	Employee recognition	-	-	-	-	-	-	-	-	-	-	570	550
7365	Volunteer Appreciation	-	-	-	-	-	-	-	-	-	-	354	350
7371	Travel	39	100	24	100	-	-	-	-	44	-	(54)	-
7372	Conference	-	200	-	-	-	-	-	-	-	695	-	1,200
7373	Education and Training	360	200	-	100	-	-	-	-	12,617	5,000	5,000	7,000
7381	Property Tax Admin Cost	-	-	-	-	15,186	15,186	18,139	21,585	-	-	-	-

CITY OF CLAYTON GENERAL FUND PROPOSED BUDGET
2009-10

Account Number	Account Name	Community Development Dept 04 2007-08 Actual 6/30/2008	2008-09 Adoped Budget	2008-09 Projected 6/30/2009	2009-10 Proposed Budget	General Services Dept 05 2007-08 Actual 6/30/2008	2008-09 Adoped Budget	2008-09 Projected 6/30/2009	2009-10 Proposed Budget	Police Services Dept 06 2007-08 Actual 6/30/2008	2008-09 Adoped Budget	2008-09 Projected 6/30/2009	2009-10 Proposed Budget
7382	Election Services	-	-	-	-	-	15,000	13,822	-	-	-	-	-
7384	Legal Notices	1,090	1,400	1,400	1,400	-	-	-	-	-	-	-	-
7385	Transpac Fees	19,567	19,679	20,598	20,753	-	-	-	-	-	-	-	-
7386	NPDES Permit Fees	-	-	-	-	-	-	-	-	-	-	-	-
7389	Misc Expenses	18	-	-	-	-	-	-	-	114	-	-	-
7409	Street Sweeping Services	-	-	-	-	-	-	-	-	-	-	-	-
7411	Prof. Services Retainer	-	-	-	-	-	-	-	-	-	-	-	-
7412	Engineering Inspection	-	-	-	-	-	-	-	-	-	-	-	-
7413	Special Legal Services	-	-	-	-	-	-	-	-	-	-	-	-
7414	Auditing Services	-	-	-	-	-	-	-	-	-	-	-	-
7415	Computer Services	-	-	-	-	-	-	-	-	411	2,100	600	500
7417	Janitorial Services	-	-	-	-	-	-	-	-	2,700	2,700	2,700	2,700
7418	Eng Plan Check	-	-	-	-	-	-	-	-	-	-	-	-
7419	Other Prof. Services	70 263	-	26,743	25	7,834	8,420	10,026	10,891	14,159	21,527	21,527	15,544
7421	Green Waste Recycling	-	-	-	-	-	-	-	-	-	-	-	-
7423	Business Audit / Library Aide	-	-	-	-	-	-	-	-	-	-	-	-
7424	Dispatch Services	-	-	-	-	-	-	-	-	28,304	53,000	53,000	120,000
7425	Lab Fees	-	-	-	-	-	-	-	-	10,376	11,000	15,000	12,000
7426	Jail Booking Fees	-	-	-	-	-	-	-	-	29,679	30,000	30,000	30,000
7427	Cal ID Services	-	-	-	-	-	-	-	-	9,053	9,264	9,264	9,644
7428	C.N.E.T Services	-	-	-	-	-	-	-	-	5,000	5,000	6,800	6,800
7429	Animal Control Services	-	-	-	-	-	-	-	-	45,880	51,318	51,318	56,710
7430	Well Monitoring Contract	-	-	-	-	-	-	-	-	-	-	-	-
7431	Recycling Contract	-	-	-	-	-	-	-	-	-	-	-	-
7432	Emergency Services	-	-	-	-	-	-	-	-	2,433	2,000	1,000	1,500
7433	Integrated Justice System	-	-	-	-	-	-	-	-	6,656	6,000	6,000	6,000
7486	CERF Charges/Depreciation	-	-		-	-		-	-	49,897	-	-	-
	Sunday Operating Hours												
	Total	325,802	304,566	321,915	254,488	80,682	138,239	120,359	164,604	1,815,676	1,838,074	1,791,253	1,800,990
	Revenues												
	Balance (Shortfall)												
	Encumbrances												
	Ending Balance (Shortfall)												

CITY OF CLAYTON GENERAL FUND PROPOSED BUDGET
2009-10

Account Number	Account Name	Library Dept 07 2007-08 Actual 6/30/2008	Library Dept 07 2008-09 Adoped Budget	Library Dept 07 2008-09 Projected 6/30/2009	Library Dept 07 2009-10 Proposed Budget	Engineering Dept 08 2007-08 Actual 6/30/2008	Engineering Dept 08 2008-09 Adoped Budget	Engineering Dept 08 2008-09 Projected 6/30/2009	Engineering Dept 08 2009-10 Proposed Budget	Community Park Dept 09 2007-08 Actual 6/30/2008	Community Park Dept 09 2008-09 Adoped Budget	Community Park Dept 09 2008-09 Projected 6/30/2009	Community Park Dept 09 2009-10 Proposed Budget
7111	Salaries/Regular	8,327	8,961	10,867	9,243	-	-	-	-	-	65,590	53,926	45,379
7112	Temporary Help	727	745	763	763	-	-	-	-	-	14,406	15,033	14,000
7113	Overtime	-	-	-	-	-	-	-	-	-	-	67	-
7114	Holiday Pay	-	-	-	-	-	-	-	-	-	-	-	-
7115	Council/Commission Comp	-	-	-	-	-	-	-	-	-	-	-	-
7116	Part-time Salaries	-	-	-	-	-	-	-	-	-	-	-	-
7218	LTD Insurance	82	85	108	93	-	-	-	-	-	624	511	429
7220	PERS Retirement	1,765	2,055	2,426	2,143	-	-	-	-	-	15,040	11,691	9,860
7221	City Attorney PERS	-	-	-	-	-	-	-	-	-	-	-	-
7231	Workers Comp Insurance	339	190	195	223	-	-	-	-	-	1,621	1,713	1,569
7232	Unemployment Insurance	-	-	-	104	-	-	-	-	-	-	-	326
7233	FICA and Medicare	464	187	514	490	-	-	-	-	-	2,053	2,550	2,425
7241	Auto Allowance/Mileage	-	-	-	-	-	-	-	-	-	-	-	-
7242	Uniform Allowance	-	-	-	-	-	-	-	-	-	-	-	-
7243	Certificate Pay	-	-	-	-	-	-	-	-	-	-	-	-
7244	Tuition Reimbursement	-	-	-	-	-	-	-	-	-	-	-	-
7246	Benefit Insurance	1,644	1,872	1,922	1,922	-	-	-	-	-	13,704	9,943	9,950
7310	Supplies & Equipment	-	-	-	-	-	-	-	-	-	-	-	-
7311	General Supplies	-	-	-	-	-	-	-	-	-	-	-	-
7312	Office supplies	3,270	4,000	4,409	4,000	-	-	-	-	-	-	-	-
7313	Small Tools & Equipment	-	-	-	-	-	-	-	-	-	-	-	-
7314	Postage	-	-	-	-	-	-	-	-	-	-	-	-
7315	Materials	-	-	-	-	-	-	-	-	-	-	-	-
7316	Special Events	-	-	-	-	-	-	-	-	-	-	-	-
7319	Safety supplies	-	-	-	-	-	-	-	-	-	-	-	-
7321	Printing and Binding	-	-	-	-	-	-	-	-	-	-	-	-
7322	Newsletter	-	-	-	-	-	-	-	-	-	-	-	-
7323	Books/Periodicals	-	-	-	-	-	-	-	-	-	-	-	-
7324	Dues and Subscriptions	-	-	-	-	1,397	1,600	1,410	1,450	-	-	-	-
7327	Street Maint Supplies	-	-	-	-	-	-	-	-	-	-	-	-
7328	Park Services	-	-	-	-	-	-	-	-	-	20,000	15,211	15,000
7329	Park Supplies	-	-	-	-	-	-	-	-	-	1,000	400	400
7331	Rentals/Leases	-	-	-	-	-	-	-	-	-	-	-	-
7332	Telecommunications	1,867	2,050	2,083	2,085	693	750	603	680	-	-	2,840	2,840
7335	Gas & Electric Serv	42,424	45,000	50,171	50,171	-	-	-	-	-	75,000	70,388	50,000
7338	Water Service	1,428	1,600	1,699	1,769	-	-	-	-	-	-	-	-
7339	Equipment Lease	-	-	-	-	-	-	-	-	-	-	-	-
7341	Buildings & Grounds Mtn	13,305	8,224	6,275	5,860	-	-	-	-	-	-	-	-
7342	Machinary/ Equip Maint	-	-	-	-	-	-	-	-	-	-	-	-
7343	Vehicle Maintenance	-	-	-	-	-	-	-	-	-	-	-	-
7344	Vehicle Gas, Oil, and Supplies	-	-	-	-	-	-	-	-	-	-	-	-
7345	Office Equip Maint & Repairs	-	-	-	-	-	-	-	-	-	-	-	-
7346	HVAC Mtn & Repairs	6,774	10,412	10,547	10,412	-	-	-	-	-	-	-	-
7347	Deferred Mtn Projects	-	-	-	-	-	-	-	-	-	-	-	-
7348	Shop Equip & Supplies	-	-	-	-	-	-	-	-	-	-	-	-
7351	Insurance Premiums	-	-	-	-	-	-	-	-	-	-	-	-
7353	Contingency	-	-	-	-	-	-	-	-	-	-	-	-
7361	Advertizing	-	-	-	-	-	-	-	-	-	-	-	-
7362	City Promotional Activity	-	-	-	-	-	-	-	-	-	-	-	-
7363	Business Expense	-	-	-	-	-	-	-	-	-	-	-	-
7364	Employee recognition	-	-	-	-	-	-	-	-	-	-	-	-
7365	Volunteer Appreciation	-	-	-	-	-	-	-	-	-	-	-	-
7371	Travel	-	-	-	-	-	-	-	-	-	-	-	-
7372	Conference	-	-	-	-	-	-	-	-	-	-	-	-
7373	Education and Training	-	-	-	-	-	-	-	-	-	-	-	-
7381	Property Tax Admin Cost	-	-	-	-	-	-	-	-	-	-	-	-

CITY OF CLAYTON GENERAL FUND PROPOSED BUDGET
2009-10

Account Number	Account Name	Library Dept 07: 2007-08 Actual 6/30/2008	Library Dept 07: 2008-09 Adoped Budget	Library Dept 07: 2008-09 Projected 6/30/2009	Library Dept 07: 2009-10 Proposed Budget	Engineering Dept 08: 2007-08 Actual 6/30/2008	Engineering Dept 08: 2008-09 Adoped Budget	Engineering Dept 08: 2008-09 Projected 6/30/2009	Engineering Dept 08: 2009-10 Proposed Budget	Community Park Dept 09: 2007-08 Actual 6/30/2008	Community Park Dept 09: 2008-09 Adoped Budget	Community Park Dept 09: 2008-09 Projected 6/30/2009	Community Park Dept 09: 2009-10 Proposed Budget
7382	Election Services	-	-	-	-	-	-	-	-	-	-	-	-
7384	Legal Notices	-	-	-	-	-	-	-	-	-	-	-	-
7385	Transpac Fees	-	-	-	-	-	-	-	-	-	-	-	-
7386	NPDES Permit Fees	-	-	-	-	-	-	-	-	-	-	-	-
7389	Misc Expenses	-	-	-	-	-	-	-	-	-	-	-	-
7409	Street Sweeping Services	-	-	-	-	-	-	-	-	-	-	-	-
7411	Prof Services Retainer	-	-	-	-	77,724	75,000	75,000	75,000	-	-	-	-
7412	Engineering Inspection	-	-	-	-	270	500	500	400	-	-	-	-
7413	Special Legal Services	-	-	-	-	-	-	-	-	-	-	-	-
7414	Auditing Services	-	-	-	-	-	-	-	-	-	-	-	-
7415	Computer Services	-	-	-	-	-	-	-	-	-	-	-	-
7417	Janitorial Services	31,357	32,250	30,600	30,600	-	-	-	-	-	12,500	12,600	12,700
7418	Eng Plan Check	-	-	-	-	-	-	-	-	-	-	-	-
7419	Other Prof Services	33	-	-	-	-	-	-	-	-	4,311	4,311	4,311
7421	Green Waste Recycling	-	-	-	-	-	-	-	-	-	-	-	-
7423	Business Audit / Library Aide	4,366	7,800	5,131	7,800	-	-	-	-	-	-	-	-
7424	Dispatch Services	-	-	-	-	-	-	-	-	-	-	-	-
7425	Lab Fees	-	-	-	-	-	-	-	-	-	-	-	-
7426	Jail Booking Fees	-	-	-	-	-	-	-	-	-	-	-	-
7427	Cal ID Services	-	-	-	-	-	-	-	-	-	-	-	-
7428	C.N.E.T. Services	-	-	-	-	-	-	-	-	-	-	-	-
7429	Animal Control Services	-	-	-	-	-	-	-	-	-	4,184	17,639	1,700
7430	Well Monitoring Contract	-	-	-	-	21,165	19,228	19,228	19,228	-	-	-	-
7431	Recycling Contract	-	-	-	-	-	-	-	-	-	-	-	-
7432	Emergency Services	-	-	-	-	-	-	-	-	-	-	-	-
7433	Integrated Justice System	-	-	-	-	-	-	-	-	-	-	-	-
7486	CERF Charges/Depreciation	-	-	-	-	-	-	-	-	-	-	-	-
	Sunday Operating Hours	-	-	-	6,000								
	Total	118,172	125,431	127,710	133,677	101,248	97,078	96,741	96,758	-	230,033	218,822	170,889
	Revenues												
	Balance (Shortfall)												
	Encumbrances												
	Ending Balance (Shortfall)												

CITY OF CLAYTON GENERAL FUND PROPOSED BUDGET
2009-10

Account Number	Account Name	2007-08 Actual 6/30/2008	General Fund Total 2008-09 Adoped Budget	2008-09 Projected 6/30/2009	2009-10 Proposed Budget
7111	Salaries/Regular	1,544,982	1,637,935	1,581,559	1,536,783
7112	Temporary Help	26,553	15,710	25,223	17,763
7113	Overtime	127,504	96,000	96,104	97,000
7114	Holiday Pay	37,232	39,644	44,438	-
7115	Council/Commission Comp	24,225	31,200	27,250	30,600
7116	Part-time Salaries	3,333	4,844	3,871	4,348
7218	LTD Insurance	13,769	15,562	15,267	14,248
7220	PERS Retirement	485,105	554,580	535,721	475,416
7221	City Attorney PERS	-	-	-	-
7231	Workers Comp Insurance	48,755	34,235	35,890	27,322
7232	Unemployment Insurance	4,198	4,294	8,785	6,377
7233	FICA and Medicare	27,386	27,264	30,605	26,431
7241	Auto Allowance/Mileage	18,074	19,320	19,319	19,320
7242	Uniform Allowance	6,000	6,000	9,415	9,000
7243	Certificate Pay	-	-	-	-
7244	Tuition Reimbursement	-	-	-	-
7246	Benefit Insurance	238,954	244,484	245,539	259,658
7310	Supplies & Equipment	-	-	-	-
7311	General Supplies	20,907	19,300	13,422	13,500
7312	Office supplies	14,779	16,300	16,314	16,275
7313	Small Tools & Equipment	-	700	-	-
7314	Postage	5,629	7,011	6,811	7,016
7315	Materials	-	-	-	-
7316	Special Events	-	-	-	-
7319	Safety supplies	-	-	-	-
7321	Printing and Binding	-	-	-	-
7322	Newsletter	-	-	-	-
7323	Books/Periodicals	17	150	164	100
7324	Dues and Subscriptions	20,221	20,427	20,045	19,774
7327	Street Maint. Supplies	-	-	-	-
7328	Park Services	16,228	-	300	-
7329	Park Supplies	13,256	20,000	15,258	15,000
7331	Rentals/Leases	11,066	14,363	14,821	14,418
7332	Telecommunications	28,129	24,355	27,987	28,265
7335	Gas & Electric Serv	79,728	45,000	86,375	86,375
7338	Water Service	101,590	99,684	94,087	74,769
7339	Equipment Lease	-	-	-	-
7341	Buildings & Grounds Mtn	25,282	20,108	13,804	13,361
7342	Machinary/ Equip Maint	10,828	16,500	9,909	9,500
7343	Vehicle Maintenance	31,562	25,500	22,233	22,000
7344	Vehicle Gas, Oil, and Supplies	45,965	46,000	40,093	41,000
7345	Office Equip. Maint. & Repairs	4,969	1,725	1,685	2,100
7346	HVAC Mtn & Repairs	27,410	20,356	19,068	19,712
7347	Deferred Mtn Projects	138,329	-	30,221	-
7348	Shop Equip. & Supplies	-	-	-	-
7351	Insurance Premiums	26,187	65,896	38,436	96,418
7353	Contingency	-	-	-	-
7361	Advertizing	-	-	-	-
7362	City Promotional Activity	15,682	13,695	3,736	7,736
7363	Business Expense	1,375	350	200	250
7364	Employee recognition	1,947	2,239	2,516	1,550
7365	Volunteer Appreciation	336	900	354	350
7371	Travel	84	200	(30)	100
7372	Conference	2,866	2,195	1,850	2,400
7373	Education and Training	14,490	5,800	5,715	7,815
7381	Property Tax Admin Cost	15,186	15,186	18,139	21,585

CITY OF CLAYTON GENERAL FUND PROPOSED BUDGET
2009-10

Account Number	Account Name	2007-08 Actual 6/30/2008	General Fund Total 2008-09 Adoped Budget	2008-09 Projected 6/30/2009	2009-10 Proposed Budget
7382	Election Services	-	15,000	13,940	-
7384	Legal Notices	1,591	1,900	1,400	1,600
7385	Transpac Fees	19,567	19,679	20,598	20,753
7386	NPDES Permit Fees	-	-	-	-
7389	Misc. Expenses	132	-	-	-
7409	Street Sweeping Services	37,152	-	-	-
7411	Prof. Services Retainer	173,724	171,000	170,998	171,000
7412	Engineering Inspection	270	500	500	400
7413	Special Legal Services	1,130	-	1,022	-
7414	Auditing Services	14,536	12,530	12,530	12,530
7415	Computer Services	1,647	6,100	6,046	5,500
7417	Janitorial Services	41,178	54,550	52,800	52,900
7418	Eng Plan Check	-	-	-	-
7419	Other Prof. Services	108,109	51,662	79,859	49,205
7421	Green Waste Recycling	271	400	49	-
7423	Business Audit / Library Aide	4,366	7,800	5,131	7,800
7424	Dispatch Services	28,304	53,000	53,000	120,000
7425	Lab Fees	10,376	11,000	15,000	12,000
7426	Jail Booking Fees	29,679	30,000	30,000	30,000
7427	Cal ID Services	9,053	9,264	9,264	9,644
7428	C.N.E.T. Services	5,000	5,000	6,800	6,800
7429	Animal Control Services	50,739	56,177	69,632	59,085
7430	Well Monitoring Contract	21,165	19,228	19,228	19,228
7431	Recycling Contract	-	-	80	100
7432	Emergency Services	2,433	2,000	1,000	1,500
7433	Integrated Justice System	6,656	6,000	6,000	6,000
7486	CERF Charges/Depreciation	98,852	-	-	-
	Sunday Operating Hours	-	-	-	6,000
	Total	3,946,043	3,767,800	3,757,377	3,637,679
	Revenues	4,010,266	3,767,800	3,610,526	3,637,679
	Balance (Shortfall)	64,223		(146,851)	(0)
	Encumbrances			71,579	-
	Ending Balance (Shortfall)			(75,272)	(0)

SPECIAL REVENUE FUNDS

FY 09-10

CITY OF CLAYTON
SPECIAL REVENUE PROPOSED BUDGET

Account Number	Account Name	Gas Tax 201 2007-08 Actual	Gas Tax 201 2008-09 Adopted	Gas Tax 201 2008-09 Projected	Gas Tax 201 2009-10 Proposed	Landscape Maintenance Fund 210 2007-08 Actual	Landscape Maintenance Fund 210 2008-09 Adopted	Landscape Maintenance Fund 210 2008-09 Projected	Landscape Maintenance Fund 210 2009-10 Proposed	Street Light Fund 214 2007-08 Actual	Street Light Fund 214 2008-09 Adopted	Street Light Fund 214 2008-09 Projected	Street Light Fund 214 2009-10 Proposed
	Beginning Fund Balance	221,958			100,658	100,455			293,760	135,240			117,209
7111	Salaries/Regular	17,821	26,486	23,422	35,506	141,523	202,256	153,634	154,000	-	-	-	-
7112	Temporary Help	4,286	5,037	6,120	-	76,850	75,115	92,930	93,000	-	-	-	-
7113	Overtime	-	-	-	-	-	-	-	-	9,768	9,600	10,000	10,000
7114	Holiday Pay	-	-	-	-	-	-	-	-	-	-	-	-
7218	LTD Insurance	212	254	234	337	1,585	1,921	1,602	1,602	-	-	-	-
7220	PERS Retirement	4,101	6,073	5,418	7,538	31,553	46,378	34,978	35,000	-	-	-	-
7231	Workers Comp Insurance	1,013	707	740	592	6,625	5,305	5,736	5,800	-	-	-	-
7232	Unemployment Insurance	205	196	326	259	1,610	840	1,843	1,900	-	-	-	-
7233	FICA and Medicare	995	769	1,237	515	6,085	8,679	8,459	8,500	-	-	-	-
7242	Uniform Allowance	-	-	-	-	-	-	-	-	-	-	-	-
7246	Benefit Insurance	3,623	4,016	4,125	4,236	28,656	58,652	28,324	28,500	-	-	-	-
7310	Supplies & Equipment	-	-	-	-	-	-	-	-	-	-	-	-
7311	General Supplies	3,240	3,000	3,000	3,000	47,606	38,718	38,718	38,718	4,327	6,700	6,700	6,700
7314	Postage	-	-	-	-	-	-	-	-	-	-	-	-
7316	Landscape Replacement / Traffic Safety	-	1,000	1,000	1,000	3,455	20,000	6,596	20,000	-	-	-	-
7321	Printing and Binding	-	-	-	-	-	-	-	-	-	-	-	-
7327	Street Maint. Supplies	36,456	9,700	9,700	9,700	-	-	-	-	-	-	-	-
7331	Rentals/Leases	-	-	-	-	-	-	-	-	-	-	-	-
7332	Telecommunications	-	-	-	-	-	-	-	-	-	-	-	-
7335	Gas & Electric Serv	44,337	43,472	43,472	43,472	24,537	26,240	26,240	26,500	109,565	102,000	102,000	106,000
7338	Water Service	-	-	-	-	169,146	185,000	165,000	120,259	-	-	-	-
7341	Buildings & Grounds Mtn	-	-	-	-	-	-	-	-	-	-	-	-
7342	Machinery/ Equip Maint	-	-	-	-	7,594	8,758	11,443	8,758	-	-	-	-
7343	Vehicle Maintenance	-	-	-	-	1,218	8,334	3,000	8,334	-	-	-	-
7344	Vehicle Gas, Oil, and Supplies	-	-	-	-	9,514	8,494	6,000	8,494	-	-	-	-
7345	Traffic Signal Maintenance	34,497	24,000	24,000	26,000	-	-	-	-	-	-	-	-
7346	HVAC Mtn & Repairs	-	-	-	-	-	-	-	-	-	-	-	-
7347	Depreciation / Deferred Mtn Projects	-	-	-	-	-	-	-	-	-	-	-	-
7351	Insurance Premiums	-	-	-	-	-	-	-	-	-	-	-	-
7352	Insurance Claim Expense	-	-	-	-	-	-	-	-	-	-	-	-
7381	Property Tax Admin Cost	262	-	310	369	3,701	3,152	3,349	3,985	3,792	3,900	3,900	4,641
7384	Legal Notices	-	-	-	-	-	-	-	-	1,994	4,500	2,905	2,905
7389	Misc. Expenses	-	-	-	-	38,465	-	-	-	-	-	-	-
7409	Street Sweeping Services	-	-	-	-	-	-	-	-	-	-	-	-
7411	Prof. Services Retainer	183	200	173	200	-	-	-	-	-	-	-	-
7412	Engineering Inspection	15,840	18,400	18,400	18,400	-	-	-	-	1,458	1,000	1,000	1,000
7413	Special Legal Services	-	-	-	-	-	-	-	-	-	-	-	-
7417	Janitorial Services	-	-	-	-	-	-	-	-	-	-	-	-
7419	Other Prof Services	73,887	-	-	-	124,766	133,852	132,465	133,761	-	-	-	-
7420	Other Outside Services	-	-	-	-	-	-	-	-	-	-	-	-
7423	Business Audit / Library Aide/Congest Mgmt	509	1,500	1,390	1,400	-	-	-	-	-	-	-	-
7481	Permit Fees	-	-	-	-	-	-	-	-	-	-	-	-
7485	Capital Equipment	-	-	-	-	38,714	-	-	-	-	-	-	-
7486	CERF Charges/Depreciation	-	-	-	-	12,936	12,936	12,936	12,936	-	-	-	-
7520	Project/Program/Other costs	21,027	-	-	-	-	-	-	-	-	-	-	-
7615	Property Taxes	-	-	-	-	3,048	3,048	3,048	3,048	-	-	-	-
8101	Transfer to General Fund	6,687	6,687	6,687	6,687	26,970	26,970	26,970	26,970	10,000	10,000	10,000	10,000
8111	Transfer to CIP Fund	101,727	209,673	123,750	215,500	-	-	-	-	-	-	-	-
	Asset Replacement		-										
	Reserve Fund		-										
	Total Expenses	370,916	361,171	273,503	374,710	807,157	874,850	761,271	738,065	140,904	137,700	136,505	141,246
	Revenues	232,653	327,797	290,466	274,052	869,934	881,650	891,798	897,396	130,918	130,459	128,460	127,959
	Annual Balance (Shortfall)	(138,263)	(33,374)	16,963	(100,658)	62,777	7,000	130,527	159,331	(9,987)	(7,241)	(8,045)	(13,287)
	Ending Fund Balance	83,695	50,321	100,658	0	163,233	170,233	293,760	453,091	125,254	118,013	117,209	103,922

CITY OF CLAYTON
SPECIAL REVENUE PROPOSED BUDGET

Account Number	Account Name	Stormwater Fund 216 2007-08 Actual	Stormwater Fund 216 2008-09 Adopted	Stormwater Fund 216 2008-09 Projected	Stormwater Fund 216 2009-10 Proposed	Measure J Fund 220 2007-08 Actual	Measure J Fund 220 2008-09 Adopted	Measure J Fund 220 2008-09 Projected	Measure J Fund 220 2009-10 Proposed	Oakhurst GHAD Fund 212 2007-08 Actual	Oakhurst GHAD Fund 212 2008-09 Adopted	Oakhurst GHAD Fund 212 2008-09 Projected	Oakhurst GHAD Fund 212 2009-10 Proposed
	Beginning Fund Balance	140,410			99,080	51,734			7,841	8,309			8,842
7111	Salaries/Regular	20,550	36,402	16,559	35,506	-	-	-	-	-	-	-	-
7112	Temporary Help	11,647	9,260	13,267	14,000	-	-	-	-	-	-	-	-
7113	Overtime	-	-	-	-	-	-	-	-	-	-	-	-
7114	Holiday Pay	-	-	-	-	-	-	-	-	-	-	-	-
7218	LTD Insurance	233	346	163	337	-	-	-	-	-	-	-	-
7220	PERS Retirement	4,618	8,347	4,562	7,538	-	-	-	-	-	-	-	-
7231	Workers Comp Insurance	847	1,065	1,124	825	-	-	-	-	-	-	-	-
7232	Unemployment Insurance	177	220	220	518	-	-	-	-	-	-	-	-
7233	FICA and Medicare	1,358	1,236	1,018	1,588	-	-	-	-	-	-	-	-
7242	Uniform Allowance	-	-	-	-	-	-	-	-	-	-	-	-
7246	Benefit Insurance	3,800	5,519	3,321	7,357	-	-	-	-	-	-	-	-
7310	Supplies & Equipment	-	-	-	-	-	-	-	-	-	-	-	-
7311	General Supplies	-	-	107	-	-	-	-	-	-	-	19	-
7314	Postage	-	-	-	-	-	-	-	-	600	700	700	700
7316	Landscape Replacement / Traffic Safety	-	-	-	-	-	-	-	-	-	-	-	-
7321	Printing and Binding	-	-	-	-	-	-	-	-	67	-	-	-
7327	Street Maint. Supplies	-	-	-	-	-	-	-	-	-	-	-	-
7331	Rentals/Leases	-	-	-	-	-	-	-	-	-	-	-	-
7332	Telecommunications	-	-	-	-	-	-	-	-	-	-	-	-
7335	Gas & Electric Serv	-	-	-	-	-	-	-	-	-	-	-	-
7338	Water Service	-	-	-	-	-	-	-	-	-	-	-	-
7341	Buildings & Grounds Mtn	-	-	-	-	-	-	-	-	-	-	-	-
7342	Machinary/ Equip Maint	-	-	-	-	-	-	-	-	-	-	-	-
7343	Vehicle Maintenance	-	-	-	-	-	-	-	-	-	-	-	-
7344	Vehicle Gas, Oil, and Supplies	-	-	-	-	-	-	-	-	-	-	-	-
7345	Traffic Signal Maintenance	-	-	-	-	-	-	-	-	-	-	-	-
7346	HVAC Mtn & Repairs	-	-	-	-	-	-	-	-	-	-	-	-
7347	Depreciation / Deferred Mtn Projects	-	-	-	-	-	-	-	-	-	-	-	-
7351	Insurance Premiums	-	-	-	-	-	-	-	-	-	-	-	-
7352	Insurance Claim Expense	-	-	-	-	-	-	-	-	-	-	-	-
7381	Property Tax Admin Cost	-	-	-	-	-	-	-	-	898	-	851	1,130
7384	Legal Notices	-	-	-	-	-	-	-	-	316	-	-	-
7389	Misc. Expenses	-	-	-	-	-	-	-	-	-	-	-	-
7409	Street Sweeping Services	-	42,000	42,000	44,100	-	-	-	-	-	-	-	-
7411	Prof. Services Retainer	-	-	-	-	-	-	-	-	-	-	-	-
7412	Engineering Inspection	1,311	1,500	6,463	7,000	-	-	-	-	11,468	-	5,000	5,000
7413	Special Legal Services	-	-	-	-	-	-	-	-	7,553	5,000	7,000	7,000
7417	Janitorial Services	-	-	-	-	-	-	-	-	-	-	-	-
7419	Other Prof. Services	12,660	12,882	5,795	8,900	-	2,627	3,450	-	-	-	-	-
7420	Other Outside Services	-	-	-	1,550	-	-	-	-	-	5,000	-	-
7423	Business Audit / Library Aide/Congest Mgmt	-	-	-	-	-	-	-	-	-	-	-	-
7481	Permit Fees	4,444	4,888	5,400	6,000	-	-	-	-	-	-	-	-
7485	Capital Equipment	-	-	-	-	-	-	-	-	-	-	-	-
7486	CERF Charges/Depreciation	-	-	-	-	-	-	-	-	-	-	-	-
7520	Project/Program/Other costs	1,008	1,400	1,028	1,550	8,455	-	-	-	104,856	-	6,304	4,000
7615	Property Taxes	-	-	-	-	-	-	-	-	-	-	-	-
8101	Transfer to General Fund	42,673	31,605	31,605	31,605	-	4,000	4,000	4,000	6,000	-	6,000	18,677
8111	Transfer to CIP Fund	-	-	-	-	-	237,578	237,578	194,000	-	-	-	-
	Asset Replacement												
	Reserve Fund												
	Total Expenses	105,326	156,770	132,631	168,372	8,455	244,205	245,028	198,000	131,778	31,290	25,874	36,507
	Revenues	86,074	108,542	110,553	114,538	207,291	206,580	2,300	191,000	125,892	31,326	32,294	32,232
	Annual Balance (Shortfall)	(19,252)	(48,228)	(22,078)	(53,834)	198,836	(37,625)	(242,728)	(7,000)	(5,886)	36	6,420	(4,275)
	Ending Fund Balance	121,158	72,930	99,080	45,247	250,569	212,944	7,841	841	2,423	2,459	8,842	4,567

CITY OF CLAYTON
SPECIAL REVENUE PROPOSED BUDGET

Account Number	Account Name	Restricted Grants 230 2007-08 Actual	Restricted Grants 230 2008-09 Adopted	Restricted Grants 230 2008-09 Projected	Restricted Grants 230 2009-10 Proposed	Self Insurance Fund 501 2007-08 Actual	Self Insurance Fund 501 2008-09 Adopted	Self Insurance Fund 501 2008-09 Projected	Self Insurance Fund 501 2009-10 Proposed	Capital Equipment Replacment Fund 502 2007-08 Actual	Capital Equipment Replacment Fund 502 2008-09 Adopted	Capital Equipment Replacment Fund 502 2008-09 Projected	Capital Equipment Replacment Fund 502 2009-10 Proposed
	Beginning Fund Balance	65,674			129,306	178,499			142,817	297,463			190,810
7111	Salaries/Regular	21,894	56,634	30,886	56,733	-	-	-	-	-	-	-	-
7112	Temporary Help	16,787	20,800	16,719	20,800	-	-	-	-	-	-	-	-
7113	Overtime	296	500	354	500	-	-	-	-	-	-	-	-
7114	Holiday Pay	646	3,782	945	-	-	-	-	-	-	-	-	-
7218	LTD Insurance	176	538	314	539	-	-	-	-	-	-	-	-
7220	PERS Retirement	7,545	26,327	14,069	25,970	-	-	-	-	-	-	-	-
7231	Workers Comp Insurance	2,165	1,481	1,797	1,292	-	-	-	-	-	-	-	-
7232	Unemployment Insurance	548	504	806	777	-	-	-	-	-	-	-	-
7233	FICA and Medicare	1,601	2,413	1,772	2,414	-	-	-	-	-	-	-	-
7242	Uniform Allowance	254	600	1,104	900	-	-	-	-	-	-	-	-
7246	Benefit Insurance	1,366	8,472	3,182	17,436	-	-	-	-	-	-	-	-
7310	Supplies & Equipment	-	-	-	-	-	-	-	-	-	-	-	-
7311	General Supplies	11,549	-	3,007	-	34	-	127	-	358	-	-	-
7314	Postage	-	-	-	-	-	-	-	-	-	-	-	-
7316	Landscape Replacement / Traffic Safety	-	-	-	-	-	-	-	-	-	-	-	-
7321	Printing and Binding	-	-	-	-	-	-	-	-	-	-	-	-
7327	Street Maint Supplies	-	-	-	-	-	-	-	-	-	-	-	-
7331	Rentals/Leases	-	-	-	-	-	-	-	-	-	-	-	-
7332	Telecommunications	-	-	-	-	-	-	-	-	-	-	-	-
7335	Gas & Electric Serv	-	-	-	-	-	-	-	-	-	-	-	-
7338	Water Service	-	-	-	-	-	-	-	-	-	-	-	-
7341	Buildings & Grounds Mtn	-	-	-	-	-	-	-	-	-	-	-	-
7342	Machinary/ Equip Maint.	-	-	-	-	-	-	-	-	-	-	-	-
7343	Vehicle Maintenance	-	-	-	-	-	-	-	-	-	-	-	-
7344	Vehicle Gas, Oil, and Supplies	-	-	-	-	-	-	-	-	-	-	-	-
7345	Traffic Signal Maintenance	-	-	-	-	-	-	-	-	-	-	-	-
7346	HVAC Mtn & Repairs	-	-	-	-	-	-	-	-	-	-	-	-
7347	Depreciation / Deferred Mtn Projects	-	-	-	-	-	-	-	-	84,636	-	-	-
7351	Insurance Premiums	-	-	-	-	1,223	1,307	1,273	1,220	-	-	-	-
7352	Insurance Claim Expense	-	-	-	-	6,153	5,000	5,000	5,000	-	-	-	-
7381	Property Tax Admin Cost	-	-	-	-	-	-	-	-	-	-	-	-
7384	Legal Notices	154	76	76	76	-	-	-	-	-	-	-	-
7389	Misc. Expenses	-	-	-	-	-	-	-	-	-	-	-	-
7409	Street Sweeping Services	-	-	-	-	-	-	-	-	-	-	-	-
7411	Prof. Services Retainer	-	-	-	-	-	-	-	-	-	-	-	-
7412	Engineering Inspection	-	-	-	-	-	-	-	-	-	-	-	-
7413	Special Legal Services	-	-	-	-	560	-	32,457	35,000	-	-	-	-
7417	Janitorial Services	-	-	-	-	-	-	-	-	-	-	-	-
7419	Other Prof. Services	-	-	-	-	-	-	-	-	-	-	-	-
7420	Other Outside Services	-	-	-	-	-	-	-	-	-	-	-	-
7423	Business Audit / Library Aide/Congest Mgmt	-	-	-	-	-	-	-	-	-	-	-	-
7481	Permit Fees	-	-	-	-	-	-	-	-	-	-	-	-
7485	Capital Equipment	17,714	-	27,290	13,173	-	-	-	-	7,805	35,000	36,787	-
7486	CERF Charges/Depreciation	-	-	-	-	-	-	-	-	-	-	-	-
7520	Project/Program/Other costs	69	-	13,751	-	-	-	-	-	-	-	-	-
7615	Property Taxes	-	-	-	-	-	-	-	-	-	-	-	-
8101	Transfer to General Fund	-	-	-	-	-	-	-	-	-	-	-	-
8111	Transfer to CIP Fund	-	-	-	-	-	-	-	-	-	-	-	-
	Asset Replacement												
	Reserve Fund												
	Total Expenses	82,764	122,127	116,071	140,610	7,970	6,307	38,857	41,220	92,799	35,000	36,787	-
	Revenues	131,499	128,570	130,969	126,000	6,846	5,000	4,300	3,000	-	17,936	22,933	18,636
	Annual Balance (Shortfall)	48,734	6,443	14,898	(14,610)	(1,124)	(1,307)	(34,557)	(38,220)	(92,799)	(17,064)	(13,854)	18,636
	Ending Fund Balance	114,408	120,851	129,306	114,696	177,374	176,067	142,817	104,597	204,664	187,600	190,810	209,446

CITY OF CLAYTON
SPECIAL REVENUE PROPOSED BUDGET

Account Number	Account Name	Community Gym Fund 701 2007-08 Actual	Community Gym Fund 701 2008-09 Adopted	Community Gym Fund 701 2008-09 Projected	Community Gym Fund 701 2009-10 Proposed	Endeavor Hall 702 2007-08 Actual	Endeavor Hall 702 2008-09 Adopted	Endeavor Hall 702 2008-09 Projected	Endeavor Hall 702 2009-10 Proposed	Grove Park 211 2007-08 Actual	Grove Park 211 2008-09 Adopted	Grove Park 211 2008-09 Projected	Grove Park 211 2009-10 Proposed
	Beginning Fund Balance	(1,120)			(2,680)	8,103			6,947	(935)			118,976
7111	Salaries/Regular	-	-	-	-	4,022	3,459	6,240	5,583	554	14,909	10,440	14,909
7112	Temporary Help	-	-	-	-	133	1,054	703	703	212	13,140	8,043	13,140
7113	Overtime	-	-	-	-	18	-	-	-	-	-	-	-
7114	Holiday Pay	-	-	-	-	-	-	-	-	-	-	-	-
7218	LTD Insurance	-	-	-	-	30	33	46	46	9	142	89	142
7220	PERS Retirement	-	-	-	-	641	793	981	981	322	3,419	1,829	3,419
7231	Workers Comp Insurance	-	-	-	-	135	89	90	90	-	536	536	536
7232	Unemployment Insurance	-	-	-	-	57	21	52	52	-	336	400	336
7233	FICA and Medicare	-	-	-	-	163	131	203	203	395	1,221	605	1,221
7242	Uniform Allowance	-	-	-	-	-	-	-	-	-	-	-	-
7246	Benefit Insurance	-	-	-	-	568	524	820	820	22	4,267	1,446	4,267
7310	Supplies & Equipment	1,937	2,630	2,630	2,630	-	-	-	-	1,032	6,800	6,800	-
7311	General Supplies	-	-	-	-	547	400	400	400	-	-	96	4,900
7314	Postage	-	-	-	-	-	-	-	-	-	-	-	-
7316	Landscape Replacement / Traffic Safety	-	-	-	-	-	-	-	-	-	-	-	-
7321	Printing and Binding	-	-	-	-	-	-	-	-	-	-	-	-
7327	Street Maint. Supplies	-	-	-	-	-	-	-	-	-	-	-	-
7331	Rentals/Leases	-	-	-	-	-	-	-	-	-	700	68	500
7332	Telecommunications	-	-	-	-	713	714	700	700	-	-	-	-
7335	Gas & Electric Serv	14,838	20,151	20,151	20,151	2,661	3,000	2,446	2,700	219	500	1,200	1,200
7338	Water Service	-	-	-	-	2,816	2,730	2,730	2,420	490	12,000	8,000	12,000
7341	Buildings & Grounds Mtn	-	-	-	-	3,485	2,802	2,898	3,086	-	-	-	-
7342	Machinery/ Equip Maint	-	-	-	-	-	-	-	-	-	250	-	250
7343	Vehicle Maintenance	-	-	-	-	-	-	-	-	-	1,000	-	1,000
7344	Vehicle Gas, Oil, and Supplies	-	-	-	-	-	-	-	-	-	1,500	1,500	1,500
7345	Traffic Signal Maintenance	-	-	-	-	-	-	-	-	-	-	-	-
7346	HVAC Mtn & Repairs	-	-	-	-	2,040	1,828	1,600	1,600	-	-	-	-
7347	Depreciation / Deferred Mtn Projects	-	-	-	-	26,598	-	-	-	-	-	-	-
7351	Insurance Premiums	-	-	-	-	-	-	-	-	-	-	-	-
7352	Insurance Claim Expense	-	-	-	-	-	-	-	-	-	-	-	-
7381	Property Tax Admin Cost	-	-	-	-	-	-	-	-	167	3,345	3,352	3,989
7384	Legal Notices	-	-	-	-	-	-	-	-	-	-	-	-
7389	Misc Expenses	-	-	-	-	-	-	-	-	-	-	-	-
7409	Street Sweeping Services	-	-	-	-	-	-	-	-	-	-	-	-
7411	Prof. Services Retainer	-	-	-	-	-	-	455	-	-	-	-	-
7412	Engineering Inspection	-	-	-	-	-	-	-	-	-	-	-	-
7413	Special Legal Services	-	-	-	-	-	-	-	-	-	-	-	-
7417	Janitorial Services	30,014	25,412	25,412	25,412	1,498	1,539	1,100	1,500	-	-	-	12,600
7419	Other Prof Services	-	-	-	-	-	-	-	-	-	16,600	12,600	4,600
7420	Other Outside Services	-	-	-	-	-	-	-	-	12,925	4,555	4,555	4,692
7423	Business Audit / Library Aide/Congest Mgmt	-	-	-	-	-	-	-	-	-	-	-	-
7481	Permit Fees	-	-	-	-	-	-	-	-	-	-	-	-
7485	Capital Equipment	-	-	-	-	-	-	-	-	-	-	-	-
7486	CERF Charges/Depreciation	-	-	-	-	-	-	-	-	-	2,700	2,700	2,700
7520	Project/Program/Other costs	-	-	-	-	-	-	5,024	-	-	-	-	-
7615	Property Taxes	-	-	-	-	-	-	-	-	394	394	405	405
8101	Transfer to General Fund	-	-	-	-	-	-	-	-	-	-	-	-
8111	Transfer to CIP Fund	-	-	-	-	-	-	-	-	-	-	-	-
	Asset Replacement										18,000	18,000	18,000
	Reserve Fund										5,000	5,000	5,000
	Total Expenses	46,789	48,193	48,193	48,193	46,124	19,117	26,488	20,884	16,739	111,314	87,664	111,306
	Revenues	46,150	47,893	47,271	47,393	47,257	14,000	24,198	16,700	106,862	105,517	117,452	117,302
	Annual Balance (Shortfall)	(639)	(300)	(922)	(800)	1,133	(5,117)	(2,290)	(4,184)	90,123	(5,797)	29,788	5,996
	Ending Fund Balance	(1,758)	(2,058)	(2,680)	(3,480)	9,236	4,119	6,947	2,763	89,188	83,391	118,976	124,972

CITY OF CLAYTON
SPECIAL REVENUE PROPOSED BUDGET

Account Number	Account Name	2007-08 Actual	Special Revenue Fund Recap 2008-09 Adopted	2008-09 Projected	2009-10 Proposed
	Beginning Fund Balance				
7111	Salaries/Regular	206,363	340,148	241,182	302,236
7112	Temporary Help	109,916	124,406	137,781	141,643
7113	Overtime	10,083	10,100	10,354	10,500
7114	Holiday Pay	646	3,782	945	-
7218	LTD Insurance	2,244	3,234	2,448	3,004
7220	PERS Retirement	48,779	91,337	61,836	80,446
7231	Workers Comp Insurance	10,784	9,183	10,023	9,135
7232	Unemployment Insurance	2,597	2,117	3,647	3,842
7233	FICA and Medicare	12,597	14,449	13,294	14,439
7242	Uniform Allowance	254	600	1,104	900
7246	Benefit Insurance	39,034	81,450	39,218	80,816
7310	Supplies & Equipment	2,969	9,430	9,430	2,830
7311	General Supplies	67,661	48,818	52,174	53,718
7314	Postage	600	700	700	700
7316	Landscape Replacement / Traffic Safety	3,455	21,000	7,596	21,000
7321	Printing and Binding	67	-	-	-
7327	Street Maint. Supplies	36,466	9,700	9,700	9,700
7331	Rentals/Leases	-	700	68	500
7332	Telecommunications	713	714	700	700
7335	Gas & Electric Serv.	196,156	195,363	195,509	200,023
7338	Water Service	172,452	199,730	175,730	134,679
7341	Buildings & Grounds Mtn	3,485	2,802	2,898	3,086
7342	Machinary/ Equip Maint.	7,594	8,008	11,443	9,008
7343	Vehicle Maintenance	1,218	9,334	3,000	9,334
7344	Vehicle Gas, Oil, and Supplies	9,514	9,994	7,500	9,894
7345	Traffic Signal Maintenance	34,497	24,000	24,000	26,000
7346	HVAC Mtn & Repairs	2,040	1,828	1,600	1,600
7347	Depreciation / Deferred Mtn Projects	111,234	-	-	-
7351	Insurance Premiums	1,223	1,307	1,273	1,220
7352	Insurance Claim Expense	6,153	5,000	5,000	5,000
7381	Property Tax Admin Cost	8,821	10,397	11,762	14,114
7384	Legal Notices	2,464	4,576	2,981	2,981
7389	Misc. Expenses	38,465	-	-	-
7409	Street Sweeping Services	-	42,000	42,000	44,100
7411	Prof. Services Retainer	183	200	628	200
7412	Engineering Inspection	30,097	20,900	30,883	31,400
7413	Special Legal Services	8,113	5,000	39,457	42,000
7417	Janitorial Services	31,512	26,851	26,512	39,512
7419	Other Prof. Services	211,313	165,961	154,310	147,261
7420	Other Outside Services	12,925	9,555	4,555	6,242
7423	Business Audit / Library Aide/Congest Mgmt	509	1,500	1,390	1,400
7481	Permit Fees	4,444	4,888	5,400	6,000
7485	Capital Equipment	82,234	35,000	84,077	13,173
7486	CERF Charges/Depreciation	12,936	15,636	15,636	15,636
7520	Project/Program/Other costs	135,414	1,400	26,107	5,550
7615	Property Taxes	3,441	3,442	3,453	3,453
8101	Transfer to General Fund	92,330	79,262	85,262	97,938
8111	Transfer to CIP Fund	101,727	447,251	361,328	409,500
	Asset Replacement	-	18,000	18,000	18,000
	Reserve Fund	-	5,000	5,000	5,000
	Total Expenses	1,857,721	2,147,845	1,928,873	2,019,114
	Revenues	1,991,376	2,005,270	1,802,994	1,966,208
	Annual Balance (Shortfall)	133,655	(142,575)	(125,878)	(52,906)
	Ending Fund Balance				

FIDUCIARY AGENCY FUNDS

FY 09-10

CITY OF CLAYTON FIDUCIARY AGENCY FUND PROPOSED
BUDGET

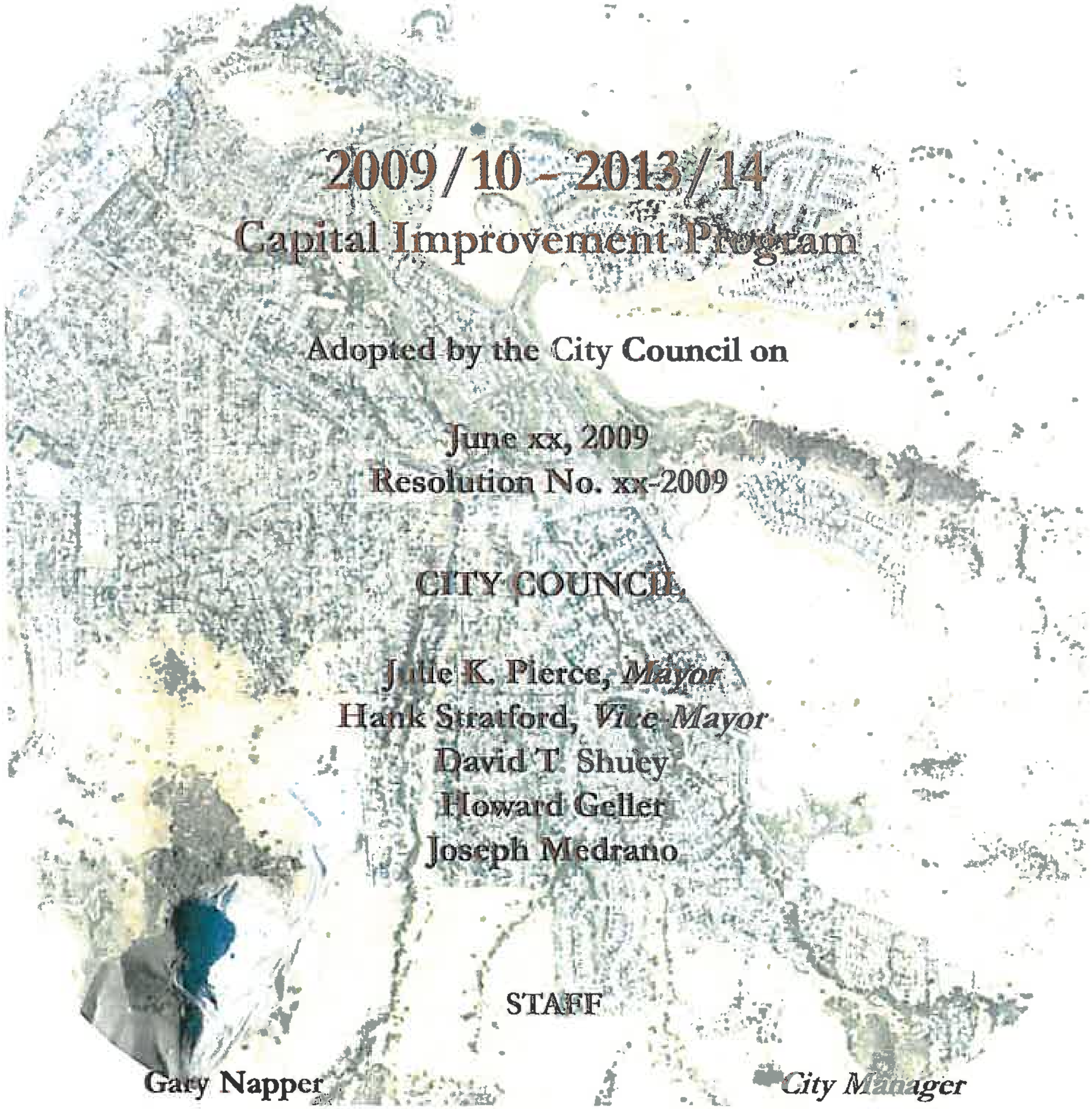
Account Number	Account Name	High Street Bridge 217 2007-08 Actual	High Street Bridge 217 2008-09 Projected	High Street Bridge 217 2009-10 Proposed	Oak Street Bridge Fund 218 2007-08 Actual	Oak Street Bridge Fund 218 2008-09 Projected	Oak Street Bridge Fund 218 2009-10 Proposed	Lydia Lane Sewer Fund 222 2007-08 Actual	Lydia Lane Sewer Fund 222 2008-09 Projected	Lydia Lane Sewer Fund 222 2009-10 Proposed
	Beginning Fund Balance	(19,295)		(20,238)	(78,439)		(85,999)	81,069		84,189
7381	Property Tax Admin Cost	242	254	299	270	257	303	264	262	267
7382	Election Services	-	-	-	-	-	-	-	-	-
7384	Legal Notices	-	-	-	-	-	-	-	-	-
7385	Transpac Fees	-	-	-	-	-	-	-	-	-
7386	NPDES Permit Fees	-	-	-	-	-	-	-	-	-
7389	Misc. Expenses	-	-	-	-	-	-	-	-	-
7419	Other Prof. Services	-	-	-	-	-	-	-	-	-
7420	Other Outside Services	-	-	-	736	399	399	2,400	2,400	2,400
7422	HHW Program Expense	-	-	-	-	-	-	-	-	-
7423	Business Audit/Library Aide/Congest Mgmt	-	-	-	-	-	-	-	-	-
7424	Dispatch Services	-	-	-	-	-	-	-	-	-
7425	Lab Fees	-	-	-	-	-	-	-	-	-
7426	Jail Booking Fees	-	-	-	-	-	-	-	-	-
7427	Cal ID Services	-	-	-	-	-	-	-	-	-
7428	C.N.E.T. Services	-	-	-	-	-	-	-	-	-
7429	Animal Control Services	-	-	-	-	-	-	-	-	-
7430	Well Monitoring Contract	-	-	-	-	-	-	-	-	-
7431	Recycling Contract	-	-	-	-	-	-	-	-	-
7432	Emergency Services	-	-	-	-	-	-	-	-	-
7433	Integrated Justice System	-	-	-	-	-	-	-	-	-
7481	Permit Fees	-	-	-	-	-	-	-	-	-
7485	Capital Equipment	-	-	-	-	-	-	-	-	-
7486	CERF Charges/Depreciation	-	-	-	-	-	-	-	-	-
7520	Project/Program/Other costs	-	-	-	-	2,735	14,065	-	-	-
7611	Principal	1,680	1,685	1,680	3,396	3,991	3,991	5,000	5,000	5,000
7612	Interest Payment	-	-	-	-	-	-	12,650	12,350	12,050
7613	Paying Agent Fees	-	-	-	-	-	-	500	500	500
7615	Property Taxes	2,131	2,131	2,131	-	-	-	-	-	-
7998	County Pass Throughs	-	-	-	-	-	-	-	-	-
7999	State Take Aways	-	-	-	-	-	-	-	-	-
8101	Transfer to General Fund	-	-	-	-	-	-	-	-	-
8103	Transfer to Streetlights	-	-	-	-	-	-	-	-	-
8104	Transfer to Measure C	-	-	-	-	-	-	-	-	-
8106	Transfer to RDA Debt	-	-	-	-	-	-	-	-	-
8111	Transfer to CIP Fund	-	-	-	-	-	-	-	-	-
8112	Transfer to Endeavor Hall	-	-	-	-	-	-	-	-	-
8114	Transfer to Dev Impact Fund	-	-	-	-	-	-	-	-	-
	Sunday Operating Hours	-	-	-	-	-	-	-	-	-
	Total Expenses	4,053	4,070	4,110	4,403	7,382	18,758	20,813	20,512	20,217
	Revenues	3,486	3,694	3,870	2,297	1,928	2,190	22,846	21,600	20,800
	Annual Balance (Shortfall)	(566)	(376)	(240)	(2,106)	(5,454)	(16,568)	2,033	1,088	583
	Beg Reserved Fund Balance	(19,295)	(19,862)	(20,238)	(78,439)	(80,545)	(85,999)	81,069	83,102	84,189
	Ending Reserved Fund Balance	(19,862)	(20,238)	(20,478)	(80,545)	(85,999)	(102,567)	83,102	84,189	84,773

CITY OF CLAYTON FIDUCIARY AGENCY FUND PROPOSED
BUDGET

Account Number	Account Name	Oak Street Sewer 223 2007-08 Actual	Oak Street Sewer 223 2008-09 Projected	Oak Street Sewer 223 2009-10 Proposed	Middle School CFD 1990-1 Fund 420 2007-08 Actual	Middle School CFD 1990-1 Fund 420 2008-09 Projected	Middle School CFD 1990-1 Fund 420 2009-10 Proposed	Clayton Station CFD 1990-2 Fund 421 2007-08 Actual	Clayton Station CFD 1990-2 Fund 421 2008-09 Projected	Clayton Station CFD 1990-2 Fund 421 2009-10 Proposed
	Beginning Fund Balance	(11,893)		(13,138)	359,306		1,274,460	146,643		157,383
7381	Property Tax Admin Cost	259	258	305	1,402	1,282	1,513	253	253	299
7382	Election Services	-	-	-	-	-	-	-	-	-
7384	Legal Notices	-	-	-	-	-	-	-	-	-
7385	Transpac Fees	-	-	-	-	-	-	-	-	-
7386	NPDES Permit Fees	-	-	-	-	-	-	-	-	-
7389	Misc Expenses	-	-	-	9	-	-	-	-	-
7419	Other Prof. Services	-	-	-	14,405	12,135	13,348	4,347	4,500	4,725
7420	Other Outside Services	1,646	1,650	1,650	11,013	8,658	8,700	7,700	7,748	7,800
7422	HHW Program Expense	-	-	-	-	-	-	-	-	-
7423	Business Audit/Library Aide/Congest Mgmt	-	-	-	-	-	-	-	-	-
7424	Dispatch Services	-	-	-	-	-	-	-	-	-
7425	Lab Fees	-	-	-	-	-	-	-	-	-
7426	Jail Booking Fees	-	-	-	-	-	-	-	-	-
7427	Cal ID Services	-	-	-	-	-	-	-	-	-
7428	C.N.E.T. Services	-	-	-	-	-	-	-	-	-
7429	Animal Control Services	-	-	-	-	-	-	-	-	-
7430	Well Monitoring Contract	-	-	-	-	-	-	-	-	-
7431	Recycling Contract	-	-	-	-	-	-	-	-	-
7432	Emergency Services	-	-	-	-	-	-	-	-	-
7433	Integrated Justice System	-	-	-	-	-	-	-	-	-
7481	Permit Fees	-	-	-	-	-	-	-	-	-
7485	Capital Equipment	-	-	-	-	-	-	-	-	-
7486	CERF Charges/Depreciation	-	-	-	-	-	-	-	-	-
7520	Project/Program/Other costs	-	-	-	-	-	-	-	-	-
7611	Principal	-	-	11,560	-	203,000	214,000	73,000	77,000	81,000
7612	Interest Payment	-	-	-	299,673	310,616	297,057	48,410	43,985	39,324
7613	Paying Agent Fees	-	-	-	578	2,778	2,778	-	-	-
7615	Property Taxes	-	-	-	603	603	603	-	-	-
7998	County Pass Throughs	-	-	-	-	-	-	-	-	-
7999	State Take Aways	-	-	-	-	-	-	-	-	-
8101	Transfer to General Fund	-	-	-	-	-	-	-	-	-
8103	Transfer to Streetlights	-	-	-	-	-	-	-	-	-
8104	Transfer to Measure C	-	-	-	-	-	-	-	-	-
8106	Transfer to RDA Debt	-	-	-	-	-	-	-	-	-
8111	Transfer to CIP Fund	-	-	-	-	-	-	-	-	-
8112	Transfer to Endeavor Hall	-	-	-	-	-	-	-	-	-
8114	Transfer to Dev Impact Fund	-	-	-	-	-	-	-	-	-
	Sunday Operating Hours									
	Total Expenses	1,905	1,908	13,515	327,682	539,072	537,999	133,710	133,486	133,147
	Revenues	1,319	1,250	12,870	1,969,004	(187,096)	695,839	140,354	137,582	136,682
	Annual Balance (Shortfall)	(587)	(658)	(645)	1,641,322	(726,168)	157,840	6,644	4,096	3,535
	Beg Reserved Fund Balance	(11,893)	(12,480)	(13,138)	359,306	2,000,628	1,274,460	146,643	153,287	157,383
	Ending Reserved Fund Balance	(12,480)	(13,138)	(13,783)	2,000,628	1,274,460	1,432,300	153,287	157,383	160,918

CITY OF CLAYTON FIDUCIARY AGENCY FUND PROPOSED
BUDGET

Account Number	Account Name	CFA 2007 Middle School Refunding 422 2007-08 Actual	2008-09 Projected	2009-10 Proposed	Fiduciary Funds Recap 2007-08 Actual	2008-09 Projected	2009-10 Proposed
	Beginning Fund Balance	4,555,091		4,185,450			
7381	Property Tax Admin Cost	-	-	-	2,690	2,566	2,986
7382	Election Services	-	-	-	-	-	-
7384	Legal Notices	-	-	-	-	-	-
7385	Transpac Fees	-	-	-	-	-	-
7386	NPDES Permit Fees	-	-	-	-	-	-
7389	Misc. Expenses	-	-	-	9	-	-
7419	Other Prof. Services	125	125	125	18,877	16,760	18,198
7420	Other Outside Services	-	-	-	23,495	20,855	20,949
7422	HHW Program Expense	-	-	-	-	-	-
7423	Business Audit/Library Aide/Congest Mgmt	-	-	-	-	-	-
7424	Dispatch Services	-	-	-	-	-	-
7425	Lab Fees	-	-	-	-	-	-
7426	Jail Booking Fees	-	-	-	-	-	-
7427	Cal ID Services	-	-	-	-	-	-
7428	C N.E.T. Services	-	-	-	-	-	-
7429	Animal Control Services	-	-	-	-	-	-
7430	Well Monitoring Contract	-	-	-	-	-	-
7431	Recycling Contract	-	-	-	-	-	-
7432	Emergency Services	-	-	-	-	-	-
7433	Integrated Justice System	-	-	-	-	-	-
7481	Permit Fees	-	-	-	-	-	-
7485	Capital Equipment	-	-	-	-	-	-
7486	CERF Charges/Depreciation	-	-	-	-	-	-
7520	Project/Program/Other costs	-	-	-	-	2,735	14,065
7611	Principal	-	295,000	265,000	83,076	585,676	582,231
7612	Interest Payment	-	95,818	132,473	360,732	462,769	480,903
7613	Paying Agent Fees	-	-	-	1,078	3,278	3,278
7615	Property Taxes	-	-	-	2,734	2,734	2,734
7998	County Pass Throughs	-	-	-	-	-	-
7999	State Take Aways	-	-	-	-	-	-
8101	Transfer to General Fund	-	-	-	-	-	-
8103	Transfer to Streetlights	-	-	-	-	-	-
8104	Transfer to Measure C	-	-	-	-	-	-
8106	Transfer to RDA Debt	-	-	-	-	-	-
8111	Transfer to CIP Fund	-	-	-	-	-	-
8112	Transfer to Endeavor Hall	-	-	-	-	-	-
8114	Transfer to Dev Impact Fund	-	-	-	-	-	-
	Sunday Operating Hours	-	-	-	-	-	-
	Total Expenses	125	390,943	397,598	492,691	1,097,373	1,125,344
	Revenues	213,594	(192,167)	8,000	2,352,900	(213,210)	880,251
	Annual Balance (Shortfall)	213,469	(583,110)	(389,598)	1,860,209	(1,310,583)	(245,093)
	Beg Reserved Fund Balance	4,555,091	4,768,560	4,185,450			
	Ending Reserved Fund Balance	4,768,560	4,185,450	3,795,852			



CITY OF CLAYTON

2009/10 – 2013/14
Capital Improvement Program

Adopted by the City Council on

June xx, 2009
Resolution No. xx-2009

CITY COUNCIL

Julie K. Pierce, *Mayor*
Hank Stratford, *Vice Mayor*
David T. Shuey
Howard Geller
Joseph Medrano

STAFF

Gary Napper	*City Manager*
Rick Angrisani	*City Engineer*
David Woltering	*Community Development Director*
Laci Jackson	*City Clerk*
Merry Pelletier	*Finance Manager*

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Summaries

CITY OF CLAYTON
CAPITAL IMPROVEMENT PROGRAM FY 2009/10 to 2013/14

Completed and Active Projects - FY 98/99 thru 07/09

Project Number	Project Category	Project	Comp. Sched.	Comp. Actual	Original Budget	Actual Cost
10330	Streets	Overlays	99/00	99/00	$ 570,000.00	$ 514,000.00
10331	Streets	Slurry Seals	na	na	$ -	included in 10330
10332	Streets	High Street Bridge	98/99	98/99	$ 65,000.00	$ 65,000.00
10333	Streets	Marsh Creek Road - TEA-21	99/00	02/03	$ 1,300,000.00	$ 1,300,000.00
10334	Parks	Community Dog Park	99/00	00/01	$ 27,500.00	$ 27,500.00
10335	Parks	El Molino Park	98/99	98/99	$ 76,000.00	$ 30,000.00
10336	Parks	Lydia Lane Park Ph. II	future		$ 60,000.00	
10337	Facilities	Keller House Preservation	05/06	05/06	$ 219,523.00	$ 219,523.00
10337A	Facilities	Keller House Rehabilitation	future		$ 1,780,477.00	
10338	Facilities	Endeavor Hall	00/01	00/01	$ 1,500,000.00	$ 1,450,000.00
10339	Facilities	Youth Center/Gym	01/02	02/03	$ 4,900,000.00	$ 4,900,000.00
10340	Landscape	Marsh Creek Road Landscape	98/99	98/99	$ 630,000.00	$ 400,000.00
10341	Streets	Center Street Crossing	99/00	00/01	$ 172,000.00	$ 172,000.00
10342	GHAD	Windmill Debris Basin	98/99	98/99	$ 75,000.00	$ 75,000.00
10343	GHAD	Crow Debris Basin	future		$ 100,000.00	
10344	GHAD	Obsidian Landslide	02/03	04/05	$ -	included in 10347
10345	GHAD	Clayton Rd. Landslides	99/00	00/01	$ 1,315,000.00	$ 1,240,000.00
10346	GHAD	Black Diamond Landslide**	na	na	$ -	$ -
10347	GHAD	V-ditch Repairs	02/03	04/05	$ 150,000.00	$ 144,063.00
10347A	GHAD	Eagle Peak Slope Repair	future		$ 1,125,000.00	
10348	GHAD	Keller Ridge Drive Area Slope Repair	future		$ 50,000.00	
10349	GHAD	Community Park Slide Repair	future		$ 100,000.00	
10350	Facilities	Downtown Elec. Conn.	99/00	99/00	$ 25,000.00	$ 40,000.00
10351	Facilities	Fire Station	00/01	00/01	$ 1,680,000.00	$ 1,610,000.00
10352	Landscape	Library Landscaping	00/01	02/03	$ 157,000.00	$ 194,000.00
10353	Streets	Downtown Revitalization	00/01	01/02	$ 2,000,000.00	$ 3,003,500.00
10354	Streets	Four Oaks Area	01/02	01/02	$ 175,000.00	$ 237,700.00
10355	Streets	Oak Street Bridge	00/01	00/01	$ 60,000.00	$ 62,000.00
10356	Landscape	Westwood Open Space	01/02	01/02	$ 205,000.00	$ 166,000.00
10357	Facilities	Old City Hall Renovation	98/99	98/99	$ 80,000.00	$ 72,000.00
10358	Facilities	Grove Property Acquisition	99/00	99/00	$ 500,000.00	$ 500,000.00
10359	Facilities	Endeavor Hall Parking I	00/01	01/02	$ 107,000.00	$ 108,000.00
10360	Facilities	Endeavor Hall Parking II	07/08	07/08	$ 150,000.00	$ 165,500.76
10361	Facilities	Stanley Property Acquisition	future		$ 325,000.00	
10362	Facilities	Stanley Property Parking**	future		$ -	$ -
10363	Facilities	Corp. Yard Expansion	99/00	03/04	$ 483,000.00	$ 589,720.00
10364	Streets	Downtown Signage**	na	na	$ -	$ -
10365	Facilities	Library Parking Expansion	00/01	01/02	$ -	included in 10352
10366	Facilities	Police Parking Expansion	01/02	03/04	$ -	included in 10363
10367	Parks	Downtown Park	07/08	07/08	$ 1,387,018.00	$ 2,100,000.00
10368	Parks	City Hall Park**	na	na	$ -	$ -
10369	Streets	Marsh Creek Road Narrowing**	na	na	$ -	$ -
10370	Creeks	Creek Revitalization	future		$ 3,000,000.00	
10371	Streets	Survey Monuments	02/03	04/05	$ 30,000.00	$ 30,000.00
10372	Streets	Traffic Signal Modifications	99/00	00/01	$ 10,000.00	$ 9,900.00
10373	Streets	Peacock Creek Dr. Signal	01/02	02/03	$ 175,000.00	$ 155,000.00
10374	Parks	North Valley Park	99/00	00/01	$ 50,000.00	$ 45,000.00
10375	Parks	Samuel Ct. Park	future		$ 75,000.00	
10376	Facilities	Equestrian Staging Area	99/00	01/02	$ 140,000.00	$ 140,000.00
10377	Streets	DVMS - Right Turn Lane	01/02	01/02	$ 42,000.00	$ 51,100.00
10378	Streets	Keller Ridge Drive Planters	99/00	00/01	$ 100,000.00	$ 100,000.00
10379	Streets	Pine Hollow Road - Entry	future		$ 300,000.00	

Completed and Active Projects - FY 98/99 thru 07/09

Project Number	Project Category	Project	Comp. Sched.	Comp. Actual	Original Budget	Actual Cost
10380	Parks	Community Park - Rt. Turn Lane**	na	na	$ -	$ -
10381	Parks	Bocce Ball Courts	05/06		$ 100,000.00	$ 43,431.00
10382	GHAD	Inclinometers	00/01	00/01	$ 60,000.00	$ 50,000.00
10383	GHAD	Keller Drive Subdrain	99/00	99/00	$ 5,000.00	$ 5,000.00
10384	Streets	Mitchell Canyon Rd. Overlay	00/01	04/05	$ 145,000.00	$ 125,000.00
10385	Parks	Community Park Tot Lot Upgrade	02/03	04/05	$ 75,000.00	$ 112,496.00
10386	GHAD	Wells (cancelled)	na	na	$ -	$ -
10387	Streets	Pavement Rehab 2002/03	02/03	02/03	$ 1,000,000.00	$ 994,000.00
10388	Streets	Pavement Rehab 2003/04**	na	na	$ -	$ -
10389	Streets	Pavement Rehab 2004	04/05	04/05	$ 525,000.00	$ 557,650.00
10390	Streets	Pavement Rehab 2005**	na	na	$ 88,000.00	$ -
10391	Streets	Pavement Rehab 2006	06/07		$ 1,188,000.00	$ 1,119,052.00
10392	Sewers	Oak - High Street	02/03	03/04	$ 320,000.00	$ 384,718.00
10393	Parks	Skateboard Park	future		$ 300,000.00	
10394	Streets	Handicap Ramps - RDA Area	05/06	05/06	$ 65,000.00	$ 60,132.00
10394A	Streets	ADA Compliance Program	future		$ 135,000.00	
10395	Streets	Catch Basin Modifications	future		$ 75,000.00	
10396	Streets	East Marsh Creek Road Signal	future		$ 230,000.00	
10397	Streets	Utility Undergrounding	future		$ 3,000,000.00	
10398	Streets	Clayton Rd. MCR Slurry Seal	05/06	05/06	$ 321,000.00	$ 235,456.00
10399	Sewers	Pine Hollow Area	future		$ 40,000.00	$ 141,596.00
10400	Other	Downtown Economic Development	future		$ 841,881.00	
10401	Streets	Pedestrian Xing Signals**	05/06	na	$ 200,000.00	$ -
10402	Streets	Clayton Road Trail Connection	07/08		$ 100,000.00	
10403	Streets	Downtown Entry Signs	07/08		$ 50,000.00	
10404	Streets	Marsh Creek Rd. Retaining Wall	07/08	08/09	$ 320,000.00	$ 319,980.17
10405	Streets	2007 Pavement Patching Project	07/08	07/08	$ 91,327.00	$ 128,684.22
10406	Streets	2008 Pavement Rehab Project	08/09	08/09	$ 864,090.00	$ 1,060,427.68
10407	Parks	Community Park Upgrades	07/08	07/08	$ 420,000.00	$ 465,000.00
10408	Streets	2009 Pavement Rehab Project	09/10		$ 402,000.00	
10409	Streets	2010 Pavement Rehab Project	10/11		$ 396,500.00	
10410	Streets	2011 Pavement Rehab Project	11/12		$ 395,500.00	
10411	Streets	2012 Pavement Rehab Project	12/13		$ 395,500.00	
10412	Streets	2009 Arterial Overlay Project	09/10		$ 575,000.00	
10413	Parks	Community Park Lighting, etc.	09/10		$ 1,500,000.00	
10414	Streets	2013 Pavement Rehab Project	13/14		$ 395,500.00	
		Total Project Costs (budget) (actual)			$ 40,090,816.00	$ 25,719,129.83

Red denotes completed projects
Green denotes FY 09-10 active projects
**Deleted by City Council

CITY OF CLAYTON
CAPITAL IMPROVEMENT PROGRAM FY 2009/10 to 2013/14

Summary of Project Costs by Fiscal Year **Deleted by City Council

Project Number	Project Category	Project Description	Prior Year Funding	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	Future Costs	Total Budget
10330	Streets	Overlays	$ 514,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 514,000.00
10331	Streets	Slurry Seals	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10332	Streets	High Street Bridge	$ 65,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 65,000.00
10333	Streets	Marsh Creek Road - TEA-21	$ 1,300,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,300,000.00
10334	Parks	Community Dog Park	$ 27,500.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 27,500.00
10335	Parks	El Molino Park	$ 30,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 30,000.00
10336	Parks	Lydia Lane Park Ph. II	$ -	$ -	$ -	$ -	$ -	$ -	$ 60,000.00	$ 60,000.00
10337	Facilities	Keller House Preservation	$ 219,523.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 219,523.00
10337A	Facilities	Keller House Rehabilitation	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,780,477.00	$ 1,780,477.00
10338	Facilities	Endeavor Hall	$ 1,450,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,450,000.00
10339	Facilities	Youth Center/Gym	$ 4,900,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 4,900,000.00
10340	Landscape	Marsh Creek Road Landscape	$ 400,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 400,000.00
10341	Streets	Center Street Crossing	$ 172,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 172,000.00
10342	GHAD	Windmill Debris Basin	$ 75,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 75,000.00
10343	GHAD	Crow Debris Basin	$ -	$ -	$ -	$ -	$ -	$ -	$ 100,000.00	$ 100,000.00
10344	GHAD	Obsidian Landslide (in 10347)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10345	GHAD	Clayton Rd. Landslides	$ 1,240,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,240,000.00
10346	GHAD	Black Diamond Landslide**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10347	GHAD	V-ditch Repairs	$ 144,063.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 144,063.00
10347A	GHAD	Eagle Peak Slope Repair	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,125,000.00	$ 1,125,000.00
10348	GHAD	Keller Ridge Drive Area Slope Repair	$ -	$ -	$ -	$ -	$ -	$ -	$ 50,000.00	$ 50,000.00
10349	GHAD	Community Park Slide Repair	$ -	$ -	$ -	$ -	$ -	$ -	$ 100,000.00	$ 100,000.00
10350	Facilities	Downtown Elec. Conn	$ 40,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 40,000.00
10351	Facilities	Fire Station	$ 1,610,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,610,000.00
10352	Landscape	Library Landscaping	$ 194,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 194,000.00
10353	Streets	Downtown Revitalization	$ 3,003,500.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 3,003,500.00
10354	Streets	Four Oaks Area	$ 237,700.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 237,700.00
10355	Streets	Oak Street Bridge	$ 62,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 62,000.00
10356	Landscape	Westwood Open Space	$ 166,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 166,000.00
10357	Facilities	Old City Hall Renovation	$ 72,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 72,000.00
10358	Facilities	Grove Property Acquisition	$ 500,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 500,000.00
10359	Facilities	Endeavor Hall Parking I	$ 108,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 108,000.00
10360	Facilities	Endeavor Hall Parking II	$ 165,500.76	$ -	$ -	$ -	$ -	$ -	$ -	$ 165,500.76
10361	Facilities	Stanley Property	$ -	$ -	$ -	$ -	$ -	$ -	$ 325,000.00	$ 325,000.00
10362	Facilities	Stanley Property Parking**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10363	Facilities	Corp. Yard Expansion	$ 598,720.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 598,720.00
10364	Streets	Downtown Signage**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10365	Facilities	Library Parking Expansion	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10366	Facilities	Police Parking Expansion	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10367	Parks	Downtown Park	$ 2,009,700.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 2,009,700.00
10368	Parks	City Hall Park**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10369	Streets	Marsh Creek Road Narrowing**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10370	Creeks	Creek Revitalization	$ -	$ -	$ -	$ -	$ -	$ -	$ 3,000,000.00	$ 3,000,000.00
10371	Streets	Survey Monuments	$ 30,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 30,000.00
10372	Streets	Traffic Signal Modifications	$ 9,900.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 9,900.00
10373	Streets	Peacock Creek Dr. Signal	$ 155,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 155,000.00
10374	Parks	North Valley Park	$ 45,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 45,000.00

Summary of Project Costs by Fiscal Year

**Deleted by City Council

Project Number	Project Category	Project Description	Prior Year Funding	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	Future Costs	Total Budget
10375	Parks	Samuel Ct. Park	$ -	$ -	$ -	$ -	$ -	$ -	$ 75,000.00	$ 75,000.00
10376	Facilities	Equestrian Staging Area	$ 140,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 140,000.00
10377	Streets	DVMS - Right Turn Lane	$ 51,100.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 51,100.00
10378	Streets	Keller Ridge Drive Planters	$ 100,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 100,000.00
10379	Streets	Pine Hollow Road - Entry	$ -	$ -	$ -	$ -	$ -	$ -	$ 300,000.00	$ 300,000.00
10380	Parks	Community Park - Rt Turn Lane**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10381	Parks	Bocce Ball Courts	$ 43,431.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 43,431.00
10382	GHAD	Inclinometers	$ 50,000.00	$ -		$ -	$ -	$ -	$ -	$ 50,000.00
10383	GHAD	Keller Ridge Drive Subdrain	$ 5,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 5,000.00
10384	Streets	Mitchell Canyon Rd. Overlay	$ 125,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 125,000.00
10385	Parks	Community Park Tot Lot Upgrade	$ 112,496.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 112,496.00
10386	GHAD	Wells**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10387	Streets	Pavement Rehab 2002/03	$ 994,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 994,000.00
10388	Streets	Pavement Rehab 2003/04	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10389	Streets	Pavement Rehab 2004	$ 537,650.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 537,650.00
10390	Streets	Pavement Rehab 2005**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10391	Streets	Pavement Rehab 2006	$ 11,190,552.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 11,190,552.00
10392	Sewers	Oak - High Street	$ 384,718.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 384,718.00
10393	Parks	Skateboard Park	$ -	$ -	$ -	$ -	$ -	$ -	$ 300,000.00	$ 300,000.00
10394	Streets	Handicap Ramps - RDA Area	$ 60,182.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 60,182.00
10394A	Streets	ADA Compliance Program	$ 16,400.00	$ 7,500.00	$ 6,000.00	$ 6,000.00	$ 6,000.00	$ 6,000.00	$ 452,100.00	$ 500,000.00
10395	Streets	Catch Basin Modifications	$ -	$ -	$ -	$ -	$ -	$ -	$ 75,000.00	$ 75,000.00
10396	Streets	East Marsh Creek Road Signal	$ -	$ -	$ -	$ -	$ -	$ -	$ 230,000.00	$ 230,000.00
10397	Streets	Utility Undergrounding	$ 105,930.00	$ -	$ -	$ -	$ -	$ -	$ 2,894,070.00	$ 3,000,000.00
10398	Streets	Clayton Rd MCR Slurry Seal	$ 235,456.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 235,456.00
10399	Sewers	Pine Hollow Area	$ 141,596.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 141,596.00
10400	Other	Downtown Economic Development	$ 2,434,671.00	$ 788,227.00	$ -	$ -	$ -	$ -	$ -	$ 3,222,898.00
10401	Streets	Pedestrian Xing Signals**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10402	Streets	Clayton Road Trail Connection	$ 150,000.00	$ 92,965.00	$ -	$ -	$ -	$ -	$ -	$ 242,965.00
10403	Streets	Downtown Entry Signage (in 10402)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10404	Streets	Marsh Creek Rd. Retaining Wall	$ 319,980.17	$ -	$ -	$ -	$ -	$ -	$ -	$ 319,980.17
10405	Streets	2007 Pavement Patching Project	$ 128,684.22	$ -	$ -	$ -	$ -	$ -	$ -	$ 128,684.22
10406	Streets	2008 Pavement Rehab Project	$ 1,060,427.62	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,060,427.62
10407	Streets	Clayton Road Trail Connection	$ 465,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 465,000.00
10408	Streets	2009 Pavement Rehab Project	$ -	$ 402,000.00	$ -	$ -	$ -	$ -	$ -	$ 402,000.00
10409	Streets	2010 Pavement Rehab Project	$ -	$ -	$ 396,500.00	$ -	$ -	$ -	$ -	$ 396,500.00
10410	Streets	2011 Pavement Rehab Project	$ -	$ -	$ -	$ 395,500.00	$ -	$ -	$ -	$ 395,500.00
10411	Streets	2012 Pavement Rehab Project	$ -	$ -	$ -	$ -	$ 395,500.00	$ -	$ -	$ 395,500.00
10412	Streets	2009 Arterial Overlay Project	$ -	$ 584,000.00	$ -	$ -	$ -	$ -	$ -	$ 584,000.00
10413	Parks	Community Park Lighting, etc	$ -	$ 492,000.00	$ -	$ -	$ -	$ -	$ 1,008,000.00	$ 1,500,000.00
10414	Streets	2013 Pavement Rehab Project	$ -	$ -	$ -	$ -	$ -	$ 395,500.00	$ -	$ 395,500.00
		Cost Totals	$ 38,396,380.77	$ 2,366,692.00	$ 402,500.00	$ 401,500.00	$ 401,500.00	$ 401,500.00	$ 11,874,647.00	$ 54,244,719.77

Red denotes completed projects
Green denotes active projects funded in FY 09/10
Blue denotes active projects funded prior to FY 09/10
** Deleted by City Council

Proposed Funding Sources & Expenditures by Year

CITY OF CLAYTON
CAPITAL IMPROVEMENT PROGRAM FY 2009/10 to 2013/14

Budget Cost by Funding Source - FY 2009/10

#	Category	Fund Name / Project	Carry Forward	RDA	Gas Tax	Fed. Funds ARRA	Measure C	Community Fac. Fee	Offsite Arterial Fee	Measure WW	Prop. 42	CBCA Contribution	09/10 Project Totals
		Fund Balance as of 6/30/09		$ 491,192	$ -	$ -	$ -	$ 5,124	$ 102,458	$ 492,000	$ -	$ -	
		Estimated Revenue thru FY 09/10		$ 4,149,938	$ 113,496	$ 554,000	$ 194,000	$ -	$ -	$ -	$ 102,004	$ -	
		Estimated non-CIP Expenses in FY 09/10		$ (3,825,444)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	
		Funds Available for CIP in FY 09/10		$ 815,687	$ 113,496	$ 554,000	$ 194,000	$ 5,124	$ 102,458	$ 492,000	$ 102,004	$ -	
#	Category	Project											
10336	Parks	Lydia Lane Park Ph. II	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10337A	Facilities	Keller House Rehabilitation	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10343	GHAD	Crow Debris Basin	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10347A	GHAD	Eagle Peak Slope Repairs	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10348	GHAD	Keller Ridge Drive Area Slope Repair	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10349	GHAD	Community Park Slide Repair	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10361	Facilities	Stanley Property	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10370	Creeks	Creek Revitalization	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10375	Parks	Samuel Ct. Park	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10379	Streets	Pine Hollow Road - Entry	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10393	Parks	Skateboard Park	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10394A	Streets	ADA Compliance Program	$ 6,000	$ -	$ 7,500	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 7,500
10395	Streets	Catch Basin Modifications	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10396	Streets	East Marsh Creek Road Signal	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10397	Streets	Utility Undergrounding	$ 105,930	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10400	Other	Downtown Economic Development	$ 2,434,671	$ 815,687	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 815,687
10402	Streets	Clayton Road Trail Connection	$ 242,965	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10403	Streets	Downtown Entry Signage (in 10402)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10404	Streets	Marsh Creek Road Retaining Wall	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10406	Streets	2008 Pavement Rehab Project	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10408	Streets	2009 Pavement Rehab Project	$ -	$ -	$ 105,996	$ -	$ 194,000	$ -	$ -	$ -	$ 102,004	$ -	$ 402,000
10409	Streets	2010 Pavement Rehab Project	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10410	Streets	2011 Pavement Rehab Project	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10411	Streets	2012 Pavement Rehab Project	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10412	Streets	2009 Arterial Overlay Project	$ -	$ -	$ -	$ 554,000	$ -	$ -	$ 30,000	$ -	$ -	$ -	$ 584,000
10413	Parks	Community Park Lighting, etc.	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 492,000	$ -	$ -	$ 492,000
10414	Streets	2013 Pavement Rehab Project	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		Total CIP Expenditures in FY 09/10		$ 815,687	$ 113,496	$ 554,000	$ 194,000	$ -	$ 30,000	$ 492,000	$ 102,004	$ -	$ 2,301,187
		Fund Balance as of June 30, 2010		$ -	$ -	$ -	$ -	$ 5,124	$ 73,458	$ -	$ -	$ -	

Red denotes projects completed in FY 08/09
Green denotes active projects funded in FY 09/10
Blue denotes active projects funded prior to FY 09/10

CITY OF CLAYTON
CAPITAL IMPROVEMENT PROGRAM FY 2009/10 to 2013/14

Budget Cost by Funding Source - FY 2010/11

#	Category	Project	Carry Forward	RDA	Gas Tax	Fed. Funds	Measure C Measure J	Community Fac. Fee	Offsite Arterial Fee	Childcare	Prop 42	Parkland Dedication	10/11 Project Totals
		Fund Balance as of 6/30/10		$ -	$ -	$ -	$ -	$ 5,124	$ 73,458	$ 34,118	$ -	$ -	
		Estimated Revenue thru FY 10/11		$ -	$ 105,500	$ -	$ 195,000	$ -	$ -	$ -	$ 102,000	$ -	
		Estimated non-CIP Expenses in FY 10/11		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	
		Funds Available for CIP in FY 10/11		$ -	$ 105,500	$ -	$ 195,000	$ 5,124	$ 73,458	$ 34,118	$ 102,000	$ -	
10336	Parks	Lydia Lane Park Ph. II	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10337A	Facilities	Keller House Rehabilitation	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10343	GHAD	Crow Debris Basin	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10347A	GHAD	Eagle Peak Slope Repairs	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10348	GHAD	Keller Ridge Drive Area Slope Repair	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10349	GHAD	Community Park Slide Repair	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10361	Facilities	Stanley Property	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10370	Creeks	Creek Revitalization	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10375	Parks	Samuel Ct. Park	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10379	Streets	Pine Hollow Road - Entry	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10393	Parks	Skateboard Park	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10394A	Streets	ADA Compliance Program	$ 13,500	$ -	$ 6,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 6,000
10395	Streets	Catch Basin Modifications	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10396	Streets	East Marsh Creek Road Signal	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10397	Streets	Utility Undergrounding	$ 105,930	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10400	Other	Downtown Economic Development	$ 3,222,898	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10408	Streets	2009 Pavement Rehab Project	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10409	Streets	2010 Pavement Rehab Project	$ -	$ -	$ 99,500	$ -	$ 195,000	$ -	$ -	$ -	$ 102,000	$ -	$ 396,500
10410	Streets	2011 Pavement Rehab Project	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10411	Streets	2012 Pavement Rehab Project	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10412	Streets	2009 Arterial Overlay Project	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10413	Parks	Community Park Lighting, etc	$ 492,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10414	Streets	2013 Pavement Rehab Project	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		Total CIP Expenditures in FY 10/11		$ -	$ 105,500	$ -	$ 195,000	$ -	$ -	$ -	$ 102,000	$ -	$ 402,500
		Fund Balance as of June 30, 2011		$ -	$ -	$ -	$ -	$ 5,124	$ 73,458	$ 34,118	$ -	$ -	

Red denotes projects completed in FY 09/10
Green denotes active projects funded in FY 10/11
Blue denotes active projects funded prior to FY 10/11

CITY OF CLAYTON
CAPITAL IMPROVEMENT PROGRAM FY 2009/10 to 2013/14

Budget Cost by Funding Source - FY 2011/12

#	Category	Fund Name / Project	Carry Forward	RDA	Gas Tax	Fed Funds	Measure C Measure J	Community Fac. Fee	Offsite Arterial Fee	Childcare	Prop 42	Parkland Dedication	11/12 Project Totals
		Fund Balance as of 6/30/11		$ -	$ -	$ -	$ -	$ 5,124	$ 73,458	$ 34,118	$ -	$ -	
		Estimated Revenue thru FY 11/12		$ -	$ 105,500	$ -	$ 194,000	$ -	$ -	$ -	$ 102,000	$ -	
		Estimated non-CIP Expenses in FY 11/12		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	
		Funds Available for CIP in FY 11/12		$ -	$ 105,500	$ -	$ 194,000	$ 5,124	$ 73,458	$ 34,118	$ 102,000	$ -	
#	Category	Project											
10336	Parks	Lydia Lane Park Ph. II	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10337A	Facilities	Keller House Rehabilitation	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10343	GHAD	Crow Debris Basin	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10347A	GHAD	Eagle Peak Slope Repairs	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10348	GHAD	Keller Ridge Drive Area Slope Repair	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10349	GHAD	Community Park Slide Repair	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10361	Facilities	Stanley Property	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10370	Creeks	Creek Revitalization	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10375	Parks	Samuel Ct. Park	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10379	Streets	Pine Hollow Road - Entry	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10393	Parks	Skateboard Park	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10394A	Streets	ADA Compliance Program	$ 19,500	$ -	$ 6,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 6,000
10395	Streets	Catch Basin Modifications	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10396	Streets	East Marsh Creek Road Signal	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10397	Streets	Utility Undergrounding	$ 105,930	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10400	Other	Downtown Economic Development	$ 3,222,898	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10409	Streets	2010 Pavement Rehab Project	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10410	Streets	2011 Pavement Rehab Project	$ -	$ -	$ 99,500	$ -	$ 194,000	$ -	$ -	$ -	$ 102,000	$ -	$ 395,500
10411	Streets	2012 Pavement Rehab Project	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10414	Streets	2013 Pavement Rehab Project	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		Total CIP Expenditures in FY 11/12		$ -	$ 105,500	$ -	$ 194,000	$ -	$ -	$ -	$ 102,000	$ -	$ 401,500
		Fund Balance as of June 30, 2012		$ -	$ -	$ -	$ -	$ 5,124	$ 73,458	$ 34,118	$ -	$ -	

Red denotes projects completed in FY 10/11
Green denotes active projects funded in FY 11/12
Blue denotes active projects funded prior to FY 11/12

CITY OF CLAYTON
CAPITAL IMPROVEMENT PROGRAM FY 2009/10 to 2013/14

Budget Cost by Funding Source - FY 2012/13

#	Category	Fund Name / Project	Carry Forward	RDA	Gas Tax	Fed Funds	Measure C Measure J	Community Fac. Fee	Offsite Arterial Fee	Childcare	Prop 42	Parkland Dedication	12/13 Project Totals
		Fund Balance as of 6/30/12		$ -	$ -	$ -	$ -	$ 5,124	$ 73,458	$ 34,118	$ -	$ -	
		Estimated Revenue thru FY 12/13		$ -	$ 105,500	$ -	$ 194,000	$ -	$ -	$ -	$ 102,000	$ -	
		Estimated non-CIP Expenses in FY 12/13		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	
		Funds Available for CIP in FY 12/13		$ -	$ 105,500	$ -	$ 194,000	$ 5,124	$ 73,458	$ 34,118	$ 102,000	$ -	
#	Category	Project											
10336	Parks	Lydia Lane Park Ph. II	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10337A	Facilities	Keller House Rehabilitation	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10343	GHAD	Crow Debris Basin	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10347A	GHAD	Eagle Peak Slope Repairs	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10348	GHAD	Keller Ridge Drive Area Slope Repair	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10349	GHAD	Community Park Slide Repair	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10361	Facilities	Stanley Property	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10370	Creeks	Creek Revitalization	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10375	Parks	Samuel Ct. Park	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10379	Streets	Pine Hollow Road - Entry	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10393	Parks	Skateboard Park	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10394A	Streets	ADA Compliance Program	$ 25,500	$ -	$ 6,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 6,000
10395	Streets	Catch Basin Modifications	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10396	Streets	East Marsh Creek Road Signal	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10397	Streets	Utility Undergrounding	$ 105,930	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10400	Other	Downtown Economic Development	$ 3,222,898	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10410	Streets	2011 Pavement Rehab Project	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10411	Streets	2012 Pavement Rehab Project	$ -	$ -	$ 99,500	$ -	$ 194,000	$ -	$ -	$ -	$ 102,000	$ -	$ 395,500
10414	Streets	2013 Pavement Rehab Project	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		Total CIP Expenditures in FY 12/13		$ -	$ 105,500	$ -	$ 194,000	$ -	$ -	$ -	$ 102,000	$ -	$ 401,500
		Fund Balance as of June 30, 2013		$ -	$ -	$ -	$ -	$ 5,124	$ 73,458	$ 34,118	$ -	$ -	

Red denotes projects completed in FY 11/12
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CITY OF CLAYTON
CAPITAL IMPROVEMENT PROGRAM FY 2009/10 to 2013/14

Budget Cost by Funding Source - FY 2013/14

#	Category	Fund Name / Project	Carry Forward	RDA	Gas Tax	Fed Funds	Measure C Measure J	Community Fac. Fee	Offsite Arterial Fee	Childcare	Prop. 42	Parkland Dedication	12/13 Project Totals
		Fund Balance as of 6/30/13		$ -	$ -	$ -	$ -	$ 5,124	$ 73,458	$ 34,118	$ -	$ -	
		Estimated Revenue thru FY 13/14		$ -	$ 105,500	$ -	$ 194,000	$ -	$ -	$ -	$ 102,000	$ -	
		Estimated non-CIP Expenses in FY 13/14		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	
		Funds Available for CIP in FY 13/14		$ -	$ 105,500	$ -	$ 194,000	$ 5,124	$ 73,458	$ 34,118	$ 102,000	$ -	
#	**Category**	**Project**											
10336	Parks	Lydia Lane Park Ph. II	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10337A	Facilities	Keller House Rehabilitation	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10343	GHAD	Crow Debris Basin	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10347A	GHAD	Eagle Peak Slope Repairs	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10348	GHAD	Keller Ridge Drive Area Slope Repair	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10349	GHAD	Community Park Slide Repair	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10361	Facilities	Stanley Property	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10370	Creeks	Creek Revitalization	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10375	Parks	Samuel Ct. Park	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10379	Streets	Pine Hollow Road - Entry	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10393	Parks	Skateboard Park	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10394A	Streets	ADA Compiance Program	$ 31,500	$ -	$ 6,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 6,000
10395	Streets	Catch Basin Modifications	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10396	Streets	East Marsh Creek Road Signal	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10397	Streets	Utility Undergrounding	$ 105,930	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10400	Other	Downtown Economic Development	$ 3,222,898	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10411	Streets	2012 Pavement Rehab Project	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10414	Streets	2013 Pavement Rehab Project	$ -	$ -	$ 99,500	$ -	194,000	$ -	$ -	$ -	$ 102,000	$ -	$ 395,500
		Total CIP Expenditures in FY 13/14		$ -	$ 105,500	$ -	194,000	$ -	$ -	$ -	$ 102,000	$ -	$ 401,500
		Fund Balance as of June 30, 2014		$ -	$ -	$ -	$ -	$ 5,124	$ 73,458	$ 34,118	$ -	$ -	

Red denotes projects completed in FY 12/13
Green denotes active projects funded in FY 13/14
Blue denotes active projects funded prior to FY 13/14

Scheduled Projects

CITY OF CLAYTON

CAPITAL IMPROVEMENT PROGRAM FY 2009/10 to 2013/14

Master Index of Projects by Number

* Completed - no project sheet included
**Deleted by City Council

Project Number	Project Category	Project
10330	Streets	Overlays*
10331	Streets	Slurry Seals (deleted)*
10332	Streets	High Street Bridge*
10333	Streets	Marsh Creek Road - TEA-21*
10334	Parks	Community Dog Park*
10335	Parks	El Molino Park*
10336	Parks	Lydia Lane Park Ph. II
10337	Facilities	Keller House Preservation*
10337A	Facilities	Keller House Rehabilitation
10338	Facilities	Endeavor Hall*
10339	Facilities	Youth Center/Gym*
10340	Landscape	Marsh Creek Road LS*
10341	Streets	Center Street Crossing*
10342	GHAD	Windmill Debris Basin*
10343	GHAD	Crow Debris Basin
10344	GHAD	Obsidian Landslide*
10345	GHAD	Clayton Rd. Landslides*
10346	GHAD	Black Diamond Landslide**
10347	GHAD	V-ditch Repairs*
10347A	GHAD	Eagle Peak Slope Repair
10348	GHAD	Keller Ridge Slope Repair
10349	GHAD	Community Park Slide Repair
10350	Facilities	Downtown Elec. Conn.*
10351	Facilities	Fire Station*
10352	Landscape	Library Landscaping*
10353	Streets	Downtown Revitalization*
10354	Streets	Four Oaks Area*
10355	Streets	Oak Street Bridge*
10356	Landscape	Westwood Open Space*
10357	Facilities	Old City Hall Renovation*
10358	Facilities	Grove Property Acquisition*
10359	Facilities	Endeavor Hall Parking I*
10360	Facilities	Endeavor Hall Parking II*
10361	Facilities	Stanley Property
10362	Facilities	Stanley Property Parking**
10363	Facilities	Corp. Yard Expansion*
10364	Streets	Downtown Signage**
10365	Facilities	Library Parking Expansion*
10366	Facilities	Police Parking Expansion*
10367	Parks	Downtown Park*
10368	Parks	City Hall Park**
10369	Streets	Marsh Creek Road Narrowing**
10370	Creeks	Creek Revitalization

Project Number	Project Category	Project
10371	Streets	Survey Monuments*
10372	Streets	Traffic Signal Modifications*
10373	Streets	Peacock Creek Dr. Signal*
10374	Parks	North Valley Park*
10375	Parks	Samuel Ct. Park
10376	Facilities	Equestrian Staging Area*
10377	Streets	DVMS - Right Turn Lane*
10378	Streets	Keller Ridge Drive Planters*
10379	Streets	Pine Hollow Road - Entry
10380	Parks	Community Park - Rt. Turn Lane**
10381	Parks	Bocce Ball Courts**
10382	GHAD	Inclinometers*
10383	GHAD	Keller Ridge Drive Subdrain*
10384	Streets	Mitchell Canyon Rd. Overlay*
10385	Parks	Community Park Tot Lot*
10386	GHAD	Wells (cancelled)*
10387	Streets	Pavement Rehab 2002/03*
10388	Streets	Pavement Rehab 2003/04*
10389	Streets	Pavement Rehab 2004*
10390	Streets	Pavement Rehab 2005**
10391	Streets	Pavement Rehab 2006*
10392	Sewers	Oak - High Street*
10393	Parks	Skateboard Park
10394	Streets	Handicap Ramps - RDA Area*
10394A	Streets	ADA Compliance Program
10395	Streets	Catch Basin Modifications
10396	Streets	East Marsh Creek Road Signal
10397	Streets	Utility Undergrounding
10398	Streets	Clayton Rd. MCR Slurry Seal*
10399	Sewers	Pine Hollow Area
10400	Other	Downtown Economic Development
10401	Streets	Pedestrian Xing Signals**
10402	Streets	Clayton Road Trail Connection
10403	Streets	Downtown Entry Signs
10404	Streets	Marsh Creek Rd. Retaining Wall*
10405	Streets	2007 Pavement Patching Project*
10406	Streets	2008 Pavement Rehab Project*
10407	Parks	Community Park Upgrades*
10408	Streets	2009 Pavement Rehab Project
10409	Streets	2010 Pavement Rehab Project
10410	Streets	2011 Pavement Rehab Project
10411	Streets	2012 Pavement Rehab Project
10412	Streets	2009 Arterial Overlay Project
10413	Parks	Community Park Lighting, etc.
10414	Streets	2013 Pavement Rehab Project

CITY OF CLAYTON
CAPITAL IMPROVEMENT PROGRAM FY 2009/10 to 2013/14

Master Index of Projects by Type

*Completed - no project sheet included
**Deleted by City Council

Project Number	Project Category	Project
		CREEKS
10370	Creeks	Creek Revitalization
		FACILITIES
10337	Facilities	Keller House Preservation*
10337A	Facilities	Keller House Rehabilitation
10338	Facilities	Endeavor Hall*
10339	Facilities	Youth Center/Gym*
10350	Facilities	Downtown Elec. Conn.*
10351	Facilities	Fire Station*
10357	Facilities	Old City Hall Renovation*
10358	Facilities	Grove Property Acquisition*
10359	Facilities	Endeavor Hall Parking I*
10360	Facilities	Endeavor Hall Parking II*
10361	Facilities	Stanley Property
10362	Facilities	Stanley Property Parking**
10363	Facilities	Corp. Yard Expansion*
10365	Facilities	Library Parking Expansion*
10366	Facilities	Police Parking Expansion*
10376	Facilities	Equestrian Staging Area*
		GHAD
10342	GHAD	Windmill Debris Basin*
10343	GHAD	Crow Debris Basin
10344	GHAD	Obsidian Landslide*
10345	GHAD	Clayton Rd. Landslides*
10346	GHAD	Black Diamond Landslide**
10347	GHAD	V-ditch Repairs*
10347A	GHAD	Eagle Peak Slope Repair
10348	GHAD	Keller Ridge Slope Repair
10349	GHAD	Community Park Slide Repair
10382	GHAD	Inclinometers*
10383	GHAD	Keller Ridge Drive Subdrain*
10386	GHAD	Wells (cancelled)*
		LANDSCAPE
10340	Landscape	Marsh Creek Road LS*
10352	Landscape	Library Landscaping*
10356	Landscape	Westwood Open Space*
		OTHER
10392	Sewers	Oak - High Street*
10399	Sewers	Pine Hollow Area
10401	Other	Downtown Economic Development
		PARKS
10334	Parks	Community Dog Park*
10335	Parks	El Molino Park*
		PARKS (cont'd.)
10336	Parks	Lydia Lane Park Ph. II
10367	Parks	Downtown Park*
10368	Parks	City Hall Park
10374	Parks	North Valley Park*
10375	Parks	Samuel Ct. Park
10380	Parks	Community Park - Rt. Turn Lane**
10381	Parks	Bocce Ball Courts**
10385	Parks	Community Park Tot Lot*
10393	Parks	Skateboard Park
10407	Parks	Community Park Upgrades*
10413	Parks	Community Park Lighting, etc.
		STREETS
10330	Streets	Overlays*
10331	Streets	Slurry Seals (deleted)*
10332	Streets	High Street Bridge*
10333	Streets	Marsh Creek Road - TEA-21*
10341	Streets	Center Street Crossing*
10353	Streets	Downtown Revitalization*
10354	Streets	Four Oaks Area*
10355	Streets	Oak Street Bridge*
10364	Streets	Downtown Signage**
10369	Streets	Marsh Creek Road Narrowing**
10371	Streets	Survey Monuments*
10372	Streets	Traffic Signal Modifications*
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10377	Streets	DVMS - Right Turn Lane*
10378	Streets	Keller Ridge Drive Planters*
10379	Streets	Pine Hollow Road - Entry
10384	Streets	Mitchell Canyon Rd. Overlay*
10387	Streets	Pavement Rehab 2002/03*
10388	Streets	Pavement Rehab 2003/04*
10389	Streets	Pavement Rehab 2004*
10390	Streets	Pavement Rehab 2005**
10391	Streets	Pavement Rehab 2006*
10394	Streets	Handicap Ramps - RDA Area*
10394A	Streets	ADA Compliance Program
10395	Streets	Catch Basin Modification
10396	Streets	East Marsh Creek Road Signal
10397	Streets	Utility Undergrounding
10398	Streets	Clayton Rd. MCR Slurry Seal*
10401	Streets	Pedestrian Xing Signals**
10402	Streets	Clayton Road Trail Connection
10403	Streets	Downtown Entry Signs
10404	Streets	Marsh Creek Rd. Retaining Wall*
10405	Streets	2007 Pavement Patching Project*
10406	Streets	2008 Pavement Rehab Project*
10408	Streets	2009 Pavement Rehab Project
10409	Streets	2010 Pavement Rehab Project
10410	Streets	2011 Pavement Rehab Project
10411	Streets	2012 Pavement Rehab Project
10412	Streets	2009 Arterial Overlay Project
10414	Streets	2013 Pavement Rehab Project

Category	Project Number	Project
Parks	10336	Lydia Lane Park – Phase II

DESCRIPTION - LOCATION

Construction of horse shoe pits and other activity facilities.

COMMENTS

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design							$4,000	$4,000
Construction							$50,000	$50,000
CM/Inspection							$6,000	$6,000
ROW Acquisition								
Other								
TOTAL							$60,000	$60,000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Unfunded							$60,000	$60,000
Total							$60,000	$60,000

Category	Project Number	Project
Facilities	10337A	Keller House Rehabilitation

DESCRIPTION - LOCATION

Rehabilitation of historical ranch home and grounds located across Mt. Diablo Creek from the library.

COMMENTS

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design								
Construction							$1,780,477	$1,780,477
CM/Inspection								
ROW Acquisition								
Other								
TOTAL							$1,780,477	$1,780,477

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Unfunded							$1,780,477	$1,780,477
Total							$1,780,477	$1,780,477

Category	Project Number	Project
GHAD	10343	Crow Place – Debris Basin

DESCRIPTION - LOCATION

Clean out debris basin located in GHAD easement behind golf course and single family lots.

COMMENTS

Subject to approval of increased assessments.

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design							$10,000	$10,000
Construction							$85,000	$85,000
CM/Inspection							$5,000	$5,000
ROW Acquisition								
Other								
TOTAL							$100,000	$100,000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Unfunded							$100,000	$100,000
Total							$100,000	$100,000

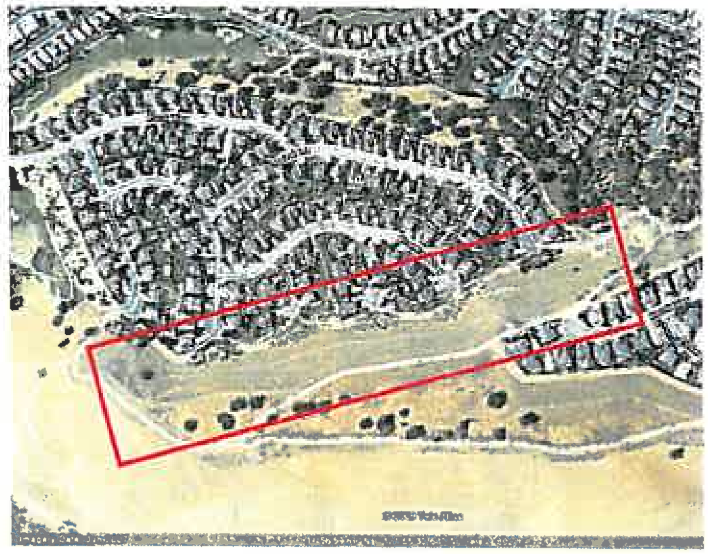
Category	Project Number	Project
GHAD	10347A	Eagle Peak Slope Repair

DESCRIPTION - LOCATION

Stabilize and/or repair large slope moving adjacent to single family houses and streets in Eagle Peak Subdivision.

COMMENTS

Cost estimate per Soils Engineer. Dependent on GHAD assessment increase.



Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design							$70,000	$70,000
Construction							$1,015,000	$1,015,000
CM/Inspection							$40,000	$40,000
ROW Acquisition								
Other								
TOTAL							$1,125,000	$1,125,000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Unfunded							$1,125,000	$1,125,000
Total							$1,125,000	$1,125,000

Category	Project Number	Project
GHAD	10348	Keller Ridge Drive Area - Slope Repair

DESCRIPTION - LOCATION

Stabilize and/or repair small slope pop-out adjacent to single family homes.

COMMENTS

Subject to approval of increased assessments.

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design							$5,000	$5,000
Construction							$40,000	$40,000
CM/Inspection							$5,000	$5,000
ROW Acquisition								
Other								
TOTAL							$50,000	$50,000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Unfunded							$50,000	$50,000
Total							$50,000	$50,000

Category	Project Number	Project
GHAD	10349	Community Park - Landslide

DESCRIPTION - LOCATION

Repair landslides that occurred above Field #3 (uppermost field).

COMMENTS

Subject to approval of increased assessments.

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design							$7,000	$7,000
Construction							$85,000	$85,000
CM/Inspection							$8,000	$8,000
ROW Acquisition								
Other								
TOTAL							$100,000	$100,000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Unfunded							$100,000	$100,000
Total							$100,000	$100,000

Category	Project Number	Project
Facilities	10361	Stanley Property

DESCRIPTION - LOCATION

Assist in the development and construction of affordable housing.

COMMENTS

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design								
Construction								
CM/Inspection								
Acquisition								
Other							$325,000	$325,000
TOTAL							$325,000	$325,000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
RDA							$325,000	$325,000
Total							$325,000	$325,000

Category	Project Number	Project
Creeks	10370	Creek Revitalization

DESCRIPTION - LOCATION

Clean out creeks, improve access to creek banks, replace riparian vegetation.

COMMENTS

Catch-all project for when City hits the lottery.

City-Wide

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design								
Construction							$3,000,000	$3,000,000
CM/Inspection								
ROW Acquisition								
Other								
TOTAL							$3,000,000	$3,000,000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Unfunded							$3,000,000	$3,000,000
Total							$3,000,000	$3,000,000

Category	Project Number	Project
Streets	10375	Samuel Ct. Park

DESCRIPTION - LOCATION

Install landscaping and irrigation improvements.

COMMENTS

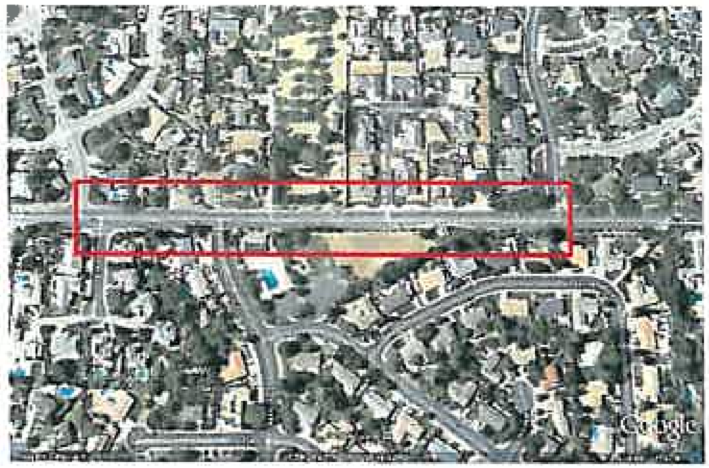
Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2009-10	Future	TOTAL
Preliminary Design								
Final Design							$5,000	$5,000
Construction							$65,000	$65,000
CM/Inspection							$5,000	$5,000
ROW Acquisition								
Other								
TOTAL							$75,000	$75,000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Unfunded							$75,000	$75,000
Total							$75,000	$75,000

Category	Project Number	Project
Streets	10379	Pine Hollow Rd. - Upgrade

DESCRIPTION - LOCATION

Improve City entry on Pine Hollow Road with new painting, monument sign, etc.



COMMENTS

ROW controlled by Concord and/or County. Joint Project possible, though not probable.

Possible funding from Measure J.

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design							$30,000	$30,000
Construction							$255,000	$255,000
CM/Inspection							$15,000	$15,000
ROW Acquisition								
Other								
TOTAL							$300,000	$300,000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Unfunded							$300,000	$300,000
Total							$300,000	$300,000

2009/10-2013/14 Capital Improvement Program

Category	Project Number	Project
Parks	10393	Skateboard Park

DESCRIPTION - LOCATION

Construct skateboard park at an undetermined location.

COMMENTS

Undetermined

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design							$25,000	$25,000
Construction							$240,000	$240,000
CM/Inspection							$35,000	$35,000
ROW Acquisition								
Other								
TOTAL							$300,000	$300,000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Unfunded							$300,000	$300,000
Total							$300,000	$300,000

Category	Project Number	Project
Streets	10394A	ADA Compliance Program

DESCRIPTION - LOCATION

Construction of various improvements.

COMMENTS

As needed to comply with ADA standards
as determined by City's transition plan

City-Wide

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design								
Construction							$500,000	$500,000
CM/Inspection								
ROW Acquisition								
Other								
TOTAL							$500,000	$500,000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Gas Tax	$16,400	$7,500	$6,000	$6,000	$6,000	$6,000	$452,100	$500,000
Total	$16,400	$7,500	$6,000	$6,000	$6,000	$6,000	$452,100	$500,000

Category	Project Number	Project
Streets	10395	Catch Basin Modifications

DESCRIPTION - LOCATION

Add bar across openings.

COMMENTS

City Wide

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design								
Construction							$75,000	$75,000
CM/Inspection								
ROW Acquisition								
Other								
TOTAL							$75,000	$75,000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Unfunded							$75,000	$75,000
Total							$75,000	$75,000

Category	Project Number	Project
Streets	10396	East Marsh Creek Road Traffic Signal

DESCRIPTION - LOCATION

Install traffic signal on Marsh Creek Road
somewhere east of Diablo Parkway.

COMMENTS

City Council postponed project.

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design							$15,000	$15,000
Construction							$150,000	$150,000
CM/Inspection							$15,000	$15,000
ROW Acquisition								
PG&E Poles							$50,000	$50,000
TOTAL							$230,000	$230,000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Unfunded							$230,000	$230,000
Total							$230,000	$230,000

2009/10-2013/14 Capital Improvement Program

Category	Project Number	Project
Streets	10397	Utility Undergrounding

DESCRIPTION - LOCATION

Underground overhead utility lines at undetermined locations.

COMMENTS

City Wide

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design								
Construction							$2,894,070	$2,894,070
CM/Inspection								
ROW Acquisition								
Other	$105,930							$105,930
TOTAL	$105,930						$2,894,070	$3,000,000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Unfunded							$2,894,070	$2,894,070
RDA	$105,930							$105,930
Total	$105,930						$2,894,070	$3,000,000

Category	Project Number	Project
Other	10400	Downtown Economic Development

DESCRIPTION - LOCATION

Provide funding for improving the economic viability of the downtown area.

COMMENTS

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design								
Construction								
CM/Inspection								
ROW Acquisition								
Other							$3,250,358	$3,250,358
TOTAL							$3,250,358	$3,250,358

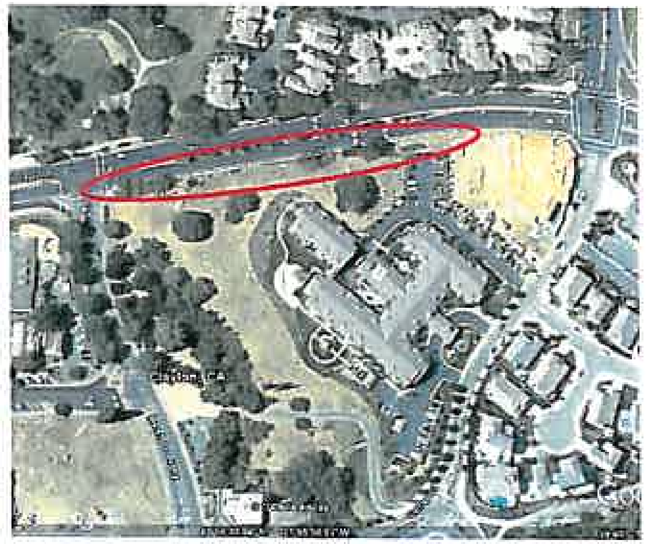
Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
RDA	$2,434,671	$815,687						$3,250,358
Total	$2,434,671	$815,687						$3,250,358

2009/10-2013/14 Capital Improvement Program

Category	Project Number	Project
Streets	10402	Clayton Road Trail Connection

DESCRIPTION - LOCATION

Construct a rock trail between Clayton Rd./ Marsh Creek Rd. intersection and Longs Drug Store site.



COMMENTS

Combined with CIP 10403

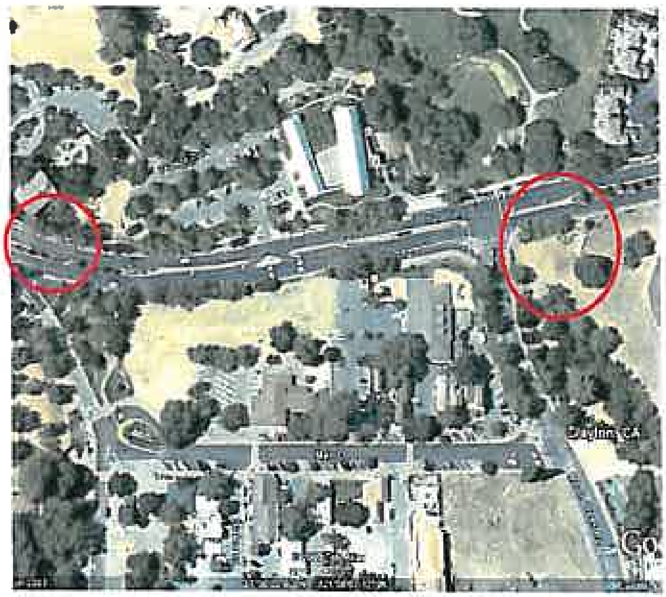
Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design	$65,000							$65,000
Construction		$154,752						$154,752
CM/Inspection		$23,213						$23,213
ROW Acquisition								
Other								
TOTAL	$65,000	$177,965						$242,965

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
RDA	$177,460							$177,460
CBCA Contribution	$65,505							$65,505
Total	$242,965							$242,965

Category	Project Number	Project
Streets	10403	Downtown Entry Signage

DESCRIPTION - LOCATION

Construct downtown entry signs at Oak Street off-ramp and Daffodil Hill.



COMMENTS

See CIP 10402

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design								
Construction								
CM/Inspection								
ROW Acquisition								
Other								
TOTAL								

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Total								

2009/10-2013/14 Capital Improvement Program

Category	Project Number	Project
Streets	10408	2009 Pavement Rehabilitation Project

DESCRIPTION - LOCATION

Pavement resurfacing and treatment on various streets throughout City.

COMMENTS

Various Locations

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design		$10,000						$10,000
Construction		$377,000						$377,000
CM/Inspection		$15,000						$15,000
ROW Acquisition								
Other								
TOTAL		$402,000						$402,000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Gas Tax		$105,996						$105,996
Measure C		$194,000						$194,000
Prop. 42		$102,004						$102,004
Total		$402,000						$402,000

2009/10-2013/14 Capital Improvement Program

Category	Project Number	Project
Streets	10409	2010 Pavement Rehabilitation Project

DESCRIPTION - LOCATION

Pavement resurfacing and treatment on various streets throughout City.

COMMENTS

Various Locations

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design			$10,000					$10,000
Construction			$371,500					$371,500
CM/Inspection			$15,000					$15,000
ROW Acquisition								
Other								
TOTAL			$396,500					$396,500

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Gas Tax			$99,500					$99,500
Measure C/J			$195,000					$195,000
Prop. 42			$102,000					$102,000
Total			$396,500					$396,500

Category	Project Number	Project
Streets	10410	2011 Pavement Rehabilitation Project

DESCRIPTION - LOCATION

Pavement resurfacing and treatment on various streets throughout City.

COMMENTS

Various Locations

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design				$10,000				$10,000
Construction				$370,500				$370,500
CM/Inspection				$15,000				$15,000
ROW Acquisition								
Other								
TOTAL				$395,5000				$395,5000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Gas Tax				$99,500				$99,500
Measure C/J				$194,000				$194,000
Prop. 42				$102,000				$102,000
Total				$395,500				$395,500

Category	Project Number	Project
Streets	10411	2012 Pavement Rehabilitation Project

DESCRIPTION - LOCATION

Pavement resurfacing and treatment on various streets throughout City.

Various Locations

COMMENTS

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design					$10,000			$10,000
Construction					$370,500			$370,500
CM/Inspection					$15,000			$15,000
ROW Acquisition								
Other								
TOTAL					$395,5000			$395,5000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Gas Tax					$99,500			$99,500
Measure C/J					$194,000			$194,000
Prop. 42					$102,000			$102,000
Total					$395,500			$395,500

Category	Project Number	Project
Streets	10412	2009 Arterial Overlay Project

DESCRIPTION - LOCATION

Construction of 2" thick overlay on portions
Clayton Road (El Camino Dr. to Mitchell Road) and Oakhurst Drive (westerly City Limits to Eagle Peak Avenue)

COMMENTS

Primary funding from American Recovery and
Reinvestment Act of 2009 (ARRA); final costs dependent upon final grant amount

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design		$30,000						$30,000
Construction		$525,000						$525,000
CM/Inspection		$29,000						$29,000
ROW Acquisition								
Other								
TOTAL		$584,000						$584,000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Offsite Arterial Fee		$30,000						$30,000
ARRA		$554,000						$554,000
Total		$584,000						$584,000

Category	Project Number	Project
Streets	10413	Community Park Lighting, Resurfacing & Parking

DESCRIPTION - LOCATION

Install sports field lighting, remove and replace turf with synthetic surfacing and construct additional parking spaces at Clayton Community Park

COMMENTS

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design		$100,000						$100,000
Construction		$1,300,000						$1,300,000
CM/Inspection		$100,000						$100,000
ROW Acquisition								
Other								
TOTAL		$1,500,000						$1,500,000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Unfunded							$1,008,000	$1,008,000
Measure WW		$492,000						$492,000
Total		$492,000					$1,008,000	$1,500,000

2009/10-2013/14 Capital Improvement Program

Category	Project Number	Project
Streets	10414	2013 Pavement Rehabilitation Project

DESCRIPTION - LOCATION

Pavement resurfacing and treatment on various streets throughout City.

COMMENTS

Various Locations

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design						$10,000		$10,000
Construction						$370,500		$370,500
CM/Inspection						$15,000		$15,000
ROW Acquisition								
Other								
TOTAL						$395,5000		$395,5000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Gas Tax						$99,500		$99,500
Measure C/J						$194,000		$194,000
Prop. 42						$102,000		$102,000
Total						$395,500		$395,500

CITY OF CLAYTON

Founded 1857 Incorporated 1964

Agenda Date: 6-30-09

Agenda Item: 8b

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: DAVID WOLTERING, COMMUNITY DEVELOPMENT DIRECTOR DW

DATE: JUNE 30, 2009

SUBJECT: DRAFT CITY OF CLAYTON 2009-2014 HOUSING ELEMENT UPDATE

RECOMMENDATION

1. Receive the staff and consultant presentation;
2. Open the Public Hearing and receive public comments;
3. Close the Public Hearing; and,
4. Provide any final modifications to the Draft Housing Element Update and then by motion authorize staff and the Housing Consultant to transmit the Draft Housing Element Update, as amended, to the California Department of Housing and Community Development (HCD) for a standard 60-day review.

BACKGROUND

At the June 9, 2009 Planning Commission meeting, the Draft City of Clayton 2009-2014 Housing Element Update was presented by the staff and the Housing Consultant to the Clayton Planning Commission for its review, comments, and direction. The Commission considered the information in the Draft Housing Element Update, comments from the staff and the Housing Consultant, comments from the public, and then recommended that the Clayton City Council transmit the Draft Housing Element Update to HCD for the standard 60-day review, subject to the following amendments:

1. Goal VI regarding regional planning should be expanded to acknowledge the City's work with TRANSPAC and other similar regional efforts and involvement by the City;
2. The end-of-term date should be added to Implementation Measure III.1.4 associated with the Clayton Redevelopment Agency providing $200,000 annually in set-aside funds for the continued affordability of subsidized residential units at

Diamond Terrace;

3. Goal V pertaining to energy conservation should be further strengthened by offering design assistance through the Community Development Department.

During their deliberation, the Planning Commissioners had some focused discussion related to Implementation Measure I.2.1, pertaining to inclusionary housing requirements. The Commissioners supported the proposed flexibility and options offered to include affordable housing opportunities as part of future development projects. Commissioners indicated that they did not want inclusionary housing requirements to be a deterrent for new housing projects in the City and wanted to make sure that the proposed options for providing inclusionary housing offered would not be more restrictive than neighboring communities' inclusionary housing requirements. Both Housing Consultant Jennifer Gastelum and Community Development Director David Woltering indicated that the proposed implementation measure offers considerable flexibility and a variety of approaches to include affordable housing in residential projects. The Commissioners accepted the proposed implementation measure as written.

A PowerPoint overview of the Draft Housing Element Update document will be presented at the June 30, 2009 special City Council meeting. A copy of the June 30th PowerPoint presentation, copies of the June 9, 2009 Planning Commission staff report and minutes, and the minutes from the April 28, 2009 Joint Special Meeting of the Clayton City Council and Clayton Planning Commission are attached for your review and information.

It is anticipated that should the City Council authorize that the Draft Housing Element Update be transmitted to HCD for the 60-day review that HCD staff will provide comments back that will need to be addressed in terms of finalizing the Draft Housing Element Update for then formal adoption by the City and certification by HCD.

Attachments:

1. Draft City of Clayton 2009-2014 Housing Element Update.
2. Staff Report for the June 9, 2009 Planning Commission Meeting.
3. Minutes from the June 9, 2009 Planning Commission Meeting.
4. Minutes from the April 28, 2009 Joint Special Meeting of the Clayton City Council and Clayton Planning Commission.
5. PowerPoint Presentation for the June 30, 2009 City Council Meeting.

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PLANNING COMMISSION
STAFF REPORT

Meeting Date: **June 9, 2009**

From: **David Woltering, Community Development Director**

Subject: **City of Clayton 2009-2014 Housing Element Update (GPA 01-09)**

REQUEST

1. Receive the staff and consultant presentation regarding the Draft City of Clayton 2009-2014 Housing Element Update;
2. Receive public comments regarding the Draft Housing Element Update;
3. Provide Planning Commission recommendations regarding any proposed changes to the Draft Housing Element Update; and,
4. Provide a Planning Commission recommendation to the Clayton City Council regarding authorizing the submittal of the Draft City of Clayton 2009-2014 Housing Element Update to the California Department of Housing and Community Development (HCD) for a standard 60-day review.

PROJECT INFORMATION

Applicant/Location: City of Clayton/Citywide

General Plan Designation: Various

Zoning Classification: Various

Public Notice: On May 29, 2009 public hearing notices were mailed to interested property owners and citizens and posted at the City's standard posting locations.

BACKGROUND

At the March 17, 2009 meeting of the Clayton City Council, the Council authorized the City Manager to enter into a Professional Services Agreement with Pacific Municipal Consultants (PMC) to update the City's Housing Element. The existing Housing Element was updated and adopted by the City of Clayton and certified by HCD in 2005. The basic scope of this current project is to prepare and process an update of the Clayton Housing Element as well as prepare and process the related California Environmental Quality Act environmental documentation as required by State law.

The Housing Element is one of the seven required elements of a State-mandated General Plan. According to State law, each city and county must prepare and periodically update a General Plan which is a community's guide for its physical growth over time. Typically, the planning period of a General Plan is 20 years. Each jurisdiction is required by the State to more frequently update its Housing Element. Housing Elements must be updated approximately every five to seven years. Specific schedules and deadlines for these updates are established by HCD. The City is to submit its updated Housing Element to HCD by the end of June 2009.

This updated Housing Element will set forth the housing strategy for the City to address the existing and future housing needs allocated to the community for the period of 2009-2014 in accordance with applicable statutory requirements. More specifically, the Housing Element includes the goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing to meet the range of housing needs identified for the community. The City's regional housing needs allocation (RHNA), adopted in August of 2007 by the Association of Bay Area Governments (ABAG), establishes a housing production goal for 2009-2014 of 151 units with the following income distribution:

- 16 percent Extremely Low Income: 24 units;
- 16 percent Very Low Income: 25 units;
- 23 percent Low Income: 35 units;
- 22 percent Moderate Income: 33 units; and,
- 23 percent Above Moderate Income: 34 units
- Total: 100 percent/151 units

Since the March 17th Council meeting, City staff has been working with the PMC project manager, Jennifer Gastelum, and other team members to gather information and prepare the Draft Housing Element Update document. As part of that effort, on April 28, 2009, a Joint Special Meeting of the Planning Commission and the City Council was held to provide a detailed understanding of the requirements and options before the City as it proceeds with this Housing Element Update and to receive direction and feedback to help guide the work of City staff and PMC on this project. A copy of the PowerPoint presentation and minutes from the April 28, 2009 meeting are attached.

During the presentation at the Joint Special Meeting on April 28, 2009, by the PMC project manager, it was indicated that important aspects of this Housing Element Update would pertain to addressing new State law requirements that have gone into effect since the prior 2005 Housing Element Update and presenting a clear overall strategy for facilitating the opportunity to achieve the RHNA for the City of Clayton.

Important new State law requirements mentioned since the 2005 Housing Element Update included the following:

- SB 2 (2007) - addressing emergency shelters, transitional and supportive housing needs;
- AB 2634 (2006) – identifying existing and projected extremely low-income housing needs;
- AB 2348 (2004) – providing a detailed sites inventory to meet the RHNA; and,
- SB 375 (2008) – addressing matters of sustainability, "beneficial impact".

In terms of key goals, policies, and programs, the PMC project manager indicated that the Housing Element Update will need to address the following:

- Adequate sites to achieve the assigned RHNA for the City of Clayton;
- Regulatory relief to facilitate the development of new housing;
- Rental and homeowner financial assistance;
- Equal housing access for all groups;
- Energy conservation; and,
- Matters of regional planning to facilitate the development of housing for all economic segments.

At the meeting of April 28th, the members of the Clayton City Council and Planning Commission indicated support for addressing the new State law requirements, preparing a strategy to facilitate achieving the assigned RHNA for the City of Clayton, and addressing the key project goals, policies, and programs indicated above by the PMC project manager. The Council members and the Commissioners directed that the consultant and staff suggest incentives and options in the Draft Housing Element Update for achieving program objectives and requirements, wherever possible.

DISCUSSION

The consultant and staff have completed the 2009-2014 Draft Housing Element Update and are making it available with this report. This document is the result of considerable research and it updates the City's 2005 Housing Element. Starting at page 91 of this document is the *Goals and Policies* section. In this section, the new State law requirements, the overall strategy for facilitating the City's RHNA, as well as the various goals, policies, and programs listed above in this staff report have been addressed. Staff believes that the implementation measures listed provide, as appropriate, incentives and options, as requested by Council members and Commissioners at the April 28th meeting.

A PowerPoint overview of the Housing Element Update document will be presented at the June 9th meeting. Also, the consultant and staff will be available to respond to questions and/or provide clarification of this document, as needed.

RECOMMENDATION

Staff suggests that the Planning Commission recommends that the City Council authorize staff and the Housing Element consultant to submit the Draft City of Clayton 2009-2014 Housing Element Update o the California Department of Housing and Community Development for the standard 60-day review.

ATTACHMENTS

1. Draft City of Clayton 2009-2014 Housing Element Update.
2. Minutes from the Joint Special Meeting of the Clayton City Council and Clayton Planning Commission, dated Tuesday, April 28, 2009.
3. PowerPoint Presentation from the Tuesday, April 28, 2009 Joint Special Meeting.

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Minutes
City of Clayton Planning Commission Meeting
Tuesday, June 9, 2009

Call to Order

Chair Catalano called the meeting to order at 7:00 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton.

Present:	Chair Tuija Catalano, Commissioner Bob Armstrong, Commissioner Keith Haydon, Commissioner Sandra Johnson
Absent:	Vice Chair Ed Hartley
Staff:	Community Development Director David Woltering Assistant Planner Milan Sikela, Jr. Consultant Jennifer Gastelum, Pacific Municipal Consultants (PMC)

Administrative

1A. Review of agenda items.

1B. Commissioner Johnson to report at the June 16, 2009 City Council meeting.

Approval of Minutes

2. Approval of minutes from the meeting of May 26, 2009.

Commissioner Haydon requested a change in the word order to the fifth bullet from the bottom of Page 2.

Commissioner Haydon moved and Commissioner Johnson seconded a motion to approve the minutes from the meeting of May 26, 2009, with the amendment suggested by Commissioner Haydon. The motion passed 4-0.

Public Hearings

3. **GPA 01-09, Clayton General Plan Housing Element Update, City of Clayton.** An amendment of the Housing Element of the Clayton General Plan initiated by the City of Clayton to update the City's current Housing Element as required by State law.

Community Development Director David Woltering gave a brief introduction and Consultant Jennifer Gastelum presented the staff report.

Planning Commission comments and questions included:

- Please define "emergency shelter". Consultant Jennifer Gastelum indicated that an emergency shelter is housing with limited supportive services for a period of up to six months for homeless people.
- Would the City have to re-zone to allow the construction of an emergency shelter? Ms. Gastelum answered that the City will have to designate zones that allow for the development of emergency shelters, but the applicants would have to comply with the stated standards for development.
- Is there a prototype for halfway houses that the City could use? Ms. Gastelum responded that the City could set up specific criteria that have to be met prior to a development approval. However, Ms. Gastelum indicated that the City does not currently have a large homeless population and there are services in the region to meet their needs.

- On page 25 of the document, accurate counts in certain categories of household types may be difficult to determine because of divorces and joint custody circumstances associated with some of these households. Ms. Gastleum indicated that the concern had merit since both divorced parents could be counted as separate heads of households that share joint custody of their children.
- On Page 7, the description for the City's jobs and housing imbalance should be reworded to be less negative. Clayton is largely a residentially-oriented community, so it would be difficult to achieve a jobs and housing balance.
- On Page 41, there should be clarification made regarding the mitigation of the high cost of constructing second dwelling units that the City could specifically offer.
- The City should be developing a method to assist in mitigating the cost of water service hookups for those wishing to construct second dwelling units.
- Where are the two affordable housing opportunity sites located? Director Woltering answered that the affordable housing opportunity sites are located at the old fire station property on the southeast corner of Clayton Road and Mitchell Canyon Road and the Stanley property behind the Post Office in the Town Center.
- On Page 87, the end-of-term date for the Clayton Redevelopment Agency to make annual $200,000 low-income and moderate-income fund payments should be stated.

The public testimony period was opened.

John Roskelley, 5675 Pine Hollow Road, indicated the following:

- Language should be added to the document that, where appropriate, new residences should be developed and built to be readily adaptable to receive universal design features and modifications to improve accessibility for the physically challenged.
- Does not support requiring a Use Permit for single-family residential units in multi-family residential districts.
- Is pleased that no new affordable housing opportunity sites have been proposed.
- Requested further clarification distinguishing between the proposed implementation measures that are State requirements (mandates) as opposed to those that are discretionary.
- The State should not be telling the City of Clayton how to implement its housing programs.
- If we establish "halfway houses" in the City, there is no guarantee these houses will be well-managed or well-maintained. Emergency shelters could threaten public safety because these types of facilities attract individuals that may be problematic.
- We do not want our property to be an affordable housing site.
- We should not have a consultant from southern California representing a northern California city such as Clayton. Director Woltering indicated that Pacific Municipal Consultants had offices throughout northern California, some of which are located in the cities of Sacramento, Davis, and Oakland. Moreover, the Director indicated that the staff from the Sacramento office is taking the lead on this project.

There being no further public comments, the public testimony period was closed. Commission comments and questions included:

- Goal VI regarding regional planning should be expanded to acknowledge the City's work with TRANSPAC and other similar regional efforts and involvement by the City.
- We need to ensure that Implementation Measure I.2.1, pertaining to inclusionary housing requirements, would not be more restrictive than neighboring communities' inclusionary housing requirements which could pose a constraint to future housing production in Clayton. Both Project Manager Gastelum and Director Woltering indicated that the proposed

implementation measure offers considerable flexibility and a variety of approaches to include affordable housing in residential projects involving two or more units.

- The end-of-term date should be added to Implementation Measure III.1.4, associated with the Clayton Redevelopment Agency providing $200,000 annually in set-aside funds for the continued affordability of subsidized residential units at Diamond Terrace through 2019.
- We do not want inclusionary housing to be a deterrent for new housing projects in the City.
- We need to further strengthen Goal V pertaining to energy conservation by offering design assistance through the Community Development Department. Director Woltering indicated that this section currently suggests providing education and information to promote energy conservation. He indicated that, presently, the Community Development Department does not specifically have actual design expertise; however, perhaps design templates or samples could be provided to offer a higher level of service.
- Does the term "manufactured homes" include trailers? Ms. Gastelum indicated that, no, manufactured homes have to be built on permanent foundations.
- The Commissioners indicated general support for recommending each others' suggested modifications for approval by the City Council.

Commissioner Armstrong moved and Commissioner Haydon seconded a motion to recommend City Council authorization for staff and the Housing Element consultant to submit the Draft City of Clayton 2009-2014 Housing Element Update, as amended to include the Commissioners described modifications, to the California Department of Housing and Community Development for the standard 60-day review. The motion passed 4-0.

Old Business

4. None.

New Business

5. None.

Communications

6A. Staff

Director Woltering indicated that the application period for the two seats on the Planning Commission had closed and that eight applications had been received. He indicated further that it was expected the City Council would interview the candidates prior to the next Planning Commission meeting.

6B. Commission

Adjournment

7. The meeting was adjourned at 8:55 p.m.

David Woltering

Submitted by
David Woltering, AICP
Community Development Director

Tuija I. Catalano

Approved by
Tuija Catalano
Chair

Plng Comm\2009\Minutes\0609

MINUTES
JOINT SPECIAL MEETING
CLAYTON CITY COUNCIL
AND
CLAYTON PLANNING COMMISSION

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

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Julie K. Pierce

Julie K. Pierce, Mayor

APPROVED BY THE CLAYTON PLANNING COMMISSION

Tuija I. Catalano

Tuija Catalano, Chairperson

City of Clayton

2009 Housing Element Update

City Council Meeting

Agenda

- Welcome and Introductions
- Housing Element Update Content
- Regional Housing Needs Allocation (RHNA)
- New Legislation
- Housing Needs Assessment
- Housing Element Goals
- Implementation Measures
- Schedule

Housing Element Content

1.0 Introduction
2.0 – 5.0 Housing Needs Assessment
6.0 Energy Conservation
7.0 Housing Constraints
8.0 Housing Programs
9.0 Regional Housing Needs
10.0 Availability of Land
11.0 Review of Previous Housing Element
12.0 Goals, Policies and Implementation Measure
13.0 Public Participation

Housing Element Content continued

Appendix A Housing Element Public Comments
Appendix B Housing Condition Survey Map
Appendix C Vacant Residential Land Map

New State Law Requirements

- SB 2 (2007) - emergency shelters, transitional and supportive housing
- AB 2634 (2006) - existing and projected extremely low-income need
- AB 2348 (2004) - detailed sites inventory to meet RHNA
- SB 375 (2008) – program time frame, "beneficial impact"

Regional Housing Needs Allocation (RHNA)

- State law requires HCD to determine total regional housing needs
- ABAG distributes the regional number (214,500) among its jurisdictions
- Clayton's 2007-2014 allocation (151) is distributed among 5 standard income categories

Regional Housing Needs Allocation (RHNA)

Income Category	Incomes (2009)	RHNA 2007-2014	Percent of Total
Extremely Low (0-30% AMI)	$0-$26,800	24	16%
Very Low (30-50% AMI)	$26,801-$44,650	25	16%
Low (50-80% AMI)	$44,651-$66,250	35	23%
Moderate (80-120% AMI)	$66,251-$107,150	33	22%
Above Moderate (120% + AMI)	$107,151+	34	23%
Total	—	151	100%

Progress towards RHNA

Income Category	RHNA 2007-2014	Units Constructed Since Jan. 1 07	Balance
Extremely Low	24	0	24
Very Low	25	0	25
Low	35	0	35
Moderate	33	1	32
Above Moderate	34	20	14
Total	151	21	130

Summary of Vacant Land Potential

	ABAG Allocation	Units Built Since 2007	Remaining ABAG Allocation	Capacity on Vacant/ Under-utilized Sites	Surplus/ Carryover
Extremely Low Income	24	0	24	84	13
Very Low Income	25	0	25		
Low Income	35	0	35		
Moderate Income	33	1	32	62	15
Above Moderate Income	34	20	14		
Total	151	21	130	146	16

Housing Needs Assessment

Demographics

	Clayton	Contra Costa County
Population (2008)	10,784	1,051,674
Total Household Population (2008)	10,758	1,040,275
Household Size (2008)	2.721	2.697
Median Age (2000)	40.2	36.4
Percent Minority (2000)	24.8	24.8

Housing Characteristics

Clayton	Owner	Renter
Total Occupied Housing Units	94%	6%
Overcrowded	<1%	0%
Overpaying	25%	31%

Source: US Census, 2000 and CHAS, 2000

Housing Conditions Survey Results

Conditions	# of Unit Surveyed	% of Units
Sounds	256	87%
Minor	34	12%
Moderate	4	1%
Substantial	0	0%
Dilapidated	0	0%
Total	294	100%

Source: PMC Housing Conditions Survey May 2009

Special Needs Housing

Clayton (2000 Census)	Number	% of Total Population
Elderly (age 65+)	974	9%
Disabled (age 16+)	1,059	13%
Single-Parent Households	173	4%
Large Family Households (5+ persons)	403	10%
Farmworkers	0	0%

Rental Housing Affordability

2009 Median income: $89,300 (4-person household)

Income Group	Household Income Limit (4-person household)	Affordable Monthly Rent*
Extremely Low	$26,800	$670
Very Low	$44,650	$1,116
Low	$66,250	$1,656
Moderate	$107,150	$2,679

Source: HCD State Income Limits, 2009
*utilities not included

Rental Prices-City of Clayton

Number of Bedrooms	Single-Family		Multi-Family	
	Median Rent	Number of Units Surveyed	Median Rent	Number of Units Surveyed
Studio	--	--	$895	2
1 bedroom	--	--	$1,045	9
2 bedroom	$1,850	4	$1,180	13
3 bedroom	$1,950	5	$1,320	6
4 bedroom	$2,100	4	--	--
5+ bedroom	$2,220	2	--	--
Total	$2,025	15	$1,113	30

Source: Rental Survey, April 2009

Ownership Housing Characteristics

2009 Median income: $89,300 (4-person household)

Income Group	Income Limit	Affordable Monthly Payment	Max. Affordable Price*
Extremely Low	$26,800	$670	$83,169
Very Low	$44,650	$1,116	$138,514
Low	$66,250	$1,656	$205,427
Moderate	$107,150	$2,679	$332,373

Home Prices-City of Clayton

Homes sold in Clayton since February 2009	22
Average Price/sq.ft. (Jan 09-Mar 09)	$247
Median Sales Price (Jan 09-Mar 09)	$461,962

Note: 30 homes in the pre-foreclosure, auction, and bank-owned stages of the foreclosure process.

Source: www.trulia.com

Goals, Policies, Measures

Goals

- Adequate Sites and new Construction
- Regulatory Relief and Incentives
- Rental and Homeownership Assistance
- Equal Access
- Energy Conservation
- Regional Planning

Updated Implementation Measures

Implementation Measures	Timeframe
Affordable Housing Plan (Citywide Inclusionary)	As projects are implemented
Amend the Zoning Ordinance to allow manufactured houses	June 2010
Assist and encourage the development of second units	December 2012
Amend Zoning Code to permit emergency shelters	June 2010
Amend Zoning Code to permit transitional and supportive housing	June 2010
Allow for SROs	June 2010

Updated Implementation Measures

Implementation Measures	Timeframe
Consider amending the ZC to allow single-family homes in the M-R District only with a CUP	December 2010
Allow Density Bonuses	May 2010
Create a First-time Homebuyer Program	May 2011
Reasonable Accommodations Procedure	October 2010
Universal Design Ordinance	May 2011

Schedule

Public Workshop	April 2009
Planning Commission Meeting	June 9, 2009
City Council Meeting	June 30, 2009
Submit Draft Element to State	July 1, 2009
Receive HCD Comments	September 2009
Adopt Final Housing Element	September – October 2009

Questions/Comments

City Council-

Please bring your previously distributed copy of the Draft City of Clayton 2009-2014 Housing Element Update to the meeting.

City of Clayton
2009-2014
Housing Element Update

CITY OF CLAYTON
Founded 1857.. Incorporated 1964

City of Clayton

6000 Heritage Trail

Clayton, CA 94517-1250

Draft

June 2009

Technical Assistance By:

PMC™

2729 Prospect Park Drive, Suite 220
Rancho Cordova, CA 95670

TABLE OF CONTENTS

TABLES

1.0 INTRODUCTION

OVERVIEW OF STATE REQUIREMENTS

State law recognizes the vital role local governments play in the supply and affordability of housing. Each local government in California is required to adopt a comprehensive, long-term general plan for the physical development of the city or county. The Housing Element is one of the seven mandated elements of the local general plan. State law requires that local governments plan to address the existing and projected housing needs of all economic segments of the community through their Housing Elements. The law acknowledges that, in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development. As a result, housing policy in the state rests largely upon the effective implementation of local general plans and, in particular, local Housing Elements.

OVERVIEW OF CLAYTON HOUSING ELEMENT

This document is a comprehensive update of the Housing Element adopted in November 1993 and amended in February 1995, June 2000, and September 2005. This element covers the planning period commencing July 1, 2009, and ending June 30, 2014.

The Housing Element consists of thirteen sections. Sections 2.0 to 6.0 of the Background Report documents Clayton's population and household characteristics, employment and economic trends, housing stock, and existing and future housing needs. Section 7.0 describes potential governmental and non-governmental constraints on the production of affordable housing. Section 8.0 identifies the City' current and past housing programs and Section 9.0 and 10.0 assess available sites and services to meet the City's regional housing needs allocation. Section 11.0 reviews past and current housing efforts in Clayton.

Section 12.0 includes the goals, policies, implementation measures, and quantified objectives for the 2009-2014 Housing Element periods. The purpose of this section is to state the community's goals and objectives with regard to housing production, rehabilitation, and conservation to meet those needs, and to define the policies and programs that the community will implement to achieve the stated goals and objectives. Section 12.0 divides housing goals and policies into six categories. The first category addresses the provision of adequate sites to accommodate Clayton's fair share housing allocation. The second category addresses regulatory relief and incentives. The third category addresses rental and homeownership assistance. The fourth category addresses equal access to housing. The fifth and sixth categories address energy conservation and regional planning, respectively. Each of the categories are followed by housing goals, policies and implementation measures. Following the housing goals, policies and implementation measures section the City has included a quantified objectives table for the 2009-2014 planning period.

Section 13.0 provides a description of the City's Housing Element public outreach efforts and summarizes each of the public meeting and hearings associated with drafting this Housing Element. A full description of the comments received at each of the meetings is located in Appendix A.

These sections draw on a broad range of informational sources. Information on population, housing stock, and economics comes primarily from the 1990 and 2000 U.S. Census, the California Department of Finance (DOF), the Association of Bay Area Governments (ABAG), and City records. Information on available sites and services for housing comes from various public agencies. Information on constraints on housing production and past and current housing efforts in Clayton was provided by City staff, other public agencies, and a number of private sources.

RELATIONSHIP TO OTHER GENERAL PLAN ELEMENTS

State law requires that the Housing Element be consistent with the community's general plan. The Clayton General Plan comprises eight elements: Land Use, Circulation, Housing, Community Design, Open Space/Conservation, Safety, Noise, and Community Facilities. All of the goals, policies, and programs contained in these elements are consistent with the Housing Element. In the 2009 Housing Element update, no significant changes other than those required by state law were made, thus maintaining consistency with other elements of the Clayton General Plan.

HOUSING NEEDS ASSESSMENT

The Housing Needs Assessment cover Under the requirements of state law, the Housing Element must document in detail the existing housing stock and existing and projected housing needs. Specifically, the Housing Element must include all of the following:

- An analysis of population/employment trends, documentation of projections, and a quantification of the locality's existing and projected housing needs for all income levels;
- An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition;
- An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites;
- An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures;
- An analysis of potential and actual non-governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction;
- An analysis of any special housing needs, such as those of the disabled, single-parent families, elderly, large families, and families and persons in need of emergency shelter;

- An analysis of opportunities for energy conservation with respect to residential development; and,

- An analysis of assisted housing development eligible to change to non-low-income housing.

2.0 Population Characteristics

This section describes Clayton's population, employment characteristics, and special needs populations in terms of current conditions, trends, and projections. This information in this section comes primarily from the U.S. Census Bureau, the DOF, and ABAG.

Historic Population Growth

Clayton experienced consistent growth from 1970 to 2000, reaching its peak population in 1999. According to the DOF, Clayton's population grew slightly from 10,730 to 10,990 between 2000 and 2008 but during that time, the City experienced some population loss. Population growth from 1970 to 2008 is shown in **Table 1**.

Table 1
Historic Population Growth
1970–2008

Year	Total Population	Changes in Total Population	Population per Household
1970	1,385	--	--
1980	4,325	212.3	--
1990	7,317	69.2	3.14
1995	8,745	19.5	2.96
1996	9,422	7.7	2.96
1997	10,120	7.4	2.98
1998	10,666	5.4	3.02
1999	11,191	4.9	3.05
2000	10,762	-3.8%	2.77
2001	10,938	1.6%	2.79
2002	10,962	0.2%	2.80
2003	10,953	-0.1%	2.79
2004	10,990	0.4%	2.78
2005	10,906	-0.8%	2.76
2006	10,788	-1.0%	2.73

2007	10,728	-0.6%	2.71
2008	10,778	0.5%	2.72
2009	10,864	0.8%	2.73

Sources: U.S. Census Bureau, 2000; California Department of Finance (E-5 Reports), 2009

PROJECTED POPULATION GROWTH

According to ABAG projections, Clayton's population will increase by 1,700 (14.9 percent) to a population of 13,100 between 2010 and 2035. During the same period, Contra Costa County's population is expected to increase by over 22.5 percent to 1,300,600 persons (see **Table 2**).

TABLE 2
POPULATION PROJECTIONS
2000–2035

Year	Clayton		Contra Costa County	
	Population	Change	Population	Change
2000	10,863	--	948,816	--
2005	11,100	2.2%	1,023,400	7.9%
2010	11,400	2.7%	1,061,900	3.8%
2015	11,800	3.5%	1,107,300	4.3%
2020	12,100	2.5%	1,157,000	4.5%
2025	12,400	2.5%	1,208,200	4.4%
2030	12,700	2.4%	1,255,300	3.9%
2035	13,100	3.2%	1,300,600	3.6%

Source: Association of Bay Area Governments, 2007

POPULATION AGE STRUCTURE

Current and future housing needs are usually determined in part by the age characteristics of a community's residents. Each age group has distinct lifestyles, family type and size, incomes, and housing preferences. Consequently, evaluating the age characteristics of a community is important in determining its housing needs.

As shown in **Table 3,** the teenage and young adult population (ages 15-44) constitutes the largest share of the City's population at 37.9 percent. The population under 15 declined as a portion of the City's total population by 3.8 percent from 1990 to 2000, while all other age groups increased in number. This may indicate the presence of fewer residents with children under the age of 15 in 2000 than in 1990.

TABLE 3
POPULATION AGE DISTRIBUTION
1980–2000

Age	1990		2000	
	Number	Percentage	Number	Percentage
Under 15	1,866	25.5	2,333	21.7
15-44*	2,146	29.3	4,070	37.9
45-59	1,553	21.2	2,874	26.7
60-74	551	7.5	1,157	10.7
75+	110	1.5	328	3.0
Total	**6,226**	**100.0**	**10,762**	**100.0**

In 2000 the Census Bureau changed its method of reporting age distributions. It added a 24-34 grouping. In order to eliminate the possible confusion that this may cause, the data has been aggregated from several groupings into one, 15-44.
Source: U.S. Census Bureau, 2000

ETHNICITY

Table 4 compares the racial and ethnic composition of Clayton in 1990 and 2000. According to the U.S. Census, Clayton's population was 87.9 percent white in 2000, compared to 92.6 percent in 1990. The largest minority population is in the Asian/Pacific Islander category with 5.4 percent of the population in 2000. The next largest racial group were among those individuals identifying themselves as being of some "other" race or of "two or more" races, comprising 5.2 percent of Clayton's population.

TABLE 4
RACIAL PROFILE
1990–2000

Race/Ethnicity	1990		2000	
	Number	Percentage	Number	Percentage
One Race				
White	6,779	92.6	9,465	87.9
Asian, Native Hawaiian or Pacific Islanders	363	5.0	590	5.4
Black or African American	73	1.0	120	1.1
American Indian and Alaska Native	17	0.2	20	0.3
Other	85	1.2	166	1.5
Two or more races*	--	--	401	3.7
TOTAL	**7,317**	**100.0**	**10,762**	**100.0**

"Two or more races" is a new category in the 2000 Census and include three or more races.
Source: U.S. Census Bureau, 2000

EMPLOYMENT

Clayton is a residential community with relatively few jobs. ABAG reported that in 2000, there were 1,390 jobs in Clayton's Sphere of Influence. Between 2000 and 2035, ABAG projects jobs within the City's Sphere of Influence will increase by 35.3 percent to approximately 1,880 jobs. **Table 5** shows employment estimates and projections for Clayton's Sphere of Influence for the period 2000 through 2035.

TABLE 5
TOTAL EMPLOYMENT,
CLAYTON SPHERE OF INFLUENCE
2000–2035

Year	Clayton Sphere of Influence
2000	1,390
2005	1,440
2010	1,520
2015	1,570
2020	1,640

Year	Clayton Sphere of Influence
2025	1,720
2030	1,810
2035	1,880

Source: Association of Bay Area Governments, 2007

JOBS/HOUSING BALANCE

The analysis of jobs/housing balance is used to measure the degree to which communities and subregions are inducing commuter travel as growth occurs. A community with a balance of jobs and housing has as many jobs as residents that are able to work. For example, a city with 5,000 employed residents requires 5,000 jobs to be in balance. A community is out of balance if it either has more jobs than employed residents or has more employable residents than jobs. When a community has more employed residents than jobs, it is a sign that a number of residents are commuting out of the community for work, which can have a number of negative impacts on the community including traffic congestion and loss of revenue for local businesses.

In 2000, Clayton had a jobs-to-employed residents ratio of 0.23 (1,390 jobs/5,988 employed residents). In 2005 this ratio slightly increased to 0.26 (1,440 jobs/5,620 residents). In short, Clayton's jobs/housing ratio is out of balance, and this trend is expected to continue into the foreseeable future with the ratio expected to remain between 0.23 and 0.26. **Table 6** shows the City's estimated and projected jobs/housing balance for the years 2000 through 2035.

TABLE 6
JOBS/HOUSING BALANCE
CLAYTON SPHERE OF INFLUENCE
2000–2035

Year	Number of Jobs	Number of Employed Residents	Ratio of Jobs to Employed Residents
2000	1,390	5,988	0.23
2005	1,440	5,620	0.26
2010	1,520	6,020	0.25
2015	1,570	6,430	0.24
2020	1,640	6,780	0.24
2025	1,720	7,110	0.24
2030	1,810	7,380	0.25
2035	1,880	7,840	0.24

Sources: Association of Bay Area Governments, 2007

SPECIAL HOUSING NEEDS

Within the general population there are several groups of people who have special housing needs. Their special needs can make it difficult for members of these groups to locate suitable housing. The following subsections discuss these special housing needs of six groups identified in state housing element law (Government Code, Section 65583(a)(6)). Specifically, these include senior households, persons with disabilities, large households, single-parent households, the homeless, and farmworkers. Where possible, estimates of the population or number of households in Clayton falling into each group are presented.

Senior Households

Senior households are defined as households with one or more persons over the age of 65 years. **Table 7** shows information from the 2000 Census on the number of persons over the age of 65 years as well as the number of households in which a person over the age of 65 resides. Nearly 18 percent of all households in Clayton included one or more senior individual, and 9 percent of all persons living in Clayton are seniors. The senior population is split equally between males and females.

In general, most senior households consist of a single, elderly person living alone or a couple. In comparison, among non-senior households, a smaller percentage of households live alone. This information suggests that housing developments for senior households should contain larger proportions of smaller housing units than projects intended for the general population.

TABLE 7
NUMBER OF SENIORS
2000

Senior Characteristics	Population
Number of Persons 65 years and Over	974
Number of Households with Individuals 65 Years and Over	686
Seniors as a Percentage of the Total Population	9.1%
Percentage of All Households	17.7%
Percentage Male	49.9%
Percentage Female	50.1%

Source: U.S. Census, 2000

As of 2000, the majority of senior households in Clayton were homeowners. Of all households headed by a person 65 years or older, 97.4 percent owned their homes and 2.6 percent rented. This is significantly less than the number of non-seniors that rent in Clayton, 6.9 percent (see **Table 8**).

TABLE 8
HOUSING TENURE OF HOUSEHOLDS

Household Type and Tenure (1)	1990		2000	
	Number	Percentage	Number	Percentage
Senior Headed Households	207	100%	1,168	100.0%
Renter	23	11.1 %	30	2.6%
Owner	184	88.9%	1,138	97.4%
Households Headed by a Non-Senior Person	2,125	100.0%	2,715	100.0%
Renter	144	6.8%	186	6.9%
Owner	1,981	93.2%	2,529	93.1%

(1) Based on occupied housing units.
Source: U.S. Census, 1990 and 2000

As is the case among the general population, a larger percentage of senior renter households (52.2 percent) than senior owner households (20.1 percent) paid 30 percent or more of their incomes for housing costs in 1990 (see Table 9). In 2000 those same figures slightly decreased for senior renters (50 percent) and slightly increased (26.7 percent) for senior homeowners. However, in 2000, 30 percent of the non-senior households paid 30 percent or more for rent. This is down from over 60 percent in 1990.

TABLE 9
COST BURDENS BY AGE AND TENURE

Age Category	1990			2000		
	Total Renters	Cost Burden Greater Than 30%		Total Renters	Cost Burden Greater Than 30%	
	Number	Number	Percentage	Number	Number	Percentage
15-64 years	144	93	64.6%	222	67	30.2%
65 years and over	23	12	52.2%	10	5	50.0%
Total	**167**	**105**	**62.9%**	**232**	**72**	**31.0%**

Age Category	Total Home-owners	Cost Burden Greater Than 30%		Total Home-owners	Cost Burden Greater Than 30%	
	Number	Number	Percentage	Number	Number	Percentage
15-64 years	1,943	640	32.9%	2,937	792	27.0%
65 years and over	184	37	20.1%	619	165	26.7%
Total	**2,127**	**677**	**31.8%**	**3,556**	**957**	**26.8%**

Sources: US Census, 1990 and 2000

This data indicates that there is a need in Clayton for programs to assist senior renters. Although there are more senior homeowners, it is the renters who experience the greatest housing needs due to fixed incomes. Senior homeowners, however, do face the problem of maintaining their homes, often on fixed incomes as well.

According to statistics from the Social Security Administration, as of May 2009 and within Clayton's postal code 94517, there were 1,550 Old-Age, Survivor's and Disability Insurance (OASDI) recipients 65 years and over in Clayton. SSI is a needs-based program that pays monthly benefits to persons who are 65 or older, blind, or have a disability. Seniors who have never worked or who have insufficient work credits to qualify for Social Security disability often receive SSI benefits. In fact, OASDI is the only source of income for a number of low-income seniors. With the average monthly benefit in California at approximately $906, OASDI recipients are likely to have difficulty in finding housing that fits within their budgets. If a senior living on the maximum OASDI payment spends 30 percent of his income on housing, approximately $272 would be for housing expenses.

Diamond Terrace is the only senior housing development in Clayton. Diamond Terrace has a total of 86 units, two of which are reserved for onsite managers. Diamond Terrace offers assisted living with an array of support services (including meals) available as needed. There are 26 one-bedroom and 2 two-bedroom units reserved for very low-income residents (28 total) and 25 one-bedroom and 6 two-bedroom units available for low-income residents (31 total). There are a total of 15 units reserved for moderate-income residents: 2 studios, 13 one-bedroom units, and 2 two-bedroom units. Diamond Terrace does rent some of the units at market rate.

The Concord Housing and Community Services Department responds to elderly needs in Clayton by publishing a list of housing facilities for the elderly, providing low interest loans for household repairs, and paying an emergency rebate for home repairs. The department also provides referrals to nonprofit organizations such as Meals-on-Wheels.

Persons with Disabilities

Table 10 presents information derived from the 1990 and 2000 U.S. Census. With regard to disability status, the 1990 and 2000 Census provides information on whether persons 16 years of age or older have a mobility problem, self-care limitation, or both.

TABLE 10
MOBILITY/SELF-CARE LIMITATION – PERSONS 16 YRS AND OLDER

1990						
Age	**16-64 Years**		**65 and Over**		**Total Population 16 Years and Older**	
	Number	**Percentage**	**Number**	**Percentage**	**Number**	**Percentage**
Mobility/ Self Help Limitation	110	2.2%	78	20.4%	188	3.4%
No Limitation	4,960	97.8%	303	79.6%	5,263	96.6%
Total Persons	5,070	100.0%	381	100.0%	5,451	100.0%
2000						
Age	**16-64 Years**		**65 and Over**		**Total Population 16 Years and Older**	
	Number	**Percentage**	**Number**	**Percentage**	**Number**	**Percentage**
Mobility/ Self Help Limitation	726	9.0%	153	31.4%	1,059	12.8%
No Limitation	7,300	91.0%	334	68.6%	7,218	87.2%
Total Persons	**8,026**	**100%**	**487**	**100.0%**	**8,277**	**100%**

Sources: U.S. Census, 1990 and 2000

Between 1990 and 2000, the percentage of those 16 years old and older with a mobility or self-help limitation grew as a percentage of the total population. In 2000, approximately 91.0 percent of Clayton's population 16 years of age or older had no self-care or mobility limitation. However, when this same information is separated by age group, it is clear that as the population ages, the incidence of disability increases. Among the population that is age 65 and older, 31.0 percent experienced either a self-care or mobility limitation or both. In summary, a total of 1,059 persons who were 16 years or older in 2000 had a mobility limitation, a self-care limitation, or a combination of these conditions.

The statistics for the SSI program also provide information on the number of persons with disabilities who may have housing needs because of their low incomes. As of May 2009, there were 180 SSI recipients in Clayton who were receiving benefits because they are disabled. Although these figures can give a sense of the proportion of the population with different types of disabilities, a much smaller proportion of the population may actually require specially adapted housing to accommodate disabilities. In addition to the mobility and self-care limitations, there are also developmental disabilities and mental illness. Affordability and services on-site are required elements of adequate housing for a major portion of this population. Information on disabled people and the resources available to them was obtained from social service organizations and is presented below.

Information from Service Providers

The Regional Center of the East Bay, which serves developmentally disabled people, reported that 46 of its clients lived in Clayton as of April 2009.

Independent Living Resources, a nonprofit organization that serves people with physical, mental, and developmental disabilities throughout Contra Costa County, has noted that people with disabilities have difficulties in finding affordable housing in the area. Most have low incomes because they are unable to work and a large number of them rely on SSI as an income source. Providing housing that is accessible for those who have mobility problems is important and some units in new developments could be reserved for persons with disabilities. Universal design concepts could be incorporated into new housing developments or the City could encourage a shared housing program to increase housing options for seniors and persons with disabilities.

The State Independent Living Council's (SILC) 1998 report, "Independent Living," provides a perspective on the housing needs of persons with disabilities. SILC polled the independent living centers across the state to determine the major factors that hinder people with disabilities from living independently. The SILC identified housing as a critical issue, as follows:

Housing is a significant problem for most people with disabilities. Not only is there a scarcity of low-income housing located in each community, there is even less barrier-free low-income housing. For individuals who are receiving a total gross income of $870 on Supplemental Security Income, paying market rate for any type of apartment or house is a virtual impossibility.

There is one special affordable housing project solely for persons with disabilities in Clayton, Kirker Court (20 units).

Large Households

Large households require housing units with more bedrooms than housing units needed by smaller households. In general, housing for these households should provide safe outdoor play areas for children and should be located to provide convenient access to schools and childcare facilities. These types of needs can pose problems, particularly for large families that cannot afford to buy or rent single-family houses, as apartment and condominium units are most often developed with childless, smaller households in mind.

The U.S. Department of Housing and Urban Development (HUD) defines a large household or family as one with five or more members. According to the 2000 Census, 403 households, or 10.3 percent of the total households in Clayton, had five or more members.

Single-Headed Households

According to the U.S. Census Bureau, a single-headed household contains a household head and at least one dependent, which could include a child, an elderly parent, or non-related child. The 2000 Census information (detailed in **Table 11**) indicates that there were 198 households headed by a female, representing 5 percent of all Clayton households. More than one-half of these female-headed households (108) have children living with them that are under 18 years of age. According to the 2000 Census, there were 107 male-headed households, representing 2.7 percent of all households. Of these male-headed households, 65 had children under the age of 18. The number of female-headed households with children under the age of 18 is nearly double the number of male-headed households with the same circumstance. Overall, single-headed households do not represent a substantial number of the total households in Clayton.

TABLE 11
SINGLE PARENT-HEADED HOUSEHOLDS

	Number	Percentage of Total Households
Female-Headed Households	198	5.0%
Female Heads with Children Under 18	108	2.8%
Female Heads with No Children Under 18	90	2.9%
Male-Headed Households	107	2.7%
Male Heads with Children Under 18	65	1.7%
Male Heads with No Children Under 18	42	1.1%
Total Households	3,926	100.0%

Source: U.S. Census, 2000

Often with only one source of income, single-headed households have more difficulties finding adequate, affordable housing than families with two adults. Also, single-parent households with small children may need to pay for childcare, which further reduces disposable income. This special needs group would benefit generally from expanded affordable housing opportunities. More specifically, the need for dependent care also makes it important that housing for single-headed families be located near childcare facilities, schools, youth services, medical facilities, or senior services.

Homeless

It is very difficult to quantify the homeless population in a given community due to the lack of current census data. However, the Contra Costa County Homeless Program completed its biannual point-in-time homeless count on January 28, 2009. The count was conducted in 5 districts comprising 31 areas within the County and identified 1,872 persons without shelter. Of the identified persons, zero persons were identified as residents of Clayton. According to City staff, on occasion one or two homeless persons appears in the community, but soon move to areas where there are needed services. Overall, the count will assist in the implementation of the County's 10-year plan to end homelessness. Specifically, the count will inform the County regarding the its progress in accomplishing goals related to ending homelessness.

The most notable findings of the homeless count for the County as a whole are:

- An 8 percent decrease in homeless persons.
- 57 percent of homeless persons live in encampments.
- The number of single adults accessing services increased by roughly 20 percent.
- The number of homeless individuals in alcohol and drug treatment programs doubled.
- The number of homeless individuals utilizing food programs increased.

In addition to the County's plan "Ending Homelessness in Ten Years", the County also completed the "Contra Costa Homeless Continuum of Care Plan 2001-2006". The five-year plan, is a good source of information on homelessness and available programs. The following information is from the Five-Year Plan.

Contra Costa County community members are not immune from the threat of homelessness. Rather, at least 14,757 people in the County experience homelessness each year. More than two-thirds of them are members of a family, including almost 7,000 children. On any given night, more than 4,800 people are homeless, living on the streets or in temporary accommodations, such as in an emergency shelter, a motel, or on a relative's couch. In addition, many others are at risk of becoming homeless, such as the nearly 17,000 extremely low-income households in the county who are paying over 30 percent of their income for rent and struggling to make ends meet.

As elsewhere in the nation, homelessness is usually the end result of multiple factors that converge in a person's life. The combination of loss of employment, inability to find a job because of the need for retraining, and the high housing costs in this county lead to some individuals and families losing their housing. For others, the loss of housing is due to chronic health problems, physical disabilities, mental health disabilities, or drug and alcohol addictions along with an inability to access the services and long-term support needed to address these conditions.

The plan identifies three primary causes of homelessness as follows:

- Shortage of affordable housing,
- Lack of access to support services, and
- Low incomes.

The CoCB and the Contra Costa County Office of Homeless Programs held a series of community meetings between October 2000 and January 2001 to identify unmet service and housing needs and obtain feedback about ongoing programs. Unmet needs continue into 2009. The needs for all segments of the homeless population included the following:

- Affordable Housing - Rental units in the county are not affordable to people with extremely low incomes, such as those who depend on General Assistance, Temporary Assistance to Needy Families, or SSI. Over 2,000 households are on the waiting list for Section 8 assistance. In addition, many cannot come up with the money required to move into an apartment (first and last months rent plus security deposit).

- Employment at a Living Wage – The high cost of housing makes it difficult to find housing that is affordable for those working minimum wage jobs.

- Dignity – Participants expressed their desire to be treated with respect when accessing services.

- Transportation – Lack of transportation makes it difficult for people to get to jobs as well as services.

- Early Intervention: Timely Prevention and Emergency Services – Providers stressed the importance of identifying people at risk of homelessness early and then providing services to them immediately.

- Community Education, Involvement and Advocacy – Providers and community members felt that community education is an important way to increase the public's understanding of homelessness and build support for programs that prevent and alleviate homelessness.

Farmworkers

The 2000 Census reported that no Clayton residents were employed in farming, forestry, or fishing industries. Since agricultural areas are relatively distant from Clayton, it is unlikely there are any farmworkers living in Clayton.

3.0 HOUSING STOCK CHARACTERISTICS

This section describes Clayton's housing stock and its characteristics, with comparisons to surrounding cities, Contra Costa County, and the Bay Area as a whole. The information in this section comes primarily from the U.S. Census Bureau, the California Department of Finance, and the Association of Bay Area Governments, but is supplemented by information from the City and other sources.

HOUSING STOCK GROWTH AND COMPOSITION

In 1970, Clayton was a small town with only 354 housing units, all of which were single-family homes. During the 1970s, the town underwent dramatic change. In the mid-1970s, Seeno Construction Company initiated a surge of new development in Clayton with the Regency Woods project, Clayton's first large subdivision development. As a result of this and other development in the mid and late 1970s, Clayton's housing stock nearly quadrupled to 1,377 units by 1980. Building activity then slowed during the early 1980s. In 1987, the City annexed a large area north of the city, and the Presley Company began developing the Oakhurst Country Club area. Also in 1987, Clayton annexed several existing unincorporated neighborhoods (i.e., Clayton Woods, Dana Hills, and Dana Ridge), which together added approximately 700 housing units to the city. In 1995, Clayton adopted a specific plan for a 475-acre area to the east along Marsh Creek Road. The Marsh Creek Specific Plan calls for a part of this area to be annexed to the City. Annexation and development of this area would add approximately 310 new units and 20 existing units to the City's housing stock. The 1990s saw the approval/development of over 1,700 residential units. This included the completion of the Oakhurst development which added 1,474 units to the City over a seven-year period (1992 to 1999), Diablo Village which added 33 units, Stranahan development which added 54 units, and Diamond Terrace which added 86 units.

According to the U.S. Census Bureau, Clayton's housing stock in 2000 consisted of 3,924 units. While Clayton's housing stock increased by over 58 percent between 1990 and 2000 (based on Census counts), the composition of the housing stock between 2000 and 2009 remained virtually unchanged. There were approximately 82 additional single-family detached units built between 2000 and 2009, and no single-family attached units built during that time. The only decrease in the number of units came between 2006 and 2007 when the City lost four single-family detached units. **Table 12** summarizes the number and type of units in Clayton for the period 1990 and 2000 through 2009.

TABLE 12
NUMBER AND TYPE OF DWELLING UNITS
1990-2008

Year	Total Units	Single-Family	Per-centage	SF Detached	Per-centage	SF Attached	Per-centage
1990 (Census)	2,263	--	--	--	--	--	--
1990 (DOF)	2,361	2,357	99.83	2,263	96.01	94	3.99
2000 (DOF)	3,805	3,801	99.9	3,265	85.9	536	14.1
2000 (Census)	3,924	--	--	--	--	--	--
2001 (DOF)	3,949	3,898	98.7	3,217	81.5	681	17.3
2002 (DOF)	3,952	3,901	98.7	3,220	81.5	681	17.2
2003 (DOF)	3,953	3,902	98.7	3,221	81.5	681	17.2

Year	Total Units	Single-Family	Per-centage	SF Detached	Per-centage	SF Attached	Per-centage
2004 (DOF)	3,980	3,929	98.7	3,248	81.6	681	17.1
2005 (DOF)	3,980	3,929	98.7	3,248	81.6	681	17.1
2006 (DOF)	3,988	3,937	98.7	3,256	81.7	681	17.0
2007 (DOF)	3,984	3,933	98.7	3,252	81.6	681	17.1
2008 (DOF)	3,995	3,944	98.7	3,263	81.7	681	17.1
2009 (DOF)	4,006	3,953	98.6	3,274	81.7	681	17.1

Note: The discrepancy between total units and single-family units include one mobile home and three multi-family units that have not been verified.
Source: California Department of Finance; U.S. Census Bureau, 2000

Age and Condition of Housing

According to the U.S. Census Bureau, the median age of Clayton's housing was only 15 years old in 2000. As a result, most of Clayton's housing stock is in good condition. There are, however, numerous older structures, some of which may need rehabilitation.

In May 2009 an extensive windshield survey of housing conditions was conducted throughout the City. The survey consisted of 300 randomly selected residential parcels in specific neighborhoods throughout the City. A map displaying the areas surveyed is available (see Appendix B).

Detailed Survey Results

The majority of the homes surveyed in the City of Clayton were categorized in the sound or minor categories. **Table 13** illustrates the overall condition of all of the homes surveyed in the City. Eighty-seven (87) percent of the homes surveyed in the City of Clayton were in sound condition and 12 percent were in need of minor repairs. A house in sound condition is well maintained and structurally intact. This includes a good foundation, straight roof lines, good exterior paint condition and siding, and windows and doors that are in good repair. Homes in sound condition may have minor maintenance needs or require some paint or siding repair. Homes deemed to be in need of minor repairs require general maintenance or one major repair such as a new roof.

The remaining 1 percent of homes surveyed were found to be in need of moderate repair. There were not any homes found in the survey that are in substantial or dilapidated condition.

TABLE 13
HOUSING CONDITIONS SURVEY RESULTS

Condition	Number of Units Surveyed	Percentage
Sound	256	87%
Minor	34	12%
Moderate	4	1%
Substantial	0	0%
Dilapidated	0	0%
Total	294	100%

Source: PMC Housing Conditions Survey May 2009

Many of the City's single-family homes were in sound condition or needed minor repairs. **Table 14** illustrates that 98 percent of the single-family homes surveyed were in sound or minor condition. This means little maintenance, if any, was needed. The remaining 2 percent of the single-family homes required moderate repairs.

TABLE 14
SINGLE-FAMILY ATTACHED/DETACHED

Condition	Number of Units Surveyed	Percentage
Sound	195	84%
Minor	33	14%
Moderate	4	2%
Substantial	0	0%
Dilapidated	0	0%
Total	232	100%

Source: PMC Housing Conditions Survey May 2009

Three (3) percent of the housing units surveyed were duplexes. All of the duplex units surveyed were found to be in sound condition. **Table 15** provides a summary of the conditions of duplex units.

TABLE 15
DUPLEXES

Condition	Number of Units Surveyed	Percentage
Sound	9	100%
Minor	0	0%
Moderate	0	0%
Substantial	0	0%
Dilapidated	0	0%
Total	9	100%

Source: PMC Housing Conditions Survey May 2009

Table 16 depicts the condition of the multi-family structures surveyed. The majority of multi-family units (98 percent) that were observed were found to be in sound condition requiring very minor to no repairs. Two (2) percent of the multi-family structures surveyed needed minor repairs or one major repair.

TABLE 16
MULTI-FAMILY HOUSING

Condition	Number of Units Surveyed	Percentage
Sound	52	98%
Minor	1	2%
Moderate	0	0%
Substantial	0	0%
Dilapidated	0	0%
Total	53	100%

Source: PMC Housing Conditions Survey May 2009

Survey Conclusion

The survey of the City's housing stock found that the overall condition of homes in the City is sound. Less than one-sixth of the homes surveyed were found to be in need of minor or moderate repairs which is likely the result of the high rate (94 percent) of homeownership in the City as well as the large proportion of new housing units (40 percent) added to the housing stock in the past two decades.

HOUSING TENURE AND OCCUPANCY

Clayton is overwhelmingly a city of homeowners, with only 5.6 percent (i.e., 216 units) of its housing stock occupied by renters in 2000. The percentage of renters dropped slightly from 7.2 percent (i.e., 167 units) in 1990. By contrast to Clayton, 30.7 percent of Contra Costa County's housing stock was renter-occupied in 2000.

Vacancy rates are often an indicator of existing housing need and over- or under-supply. The difference between current vacancy rate and the optimal vacancy rates is a good measure of whether the market is responding to overall housing needs. Optimal vacancy rates differ between rental housing and ownership housing. The Association of Bay Area Governments has set two rates as the regional vacancy objective. For rental housing, a 5 percent vacancy rate is considered necessary to permit ordinary rental mobility. For ownership housing, a 2 percent vacancy rate is considered the threshold to permit ordinary mobility. If vacancy rates are below these levels, residents will have a difficult time finding appropriate units and competition for units will drive up housing prices.

The U.S. Census Bureau reports that Clayton's housing stock contained 3,883 year-round housing units in 2000 and that of these, 41 (i.e., 1.0 percent) were classified as vacant. In 2000, the homeowner vacancy rate for Clayton was 0.4 percent and the vacancy rate for rental units was 0.9 percent. Both of these rates fall significantly below ABAG's threshold. Considering California's 2000 vacancy rate was 7.41 percent in 2000, Clayton's vacancy rate is considered very low.

High demand and short supply may result in continued use of units which are overcrowded, unsafe, unsanitary, or otherwise unsuitable for residential use. It also generally results in high prices and rents which most severely affect lower-income households, people on fixed incomes, families with children, and other special needs groups. Overcrowding and discrimination are also more likely to occur when the rental vacancy rate is low. **Table 17** shows 2000 housing occupancy and housing tenure in Clayton.

TABLE 17
HOUSING OCCUPANCY AND TENURE
2000

	Clayton		**Contra Costa County**	
Housing Occupancy				
	Number	**Percentage**	**Number**	**Percentage**
Total Housing Units	3,924	100.0%	354,577	100.0%
Occupied Housing Units	3,883	99.0%	344,129	97.1%
Vacant Housing Units	41	1.0%	10,448	2.9%
For seasonal, recreational, or occasional use	4	0.1%	1,849	0.5%
Homeowner Vacancy Rate	--	0.4%	--	0.8%
Rental Vacancy Rate	--	0.9%	--	2.7%

Housing Tenure				
	Number	Percentage	Number	Percentage
Occupied Housing Units	3,883	100.0%	344,129	100.0%
Owner-Occupied Housing Units	3,667	94.4%	238,449	69.3%
Renter-Occupied Housing Units	216	5.6%	105,680	30.7%
Average Size of Owner-Occupied Units	2.76	--	2.78	--
Average Household Size of Renter-Occupied Units	2.81	--	2.59	--

Source: U.S. Census Bureau, 2000

From 2000 to 2008, the vacancy rate in Clayton has gone nearly unchanged, shifting only slightly between 2003 and 2004 from 1.03 to 1.04 percent. **Table 18** shows gross vacancy rates for Clayton and Contra Costa County from 2000 through 2008. Contra Costa's vacancy rate is considerably higher at approximately 2.9 to 3 percent. This considerable difference is likely due to the high amount of owner-occupied housing in Clayton, which generally has lower vacancy rates than rental housing.

TABLE 18
VACANCY RATES
2000–2008

Year	Clayton	Contra Costa County
2000	1.04	2.95
2001	1.04	2.95
2002	1.04	2.95
2003	1.04	2.95
2004	1.03	2.95
2005	1.03	2.96
2006	1.03	2.97
2007	1.03	3.03
2008	1.03	2.96

Source: California Department of Finance

OVERCROWDING

An overcrowded housing unit is defined as one in which more than 1.01 persons per room resides (excluding bathrooms, kitchens, and hallways). The 2000 Census reported that 25 housing units (0.6 percent) were overcrowded in Clayton. This is a relatively small number of homes experiencing overcrowding. In 2000, 25,477 housing units (7.4 percent) in Contra Costa County had more than 1.01 persons per room, indicating that households in the county experienced overcrowding at a rate more than 12 times greater than those in Clayton.

4.0 CONVERSION TO MARKET-RATE HOUSING (AT RISK)

Housing elements are required by state law to include an inventory and analysis of assisted multi-family housing units due to convert to market-rate housing. The inventory is to cover all units for which affordability restrictions are due to expire within a ten-year period from the start of the planning period (January 2007). According to the California Housing Partnership Corporation (CHPC), the Kirker Court Apartments are at risk of converting to market-rate units in November of 2013.

The Kirker Court Apartments were made affordable through a combination of HUD funding programs 202 and 162, CDBG funding, and RDA funding sources. The units are renter-occupied and serve persons with disabilities. The complex consists of 20 units that are rented to extremely low-income households at a rental rate that is based on 30 percent of their monthly income.

According to the 2009 household income limits, a single-person household earning less than $18,750 per year in Contra Costa County is considered extremely low-income and would qualify to live in Kirker Court Apartments. Rental rates are restricted to 30 percent of a household's income, which means that the maximum a single-person household would be required to pay is $469 per month. The highest rent a 2-person household would be obligated to pay is $536 per month, while for a 3-person household the maximum is $603 per month. Rental rates for households larger than 3 persons are not presented here because the complex only offers one- and two-bedroom units.

A survey of market-rate rental units in the City found that one-bedroom apartment units rent for $1,045 and two-bedroom units for $1,180. The difference between the market rental rates found in the survey and the restricted rental rates currently offered at Kirker Court is the cost that must be subsidized in order for the apartment complex to remain affordable. This can be accomplished through either preservation of the affordability restrictions or replacement of the affordable units.

Preservation

Generally, the cost of preserving assisted housing units is estimated to be significantly less than replacing units through new construction. Preservation of units entails acquiring the building and potentially rehabilitating the units and finally subsidizing the unit rents to cover the difference between market and assisted rental rates. New construction tends to be less cost-efficient because of the cost of land, which is often a limiting factor in the development of affordable housing.

Purchasing an existing multi-family complex to replace units lost to market-rate conversion involves purchasing an existing complex and making improvements necessary to ensure the units are safe and sound. Local real estate agencies indicate that it is difficult to estimate the cost of purchasing a multi-family housing project in the City, due to a small inventory of multi-family developments. However, in the neighboring City of Concord, multi-family housing projects are resold for roughly $165,000 per unit, which means that the acquisition price of Kirker Court is equal to $3.3 million.

Kirker Court was first occupied in 1993 and upon expiration of the affordability restrictions in 2013, the units will be 20 years old. According to the property manager, the units have been well maintained and are not in need of significant repairs, which lowers the total cost of preservation (which often includes rehabilitation). Assuming that each unit would require roughly $10,000 in repairs ($200,000 for the entire complex), the combined cost of acquisition ($3.3 million) and rehabilitation ($200,000) is $3.5 million.

In addition to the cost associated with acquisition and rehabilitation, the cost to preserve the affordability of the Kirker Court Apartments is also based on the amount of funding needed to subsidize the difference between the market rental rate and the rental rates restricted to extremely low-income households. **Table 19** shows the restricted rental rates at Kirker Court, the market rates for similar sized apartments, and the subsidy needed to preserve the affordability of the units.

TABLE 19
MAXIMUM AFFORDABLE HOME PRICE BY INCOME CATEGORY

Income Category	Number of Bedrooms	
	1	2
Kirker Court Apartments	$469-$536	$536-$603
Market-Rate Units	$1,045	$1,180
Preservation Cost	$576-$509	$644-$577

Source: 2009 Income Limits, Department of Housing and Community Development
Note: Affordability for Kirker Court is based on 30 percent of income for extremely low-income households.

As shown in **Table 19,** the cost to preserve the affordability of the Kirker Court Apartments ranges from $509 to $644 per unit per month. The annual cost to preserve affordability for all 20 units in the complex ranges between $122,160 and $154,560.

Replacement

Replacing affordable units requires constructing new units or purchasing existing units of the same size and affordability restrictions. Constructing new units involves purchasing land and constructing a new complex. The cost associated with acquiring land adds significant cost to each multi-family unit, making it more difficult to sustain affordability restrictions. According to local developers, the price per unit to construct a new multi-family project is between $248,000 and $345,000 per unit. The estimated cost to replace the 20 units at Kirker Court is between $4.96 million and $6.9 million.

The City's RDA Five-Year Implementation Plan identifies expected uses of RDA funding for the preservation of affordable units throughout the City. The plan states that the Agency will seek to preserve existing affordability restrictions of affordable housing units. Historically, the Agency has not replaced but has preserved affordable housing units in the City. The City anticipates that funding will be used to preserve the affordability restrictions of Kirker Court Apartments if necessary. According to CHPC and Eden Housing (the property management firm for Kirker Court), the project is at low risk of converting to market-rate units. The City will continue to monitor the risk of affordable housing units to conversion and take necessary steps to preserve the affordability of the Kirker Court units (Implementation Measure III.2.1).

Household and Income Characteristics

As demonstrated in **Table 20**, Clayton is a primarily owner-occupied community. There are few multi-family units in the City and this contributes to a very low proportion of renter-occupied households. The percentage share of owner-occupied households of all households increased from 92.8 percent in 1990 to 94.1 percent in 2000. The number of owner-occupied households increased by 70 percent over that same time period. The proportion of owner- versus renter-occupied households in the City differs from that of Contra Costa County as a whole, which has a higher proportion of renter-occupied households (69.3 percent owner versus 30.7 percent renter). Overall, the City experienced very little household growth between 2000 and 2008, with only 82 additional households. Therefore, the percentage share of owner- and renter-occupied households is assumed to have remained constant.

TABLE 20
HOUSEHOLDS BY TENURE

	City of Clayton			
	1990		2000	
	Number	Change in Percentage Share	Number	Change in Percentage Share
Owner Occupied	2,165	92.8%	3,698	94.1%
Renter Occupied	167	7.2%	232	5.9%
Total	**2,332**	**100%**	**3,930**	**100%**

Source: U.S. Census Bureau

Household Composition

Clayton is a traditional family city. According to the 2000 Census, 74.6 percent of all households in Clayton are married-couple families. This is down from 80.1 percent in 1990. Not only have single-person households increased from 7.9 to 13.0 percent, but households headed by men increased from 2.7 to 12.3 percent. Additionally, non-family households increased from 3.0 to 17.4 percent. Female-headed households decreased from 6.3 to 5.5 percent over the same period. These trends are consistent with the empty nest phenomenon and possibly, changes in parent-child custodial relationships due to divorce where the father is taking on greater child-rearing responsibilities. **Table 21** compares household composition in Clayton for 1990 and 2000.

TABLE 21
HOUSEHOLD COMPOSITION, 1990–2000

Category	1990		2000	
	Number of Households	Percentage	Number of Households	Percentage
Family	2,094	89.7	3,208	82.62
Two or more person				
Married-Couple Family	1,868	80.1	2,898	74.63
Other Family				
Male Householder	63	2.7	479	12.34
Female Householder	148	6.3	214	5.5
Non-Family Household	69	3.0	675	17.4
Single Person	184	7.9	506	13.0
Total	2,332	100.0	3,883	100.0

Source: U.S. Census Bureau

Tenure

Table 22 provides a summary of tenure for Clayton and Contra Costa County as reported by the 2000 Census. As shown in the table, Clayton has a much larger percentage share of owners (94 percent) than the County (69 percent).

TABLE 22
HOUSEHOLD TENURE, 2000

Tenure	City of Clayton		Contra Costa County	
	Number	Percentage	Number	Percentage
Renters	232	5.9%	105,716	30.7%
Owners	3,698	94.1%	238,413	69.3%
Total	3,930	100.0%	344,129	100.0%

Source: 2000 U.S. Census

5.0 HOUSEHOLD INCOME AND AFFORDABILITY CHARACTERISTICS

Each year the State Department of Housing and Community Development (HCD) publishes State Income Limits for each county in the state. The 2009 State Income Limits were released on April 2, 2009, and provide income limits for all household sizes. The following income limits have been established for Contra Costa County and therefore apply to the City of Clayton:

- Extremely Low Income: A household whose combined income is at or lower than 30 percent of the median income as established by HCD annually. A household of four is considered to be extremely low-income in Clayton if its combined income is $26,800 or less for the year 2009.

- Very Low Income: A household whose combined income is at or below 50 percent of the median income as established by HCD. A household of four is considered to be very low-income in Clayton if its combined income is $44,650 or less for the year 2009.

- Low Income: a household whose combined income is at or between 50 percent and 80 percent of the median income as established by HCD. A household of four is considered to be low-income in Clayton if its combined income is $66,250 or less for the year 2009.

- Median Income: A household whose combined income is at or between 81 percent and 100 percent of the median income as established by HCD. A household of four is considered to be median-income in Clayton if its combined income is $89,300 or less for the year 2009.

- Moderate Income: A household whose combined income is at or between 101 percent and 120 percent of the median income as established by HCD. A household of four is considered to be moderate-income in Clayton if its combined income is $107,150 or less for the year 2009.

- Above Moderate Income: A household whose combined income is above 120 percent of the median income as established by HCD. A household of four is considered to be above moderate-income in Clayton if its combined income exceeds $107,150 for the year 2009.

Affordable units are affordable if households do not spend more than 30 percent of income on rent (including a monthly allowance for water, gas, and electricity) or monthly mortgage. Since above moderate-income households do not generally have problems in locating affordable units, affordable units are frequently defined as those reasonably priced for households that are low- to moderate-income.

Clayton is an affluent community that had a median household income of $101,651 in 2000. **Table 23** shows the distributions of income by tenure for Clayton in 2000. The table lists income ranges as they are reported by the Census Bureau. These income range groups do not directly correspond with the income limits that are established by HCD on an annual basis. Therefore, some approximations are made to estimate the number of households within each of the five income categories: extremely low-, very low-, low-, moderate-, and above moderate-income.

In 2006, Government Code (GC) Section 65583(a) was amended and requires jurisdictions to quantify the existing number of extremely low-income households. An extremely low-income household is defined as a household earning less than 30 percent of median household income. In 2000 this was $30,496 for Clayton households. **Table 23** shows the total number of households by income ranges as reported by the 2000 Census. The Census does not provide a quantification of households for those earning less than $30,496, but it does show households earning less than $34,999. This range has been used to estimate the number of existing extremely low-income households. According to the Census data, there were approximately 380 extremely low-income households in the City. Of those, 298 are owners and 82 are renters.

Table 23 has also been arranged to quantify the number of households that overpay for the cost of housing. The table shows the number of households within each income range (by tenure) that overpay for housing and the proportion of all households in the same income range.

According to 2000 Census data, 27 percent of all households in the City overpaid for housing in 2000. **Table 23** shows the number of households by income range that pay between 30 and 34 percent (constituting a cost burden) for housing and also those that pay more than 35 percent for housing in the City (this includes those that pay more than 50 percent, which constitutes a severe cost burden).

The Census reports that the median household income in the City in 2000 was $101,651. Accordingly, households earning less than 80 percent of the City's median income or up to $81,321 are considered low-income households. The first five income range groups shown in **Table 23** comprise the low-income household category (those earning up to $74,999 annually). A total of 636 households fall into this group and pay more than 30 percent for housing cost.

Households that earn up to 50 percent of the median income, or $50,826 in Clayton, are considered very low-income households. Refer to approximately the first four rows of Table 23 for the tenure and overpayment statistics for this group. Approximately 56 percent of very low-income households that are owner-occupied overpaid for housing. Nearly 60 percent of very low-income households that rent overpaid for housing.

Households that earn less than $30,495, or 30 percent of the median income, are considered extremely low-income households. The first three income categories in each section of **Table 23** provide an approximation of the number of extremely low-income households by tenure that overpay for housing. Close to 60 percent of extremely low-income owner-occupied households overpaid for housing, while 57 percent of extremely low-income renter-occupied households overpaid for housing.

TABLE 23
HOUSEHOLDS OVERPAYING

Housing Cost as a Percentage of Household Income				
Owner-Occupied Households				
Income Range	**Households Paying 30-34% of Income**	**Households Paying > 35% of Income**	**Total Households**	**% of Total Households Overpaying**
$0-$10,000	0	15	29	52%
$10,000-$19,999	0	83	89	93%
$20,000-$34,999	30	47	180	43%
$35,000-$49,999	23	112	259	52%
$50,000-$74,999	87	176	564	47%
$75,000+	223	161	2,435	16%
Subtotal	363	594	3,556	27%
Renter-Occupied Households				
$0-$10,000	0	6	24	25%
$10,000-$19,999	0	0	17	0%
$20,000-$34,999	7	34	41	100%
$35,000-$49,999	0	5	5	100%
$50,000-$74,999	5	6	39	28%
$75,000+	15	0	106	14%
Subtotal	27	51	232	34%
TOTAL	**390**	**645**	**3,788**	**27%**

Source: 2000 U.S. Census

Ability to Pay

Table 24 displays the monthly income limits by household size for each of the five income groups (based on HCD's annually set income limits). The monthly income limits are used to calculate maximum affordable monthly rents as well as the maximum affordable purchase prices for homes. For example, a 2-person household earning a combined monthly income of no more than $1,788 per month is considered an extremely low-income household that can afford a maximum monthly rent of $536 or purchase a home for $63,400. The rental and sales price figures represent an affordable housing amount (30 percent of monthly income). As shown in the section regarding overpayment, a large proportion of Clayton residents in lower-income categories pay in excess of 30 percent of their monthly income on housing.

TABLE 24
HOUSING AFFORDABILITY IN CLAYTON, 2009

Income Group	Housing Affordability Levels			
	1-Person	2-person	3-Person	4-Person
Extremely Low				
Annual Income Limit	$18,750	$21,450	$24,100	$26,800
Monthly Income	$1,563	$1,788	$2,008	$2,233
Monthly Rent	$469	$536	$603	$670
Max. Sales Price	$54,170	$63,400	$72,424	$81,655
Very Low				
Annual Income Limit	$19,550	$21,450	$24,100	$26,800
Monthly Income	$2,604	$2,975	$3,350	$3,721
Monthly Rent	$781	$893	$1,005	$1,116
Max. Sales Price	$96,873	$112,092	$127,476	$142,695
Low				
Annual Income Limit	$46,350	$53,000	$59,600	$66,250
Monthly Income	$3,863	$4,416	$4,967	$5,521
Monthly Rent	$1,159	$1,325	$1,490	$1,656
Max. Sales Price	$148,520	$171,205	$193,808	$216,534
Moderate				
Annual Income Limit	$75,000	$85,700	$96,450	$107,150
Monthly Income	$6,250	$7,142	$8,038	$8,929
Monthly Rent	$1,875	$2,142	$2,411	$2,679
Max. Sales Price	$246,439	$283,030	$319,785	$356,336
Above Moderate				
Annual Income Limit	>$75,000	>$85,700	>$96,450	>$107,150
Monthly Income	>$6,250	>$7,142	>$8,038	>$8,929
Monthly Rent	>$1,875	>$2,142	>$2,411	>$2,679
Max. Sales Price	>$246,439	>$283,030	>$319,785	>$356,336

Source: 2009 Income Limits, Department of Housing and Community Development, April 2009. Monthly mortgage calculation: http://www.realtytrac.com/vcapps/calculator_popup.asp?calc=AF
Note: Affordable housing cost for renter-occupied households assumes 30% of gross household income, not including utility cost.
Note: Affordable housing sales prices are based on the following assumed variables: 10% down payment, 30-year fixed rate mortgage at 5.25% annual interest rate.

Rental Housing Costs

Table 25 displays the results of a survey conducted in April 2009 of rental rates in and around Clayton. The supply of rental housing in Clayton is relatively low as 94 percent of all households are owner-occupied and the demand for rental housing is low. The median rents displayed in the table include communities that are within 5 miles of Clayton as a means of estimating the cost of rental housing in the greater Clayton area.

Unlike other communities, the range in rental rates is small in and around Clayton, so the median rents in **Table 25** are likely very representative of most rents paid in the City. Households considered to be extremely low- or very low-income would find it difficult to secure housing that is affordable and would likely have little option but to overpay for housing. For example, a 3-person very low-income household earning a monthly income of $3,350 would be able to afford $1,005 per month for rent. According to the results of the survey, a 2-bedroom (minimum size to avoid overcrowding) apartment rents for $1,180. Without rental assistance, the 3-person household would pay $175 in excess of what is affordable for them, or 35 percent of their monthly income.

TABLE 25
RENTAL SURVEY

Number of Bedrooms	Single-Family		Multi-Family	
	Median Rent	Number of Units Surveyed	Median Rent	Number of Units Surveyed
Studio	--	--	$895	2
1 bedroom	--	--	$1,045	9
2 bedroom	$1,850	4	$1,180	13
3 bedroom	$1,950	5	$1,320	6
4 bedroom	$2,100	4	--	--
5+ bedroom	$2,220	2	--	--
Total	$2,025	15	$1,113	30

Source: Rental Survey, April 2009

Home Purchase Cost

According to DQ News, which is Data Quick's public data resource, in March 2009 there were 6,325 homes sold in the Bay Area. Of those, 973 homes were sold in Contra Costa County. **Table 26** displays housing sales data for jurisdictions in Contra Costa County. The data is compiled from public records for sales activity in the months of February 2008 and February 2009. The median sales price between each year provides an indication of home sale trends. As shown in **Table 26**, the median sales price for homes in Clayton in February 2008 was $598,500. By 2009, the median sales price had declined 30 percent to $417,000. The county as a whole experienced a 50 percent decline in median home sale prices in both years, indicating that the decline in sales prices is not unique to Clayton.

Comparing the median sold price of homes with the maximum affordable home prices that each income level can afford (shown in **Table 24** above), above moderate-income households are the only income group in the City that is not cost burdened by the market sales price of homes in Clayton.

TABLE 26
MEDIAN SOLD PRICES OF HOMES IN CONTRA COSTA COUNTY, FEBRUARY 2009

Jurisdiction	Units Sold	2009 Median Price	2008 Median Price	Percentage Change
Alamo	4	$1,242,500	$1,700,000	-26.91%
Antioch	214	$189,000	$315,000	-40.00%
Bethel Island	2	$430,500	n/a	n/a
Brentwood	92	$332,500	$441,000	-24.60%
Byron	2	$211,500	$170,000	24.41%
Clayton	8	$417,000	$598,500	-30.33%
Concord	125	$205,000	$365,000	-43.84%
Danville	23	$740,000	$815,000	-9.20%
Discovery Bay	26	$301,500	$513,000	-41.23%
El Cerrito	8	$458,000	$600,000	-23.67%
El Sobrante	32	$225,000	$410,000	-45.12%
Hercules	26	$275,000	$457,500	-39.89%
Lafayette	6	$777,500	$1,281,500	-39.33%
Martinez	29	$310,000	$460,000	-32.61%
Moraga	5	$358,000	$557,500	-35.78%
Oakley	75	$216,000	$386,500	-44.11%
Orinda	4	$1,050,500	$1,132,000	-7.20%
Pinole	19	$315,000	$417,000	-24.46%
Pittsburg	189	$149,000	$328,000	-54.57%
Pleasant Hill	17	$450,000	$550,000	-18.18%
Richmond	123	$90,000	$400,000	-77.50%
Rodeo	11	$227,500	$587,500	-61.28%
San Pablo	77	$130,000	$375,000	-65.33%
San Ramon	67	$560,000	$680,000	-17.65%
Walnut Creek	43	$450,000	$630,500	-28.63%
Contra Costa County	1,231	$215,000	$450,000	-52.22%

Source: DQ News, "California Home Sale Price Medians by County and City," February 2009

Occupations and Incomes

Table 27 identifies housing affordability for a variety of occupations in Contra Costa and Alameda counties. The projected growth and annual income for each of the occupations identified is provided by the Employment Development Department (EDD). The annual income for each of the occupations is shown to illustrate the maximum affordable rent and maximum affordable home purchase price for each occupation. As shown in the table, it is difficult for households with one wage earner to afford housing in the City of Clayton.

TABLE 27
AFFORDABILITY FOR FASTEST GROWING OCCUPATIONS, 2006-2016

Category	2006-2016 Projected Growth	Annual Income	Affordable Rent (1)	Affordable House Price (2)
Veterinary Technician	93%	$40,670	$1,017	$107,577
Personal and Home Care Aides	52%	$24,470	$612	$73,697
Service Station Attendants	39%	$20,297	$507	$59,421
Pharmacy Technicians	35%	$38,004	$950	$119,969
Computer Software Engineers	32%	$96,353	$2,409	$319,416
Manicurists and Pedicurists	27%	$22,441	$561	$66,764

Source: Employment Development Department, 2006-2016 Fastest Growing Occupations, State Income Limits, 2009
(1) Assumes 30% of income devoted to monthly rent, including utilities
(2) Assumes 30% of income devoted to mortgage payment, property taxes, mortgage insurance and homeowner's insurance, 90% loan @ 5.25%, 30 year term.

Table 28 displays income and housing affordability data for households on fixed incomes that are typically burdened by the cost of housing. As shown in the table below, retired individuals receiving Social Security benefits can afford roughly $300 a month in rent without overpaying and retired couples can afford up to $563 a month for housing. Housing prices in and around the City are generally not affordable to those on limited fixed incomes.

TABLE 28
AFFORDABILITY FOR FIXED INCOME HOUSEHOLDS

	Annual Income	Affordable Rent (1)	Affordable Sales Price (2)
Retired - Average Social Security			
Retired Worker, Individual	$13,836	$346	$37,352
Retired Worker, Couple	$22,512	$563	$67,010
SSI (Aged or Disabled)			

	Annual Income	Affordable Rent (1)	Affordable Sales Price (2)
One-person household with only SSI	$10,884	$272	$27,260

Source: National Low Income Housing Coalition, State Income Limits, 2009
(1) Assumes 30% of income devoted to monthly rent, including utilities.
(2) Assumes 30% of income devoted to mortgage payment, property taxes, mortgage insurance and homeowner's insurance, 90% loan @ 5.25%, 30 year term.

6.0 Energy Conservation Opportunities

Part 6, Title 24 of the California Uniform Building Code, effective June 1, 2001, requires the implementation of construction standards and other energy efficiency techniques that will result in improved use of energy in newly built residences. In addition, PG&E offers, through State-authorized rebate programs, the ability for homeowners to replace energy-inefficient appliances with state-of-the-art energy-conserving systems. Further, in many areas rooftop photovoltaic generation systems and window shade screens may be purchased through PG&E. Lastly, planting of shade trees can reduce, if not eliminate, the need to cool through mechanical means.

In December of 2005, the City of Clayton adopted a Project Construction and Demolition Debris Recycling Ordinance which requires recycling and re-use of construction and demolition debris. This ordinance has been codified in Chapter 15.80 of the Clayton Municipal Code. Otherwise, the City has not adopted any special policies, ordinances, or provisions pertaining specifically to "energy conservation." However, during the first quarter of 2008, the City of Clayton did adopt the 2007 edition of the California Building Standards Code (Title 24). Consequently, applicable construction projects in the City must conform to Title 24.

Residents may employ simple measures in an effort to reduce energy consumption and, hence, overall demand. The measures include:

1) A massive shift from incandescent lighting to fluorescent or compact fluorescent lighting;

2) Installation of whole house cooling fans to rapidly cool warm houses in the summer;

3) Installation of rooftop solar power-generating panels to supply hot water and electricity for daily needs;

4) Use of fans to reduce the need for energy guzzling air conditioners;

5) Replacement of all household appliances that do not meet State SEER guidelines with more efficient ones;

6) Implementation of more traditional methods of conservation such as:

   - Modification of thermostat levels;

- Weatherization;
- Shifting demand to non peak consumption periods; and
- Installation of shade screens and planting of shade trees.

Residential structures must meet all requirements of the Uniform Building Code (Part 6, Title 24) with respect to energy-saving materials and designs. City policies, together with the General Plan Land Use Diagram, can encourage the location of higher-density residential projects within walking distance of transit stops, commercial centers, and employment sites, thereby reducing consumption of gasoline.

While the addition of a number of electrical generating plants may alleviate short-term supply problems, this will not solve long-term problems. First, additional natural gas-fired power plants will compete with residential users on the spot market, driving prices higher, usually benefiting the large purchasers. Second, much of the power supplied to the west coast of the United States is hydroelectric. Weather variability combined with the increasing demand from water by farming and urban interests is sure to decrease the availability of hydro power and increase its price. The result is decreased affordability.

In addition the City will encourage and maintain energy efficiency in new and existing housing through the performance of Implementation Measures V.1.1 and V.1.2 to provide energy conservation brochures at City and the Community library and to develop standard to allow energy self-sufficiency and generation projects.

7.0 HOUSING CONSTRAINTS

LAND USE CONTROLS AND GOVERNMENTAL CONSTRAINTS

While local governments have little influence on such market factors as interest rates, their policies and regulations can affect both the amount of residential development that takes place and the affordability of housing. Since governmental actions can constrain development and affordability of housing, state law requires the Housing Element to "address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing" (Government Code Section 65583(c)(3)).

The City's primary regulations affecting residential development and housing affordability include the Land Use Element of the General Plan, the Zoning Ordinance, and the City's processing procedures, standards, and fees related to development.

General Plan

The City's principal land use policy document is the General Plan. The City adopted the first General Plan in July 1971. The General Plan was updated in 1985 with periodic amendments, most recently in February 2008. The General Plan includes the following land use designations that allow for residential uses.

- Rural Estate: This category allows single-family detached estates at a density from 0 to 1.0 unit per gross acre.

- Single-Family Low Density: This category allows single-family detached houses at a density from 1.1 to 3.0 units per gross acre.

- Single-Family Medium Density: This category allows planned unit developments and single-family subdivisions at a density of 3.1 to 5.0 units per gross acre.

- Single-Family High Density: This category allows urban single-family units at a density of 5.1 to 7.5 units per gross acre. Patio homes, zero lot line homes, and cluster homes in a PUD development are permitted.

- Multi-Family Low Density: This category allows multi-family residences at a density of 7.6 to 10.0 units per gross acre. This designation is intended for and allows cluster units such as townhouses, garden units, and other types of PUDs, including single-family detached dwellings.

- Multi-Family Medium Density: This category allows multi-family residences at a density of 10.1 to 15.0 units per gross acre. This designation allows for multi-family units in an area with the infrastructure necessary to accommodate increased density.

- Institutional Density: This category allows various forms of elderly housing. The density of elderly projects is not always equivalent to standard concepts of density; therefore a density range of 7.6 to 20 units per acre may be permitted.

In summary, the General Plan provides for single- and multi-family housing in a range of densities from 1.0 to 20 units per gross acre. The relatively low residential densities (i.e., maximum 20 units per gross acre) require that any housing built for lower-income families be subsidized. Without such subsidies, these low-density limitations may constrain the development of affordable housing in Clayton.

Town Center Specific Plan

In 1990, the City adopted the Town Center Specific Plan and subsequently amended it in 1998, 2001, 2004, 2007, and 2008. The Specific Plan designates a combination of commercial and residential land uses for the Clayton Town Center. Such residential designations include Multi-Family Low Density (7.6 to 10 dwelling units per acre [du/acre]), Multi-Family Medium Density (10.1 to 15 du/acre), and the Institutional Residential (7.6 to 20 du/acre). In addition to the sites designated for residential uses, the Specific Plan also permits residential uses to be constructed on all floors, except ground level, in mixed-use developments. The City will also promote mixed-use and affordable housing development in the Town Center Specific Plan area through Housing Element Implementation Measure I.5.1 and Implementation Measure I.5.2.

The Rivulet project on Oak Street in the Town Center area includes seven residential units on second floor and approximately 7,000 square feet of commercial space on ground floor. This project is in the initial entitlement phase. An initial environmental study/mitigated negative declaration (IES/MND) has been prepared for the project. The IES/MND thirty day review period ended on April 2, 2009. Responses to comments are being finalized at this time. It is expected that the requested Disposition and Development Agreement (DDA), Development Plan Permit, and Tentative Subdivision Map application will go before the Planning Commission and the City Council for consideration and action this summer (June and July, 2009). The requested Tentative Map approval is to subdivide the seven residential units to create a sale option for those units and to subdivide the commercial space into 3-4 spaces for ownership purposes.

Zoning

In accordance with state law, cities have broad latitude in establishing zoning standards and procedures. Outside of a general requirement for open space zoning and several special requirements governing residential zoning, state law establishes only broadly the scope of zoning regulation and sets minimum standards for its adoption and administration. Clayton's Municipal Code permits residential development in the districts identified below.

- Single-family residential district – The following designations are included in the single-family zones: R-10, R-12, R-15, R-20, R-40, R-40-H.

- Multi-family residential district – The following designation is used to denote multi-family residential zones: M-R.

- Planned development district – The following designation is used to denote planned development districts: PD.

Residential Zoning

The City's Municipal Code governs development standards for residential uses as well as for the types of residential uses in each zoning district. Development standards protect the welfare of the City's residents as well as preserve community character. Development standards can also constrain the development of affordable housing and are explored in the next section. Following the discussion of development standards, the variety of residential uses allowed in the City's zoning districts are presented. In addition, the PD zoning standards and the City's Affordable Housing Opportunity (AHO) designation are presented.

Development Standards

The Zoning Ordinance includes eight zoning districts which allow residential development. The maximum residential density allowed is one unit per 3,000 square feet of lot area in the M-R District, which is approximately 15 dwelling units per net acre. The Zoning Ordinance requires a site plan permit for multi-family development in the M-R District and preliminary and final plan approval for PD development. Multi-story single-family development requires a site plan permit; single-story single-family development requires only a building permit. The Zoning Ordinance provides for small lot and zero lot line development in the PD District. **Table 30** summarizes the development standards for each residential zoning district.

TABLE 30
RESIDENTIAL DEVELOPMENT STANDARDS, APRIL 2009

District	Minimum Lot Area Per Dwelling	Front Yard Setback	Minimum Rear Setback	Minimum & Aggregate Side Yard Setback	Maximum Height	Minimum Open Space Requirement	Secondary Units Allowed [1]
R-10	10,000 s.f.	20 feet	15 feet	10 / 20 feet	35 feet	n/a	Yes
R-12	12,600 s.f.	20 feet	15 feet	10 / 25 feet	35 feet	n/a	Yes
R-15	15,000 s.f.	20 feet	15 feet	10 / 25 feet	35 feet	n/a	Yes
R-20	20,000 s.f.	25 feet	15 feet	15 / 35 feet	35 feet	n/a	Yes
R-40	40,000 s.f.	40 feet	15 feet	20 / 40 feet	35 feet	n/a	Yes
R-40-H	40,000 s.f.	40 feet	15 feet	20 / 40 feet	35 feet	n/a	Yes
M-R	3,000 s.f.	20 feet	15 feet	20 / 35 feet	35 feet, 20 feet [2]	25%	Yes
PD	Underlying GP designation	n/a	n/a	n/a	35 feet	20% [3]	Yes

Source: City of Clayton Municipal Code, April 2009

[1] *In the residential and Planned Development Districts, "Secondary Units" refers to second dwelling units, while in the L-C District it refers to second-story units.*

[2] *Twenty feet when M-R district abuts (within 50 feet) any single-family residential district.*

[3]* *Ten percent required for commercial and mixed-use parcels less than one acre.*

Variety of Residential Use Types

Table 31 provides a summary of the residential use types that are permitted and restricted in the City's zoning districts. Use types denoted with a "P" are classified as permitted ("by right"). Use types denoted with a "UP" classification require a use permit (not allowed "by right"). Use types denoted with an "NP" classification are not permitted.

TABLE 31
PROVISION FOR A VARIETY OF HOUSING TYPES

Residential Use Type	RR-10	RR-12	RR-15	RR-20	RR-40	RR-40-H	M-R
Single-Family Dwelling	P	P	P	P	P	P	P[1]
Second Dwelling Unit	P	P	P	P	P	P	P
Duplex Residential	NP	NP	NP	NP	NP	NP	P
Multi-Family Residential	NP	NP	NP	NP	NP	NP	P
Residential Care Homes (≤6 persons)	P	P	P	P	P	P	P
Residential Care Homes (>6 persons)	UP	UP	UP	UP	UP	UP	UP
Manufactured Dwelling Unit *	P	P	P	P	P	P	NP
Emergency Housing	NP	NP	NP	NP	NP	NP	NP
Transitional and Supportive Housing	NP	NP	NP	NP	NP	NP	NP
Single-room Occupancy (SRO)	NP	NP	NP	NP	NP	NP	NP

Source: Clayton Municipal Code, April 2009

[1]Note: Currently the City's Zoning Code allows for the development of single-family homes in the Multiple Family Residential (M-R) District. The City will consider amending the Zoning Code to allow single-family homes in the Multiple Family Residential (M-R) District only with a conditional use permit so that these remaining sites can be used to accommodate multi-family housing (Implementation Measure II.2.1).

Planned Development Districts

A Planned Development (PD) District requires a subsequent development level permit. The permit request must meet the requirements set forth in Section 17.28 of the Clayton Municipal Code and be approved by the City Council. An approved PD district provides applicants with flexibility in land use controls, including residential land use controls. Allowed uses and the applicable development standards are determined upon PD application approval. The City recently redesignated two sites as PD sites with an Affordable Housing Opportunity (AHO) designation.

Affordable Housing Opportunity (AHO)

The City has redesignated and rezoned the Old Fire Station site as well as the High Street parcel as PD sites under an AHO designation. The redesignation/rezone of both sites allows for multi-family medium density development, which allows for a minimum density of 10.1 du/acre and a maximum of 15 du/acre. The City does not have a density bonus program but does comply with State Density Bonus law. Under State Density Bonus law, the sites would be approved with a minimum of12 du/acre and a maximum of 16 du/acre. The City will promote the development of affordable housing on these sites through Implementation Measure I.1.

Affordable Housing Plan

Implementation Measure I.2.1 commits the City to the development of a written Affordable Housing Program requirement. The requirement would apply to residential projects of two or more units and developers would have to draft an Affordable Housing Plan that requires a certain percentage of units be built as affordable housing units for very low- and low-income households. The City has established the following guidelines to provide direction for the review of Affordable Housing Plans associated with individual development projects and to provide direction for the preparation of an Affordable Housing Plan. These criteria do not present a constraint to the development of housing but help to ensure a variety of housing types are built in the community. As described below, the City will offer a variety of incentives to developers and will consider incentives not listed in the adopted ordinance.

The Plan shall be approved in conjunction with the earliest stage of project entitlement, typically with the City Council approval of the Development Agreement, or other primary land use entitlement.

The Affordable Housing Plan shall specify and include the following:

- The number of dwelling units that will be developed as affordable to very low-, low-, moderate-, and above moderate-income households (the City's desire would be that at least five percent of all project units be built as very low-income housing units and at least five percent of all project units be built as low-income housing units.

- The number of affordable ownership and rental units to be produced. Such split shall be approved by the City Council based on housing needs, market conditions, and other relevant factors. The split of ownership and rental units shall be addressed within the Plan of each individual project.

- Program options within project-specific Affordable Housing Plans may include but are not limited to the following:

    - Actual production (on-site or off-site) of affordable units (including ownership and rental opportunities in the form of corner units, halfplexes, duplexes, cottages, creative alternative housing products, etc.)

    - Land dedication (on-site and off-site).

    - Payment of in-lieu fees.

- The timing for completion of affordable housing obligations.

- At the City Council's discretion, land or other contributions provided by developers as specified within project Affordable Housing Plans (may be utilized to augment City efforts and the efforts of its nonprofit partners to provide affordable housing opportunities to all income levels throughout the community. The City will pursue supplemental funding to allow affordability to households earning less than 50 percent of area median income.

- In order to ensure the production and preservation of housing affordable to the City's workforce, no productive, reasonable program or incentive option will be excluded from consideration within project-specific Affordable Housing Plans. Possible incentives may include, but are not limited to:

  - Density bonuses
  - Fee waivers or deferrals (as reasonably available)
  - Expedited processing/priority processing
  - Reduced parking standards
  - Technical assistance with accessing funding
  - Modifications to development standards (on a case-by-case basis)

Analysis of Potential Land Use Constraints for a Variety of Housing Types

The City has enacted land use controls in order to protect the health and safety of residents, and recognizes that an examination of such controls is important to ensure they are not barriers to housing for all income levels. Land use controls for a variety of housing types that meet the needs of a variety of income groups are analyzed in this section. The City has drafted programs as part of this update for mitigating identified land use control barriers.

Second Dwelling Units

A second dwelling unit is an additional self-contained living unit, either attached to or detached from the primary residential unit on a single lot. It has cooking, eating, sleeping, and full sanitation facilities. To encourage establishment of second dwelling units on existing developed lots, state law requires cities and counties to either adopt an ordinance based on standards set out in the state law or allow second units ministerially per state requirements.

In April 2004, the City adopted a second dwelling unit ordinance that follows the requirements of state law (Government Code Section 65852.1) in allowing second dwelling units on any residential lot subject to ministerial review (or Planning Commission review, as applicable). The second dwelling unit ordinance has the following requirements:

Zoning Districts Allowed:	Allows second dwelling units in all residential districts that allow single-family dwellings
Setback Requirements:	Same as the principal structure
Height:	Not to exceed principal structure (i.e., 2 stories or 24 feet)
Off-Street Parking:	One uncovered space
Unit Size:	Between 250 and 750 square feet (one bedroom) requires ministerial review 1,000 square feet maximum (up to two bedrooms) requires Planning Commission review
Architectural Compatibility Requirements:	Must incorporate similar or complementary architectural features as the principal and surrounding structures

Second dwelling unit applicants must pay a fee of $250 upon application. For larger second dwelling unit applications that require Planning Commission review, the fee is $1,000. Second unit development is not constrained by the City's land use controls. However, the Contra Costa Water District charges a fee of $18,000 for second unit water hookups. The connection fee has been a constraint to the development of second units, as there have been no permits processed since the 2004 amendment of the Municipal Code. The City will continue to support efforts to construct second dwelling units (see Implementation Measure I.4.1 and I.4.2).

Accommodation of Persons with Disabilities

On April 1, 2008, the City Council approved the Americans with Disabilities Act (ADA) Transition Plan. The plan includes an evaluation of current barriers for persons with disabilities and includes steps to remove such barriers. Included in the plan is a process to request accommodations for persons with disabilities. Accommodations are reviewed and approved by the ADA Coordinator. The plan meets ADA compliance procedures and does not constrain the development of housing for persons with disabilities.

Even prior to the adoption of the ADA Transition Plan, the City had a history of accommodating persons with disabilities. The City has approved two special needs facilities that cater to persons with disabilities. In 1992, the City approved the Kirker Court (also known as Housing for Independent People (HIP)) development, which provided 20 units for persons with mental disabilities. In 1999, the City approved the Diamond Terrace project which created 86 units for seniors, many of whom have disabilities and require special accommodations in their housing units and other project facilities.

The City has reduced parking standards for persons with disabilities by lowering the number of required parking spaces per residential unit. Residential parking requirements for seniors or persons with disabilities is one parking space per dwelling unit while standard residential units require four parking spaces per unit. Other pertinent considerations regarding the City's regulations, procedures, and programs for persons with disabilities include:

- The City Community Development and Engineering departments periodically evaluate their procedures for land use permit processing and public participation to ensure that reasonable accommodations are made for individuals with disabilities and all are in compliance with fair housing laws. The ADA Transition Plan has established these periodic reviews as mandatory.

- Reasonable accommodation requests are processed on a case-by-case basis. Information is provided to interested person on an ad hoc basis. All ADA retrofit requirements are processed in the same manner as other types of improvements requiring building and/or planning permits. The City will incorporate a more formalized reasonable accommodations procedure through the development of Implementation Measure IV.3.1.

- All City facilities, offices, and meeting rooms have been upgraded to be accessible and compliant with ADA requirements.

- The City has adopted the 2007 Uniform Building Code (UBC), as amended by the California Building Standards Commission. Several minor UBC amendments adopted by the City involve substandard housing units and do not reduce accommodations for disabled persons.

- Group dwellings with seven or more beds are conditionally permitted pursuant to architectural and site plan approval and the development standards of the zone in question.

- Group dwellings for less than seven persons do not trigger a public hearing or require community input; group dwellings for more than seven persons require a public hearing and property owners within a 300-foot radius of the proposed home would be notified.

- The Zoning Ordinance allows up to six unrelated persons to occupy a residence. As a result, the City's occupancy standards comply with fair housing laws.

- As part of the ADA Transition Plan, the City has a program for installation of wheelchair-accessible ramps at street intersections.

- There are no minimum distance requirements for group homes. Licensed group homes with fewer than seven beds are permitted by right within all of the City's residential zoning districts. Group homes with seven or more beds are conditionally permitted pursuant to architectural and site plan approval of group dwellings and the development standards of the zoning district in question. Furthermore, the City does not specifically regulate the siting of special needs housing in relationship to one another. The City has no siting requirements other than those dictated by state law. Per state law, community care facilities of the same type cannot be located within 300 feet of one another.

- The City has no particular conditions or use restrictions for group homes of any kind. Any restrictions would be determined during the conditional use permit approval process.

- In addition, the City will also consider creating a universal design ordinance that will provide greater adaptability and accessibility of housing for persons with disabilities (Implementation Measure IV.3.3).

Residential Care Facilities

Residential care facilities or group homes for persons with disabilities are allowed in the City. Facilities for six or fewer persons are allowed in all residential districts pursuant to the State Health and Safety Code Section 1566.3. Facilities for seven or more persons are allowed with a use permit in accordance with Chapter 17.46 of the Zoning Ordinance and must meet the following standards:

- The applicant must maintain an operating license from the applicable State and County agencies.
- The residential care home shall be located within a detached single-family dwelling.
- Sufficient off-street parking spaces shall be provided in addition to the required off-street parking to serve the dwelling.
- Signs are not allowed.
- Each residential care facility shall be located at least 1,000 feet from another such facility.
- The dwelling must comply with the Uniform Building Code and state standards for accessibility by disabled persons.

Manufactured Housing

The Zoning Ordinance makes no specific provision for manufactured houses or mobile home parks. However, in accordance with state law, manufactured housing is allowed on any residential lot subject to the standards applicable to site-built housing. The Municipal Code treats manufactured housing as a single-family use type.

Emergency Shelters and Transitional/Supportive Housing Types

Senate Bill (SB) 2 (Statutes of 2007) requires jurisdictions to identify and mitigate constraints on the development of emergency shelters and transitional/supportive housing. Specifically, SB 2 requires that jurisdictions review land use controls for shelters targeted toward meeting the needs of those without shelter. Emergency shelters offer temporary housing intended for persons without shelter. The City's Municipal Code does not define emergency shelters and consequently does not have land use controls governing emergency shelters. SB 2 requires that jurisdictions allow emergency shelters as a permitted use in at least one zone within the jurisdiction. In order to meet the needs of those without shelter and remain in compliance with state law, the City developed Implementation Measure II.1.1. Implementation Measure II.1.1 provides a timeline for the City to amend the Municipal Code to include a definition of emergency shelters as well as create a Planned Development Emergency Shelter Overlay Zoning in the Planned Development Zone (PD) that will allow them by right. This area is currently designated Kirker Corridor in the City's General Plan and is close to services including doctor offices and along a transit corridor In the newly created PD Emergency Shelter Overlay Zone there are approximately 5 acres, which is sufficient land for the development of emergency shelters.

SB 2 also dictates the regulation of transitional and supportive housing types. Transitional facilities offer short-term housing (at least 6 months stay) and supportive housing types are those that offer permanent housing situations that are occupied by a target population (persons with AIDS, person with mental or development disabilities, persons with chemical dependency, etc.) and may have on- or off-site services linked to the housing. Currently, the City's Municipal Code does not recognize either use type as defined by the state.

SB 2 requires the City to treat transitional and supportive housing types as a residential use and these housing types must be treated the same as any other residential use of the same type in the same zone. To comply with this requirement, the City will define transitional and supportive housing in alignment with the state's definitions and will list each use type as it is allowed in each zone (see Implementation Measure II.1.2).

Extremely Low-Income Households

Assembly Bill (AB) 2634 (Lieber, 2006) requires the quantification and analysis of existing and projected housing needs of extremely low-income households. The existing need is demonstrated in **Table 23** and the projected need is shown in **Table 39.** Housing Elements must also identify zoning to encourage and facilitate housing for extremely low-income persons, of which two common types are supportive housing and single-room occupancy units (SROs).

Extremely low-income households typically include persons with special housing needs, including but not limited to persons experiencing homelessness or near-homelessness, persons with substance abuse problems, and persons with mental illness or developmental disabilities.

The City's Municipal Code does not explicitly define SRO housing. According to the Housing Resource Center, an SRO is defined as a type of residential hotel offering one-room units for long-term occupancy by one or two people. SROs may have kitchen or bath facilities but not both. The City plans to update the current Zoning Code to define an SRO as well as to establish provisions for allowing the development of SROs according to AB 2634 (see Implementation Measure II.1.3).

Growth Management Program (Measure C)

In 1988, Contra Costa County voters approved a ½-cent sales tax to fund a transportation improvement and growth management program. This program addresses congestion problems by funding transportation improvement projects and establishing a process involving all of the cities in Contra Costa County, including Clayton, to cooperatively manage the impacts of growth.

The overall goals of the program are to relieve congestion created by past development through road and transit improvements funded by the sales tax increase and to prevent future development decisions from resulting in deterioration of services in the county. To be eligible for sales tax funds, the Growth Management Program requires each participating city and town and the County to take several actions including:

- Adopt a growth management element of the general plan to address the impacts of growth;
- Establish a commitment to manage congestion by adopting and applying traffic service standards to ensure that new development will not significantly worsen traffic on streets, roads, and regional routes;
- Reduce dependency on the single-occupancy automobile through use of transportation systems management (TSM) for each jurisdiction's large employers or an alternative mitigation program for areas that are primarily residential in character;
- Ensure that new development pays its own way through mitigation and fee programs;
- Reduce the number and/or length of automobile commute trips by addressing housing options and job opportunities at the local, regional, and countywide level; and
- Adopt a housing element certified by the California Department of Housing and Community Development.

The Contra Costa Transportation Authority is responsible for ensuring that these objectives and requirements are met. Periodically, it evaluates whether each city, town, and the County is participating fully, based on a compliance checklist. Each year that a locality is found in compliance with the Growth Management Program, it receives a share of the sales tax increase that will be used for local street improvements and related activities.

In 1992, the City adopted the Growth Management Element of the General Plan pursuant to the requirements of Measure C. This element establishes goals, policies, and standards for traffic service and other public facilities and services. Specifically, the element requires large developments to prepare traffic studies and prohibits the City from approving projects that will cause levels of service at any designated intersection to fall below the standards set in the element (i.e., level of service D). The element also sets standards for police emergency response time, parks, fire emergency response time, sanitary sewers, water services, and flood control. In effect, the standards contained in the Growth Management Element formalize mitigation measures that are typically required under the California Environmental Quality Act (CEQA) on a project-by project basis. None of these standards are expected to constrain housing development in Clayton beyond the level currently imposed by state environmental regulation.

In November 2004, Contra Costa County voters approved Measure J by over a two-thirds majority. Measure J extended the half-cent sales tax for transportation improvements until 2034. Measure J requires jurisdictions to demonstrate progress on providing housing opportunities by comparing the number of units approved within the previous five years with the number of units needed to meet the objectives established in the jurisdiction's housing element.

The adopted Growth Management Element does not restrict the number of new homes that are permitted to be built. The element intends to use the increased tax revenue for transportation improvements to ensure that development and growth are orderly and not restricted. Measure J requires that the City monitor progress toward meeting Clayton's housing objectives. The City has determined that the Growth Management Element does not constrain the maintenance, improvement, or development of housing for all income levels.

Design Review

Residential development projects in Clayton are subject to a basic design review process that is a component of the site plan review process. This process ensures that new residential development is compatible with surrounding residences and protects solar rights, privacy, safety, and views of existing development. The requirements for design review are contained in three sources: (1) design guidelines contained in the Town Center Specific Plan and the Marsh Creek Road Specific Plan; (2) the Zoning Ordinance; and (3) the General Plan. The sources are described as follows:

- **Marsh Creek Road Specific Plan:** The Marsh Creek Road Specific Plan contains design and development standards that require designers and builders to retain and enhance the character of the planning area as it develops. The guidelines address site planning, creek corridors, ridgeline and hillside protection, streetscape and landscape architecture, residential architecture, energy and resource conservation, and commercial development.

- **Town Center Specific Plan:** The Town Center Specific Plan contains design guidelines that provide guiding principles rather than strict requirements to ensure flexibility in meeting the intent of the guidelines. The guidelines address several topics such as site design, architectural character, landscape character, preservation of historic buildings, relationship of new to existing development, parking, and signage.

- **General Plan:** The General Plan contains a Community Design Element with objectives, policies, and implementation measures that address overall community design, scenic highways, and design standards for the Town Center.

- **Zoning Ordinance:** The Zoning Ordinance protects solar rights, privacy, safety, and views of existing development through height and setback restrictions.

The design review process ensures that new residential development preserves basic aesthetic principles and does not affect entitlements by allowing additional conditions to be placed on the project. The design review process adds proportionately insignificant costs to residential development and therefore is not a constraint to affordable housing.

Development Processing Procedures, Standards, and Fees

Government policies and ordinances regulating development affect the availability and cost of new housing. Land use controls have the greatest direct impact, but development approval procedures, permit fees, building code requirements, and permit processing time can affect housing costs as well.

Permit Processing Procedures

Permit processing requirements at all levels of government continue to increase. Like every jurisdiction, the City has a number of procedures it requires every developer to follow. Housing development projects proposed in Clayton are subject to one or more of the following review processes or permits: environmental review, zoning, subdivision review, planned unit development, site plan review, use permits, and building permits.

A single-family residential subdivision requires approval of a Tentative Subdivision Map and a multi-family project requires the approval of a Development Plan Permit. Both proposals require actions by the Planning Commission and the City Council. If the level of environmental review is a negative declaration (ND) or a mitigated negative declaration (MND) for these proposals, then the typical processing time for these Planning entitlements is four to six months from the time an application is deemed complete. If the level of environmental review is an environmental impact report (EIR), then the typical processing time from the time the application is deemed complete is approximately 12 months.

Unlike its larger neighbors, the City does not have a building department and instead contracts with the Contra Costa County Building Inspection Department to administer the building permit process. The residential development process works as follows. The developer obtains any discretionary approvals from the City. The developer then submits their construction plans for zoning compliance review. The developer then applies for sewer and water service. The City of Concord provides sewer service in Clayton under contract with Clayton. The Contra Costa Water District (CCWD) provides water service. Once the developer has obtained these approvals, the developer submits their plans to the County Building Inspection Department for plan check and a building permit. The County also provides building inspection services and grants certificates of occupancy for the project.

The City has recently updated building permit applications, which has assisted with streamlining project approval. In addition, the City is finishing a Development Handbook guide that will provide applicants with an overview of the development approval process. The intent of the guide is to be proactive in minimizing the time applicants spend seeking development approval. The Clayton Planning Department also encourages pre-application meetings so that the City can provide assistance and direction to applicants prior to application review. The City has found that the pre-application meetings reduce the time spent approving development applications and create opportunities for public/private development ventures. For example, the City Manager and Community Development Director have recently held several meetings with a nonprofit builder interested in developing affordable housing in the City through a partnership with the Clayton Redevelopment Agency.

Table 32 shows typical permit processing times for the City.

TABLE 32
TYPICAL PERMIT PROCESSING TIMES
2009

Type of Application	Estimated Approval Time Period * (Following Formal Acceptance)
General Plan Amendment	20 Weeks
Rezoning	20 Weeks
Use Permit	6 Weeks
Variance	6 Weeks
Planned Development	20 Weeks
Subdivision (Tentative Map)	20 Weeks
Subdivision (Final Map)	Variable
Site Plan Review	6 Weeks
Zoning Review (City staff)	1 Week
Building Permit (County Building Inspection Dept.)	2 Weeks

**These times assume environmental review is not required.*
Source: City of Clayton; Contra Costa County

The typical processing times reported in **Table 32** include both discretionary and non-discretionary permit processing times and take into account the time required to obtain permits from both Contra Costa County and the City. For example, a "typical" development project that requires a use permit and a site plan from the City and a building permit from Contra Costa County would take approximately eight weeks to process (i.e., six weeks for the use permit and site plan which would be processed concurrently, and two weeks for a building permit).

The City's permit processing procedures include an assessment of the potential environmental impacts of the proposed project. If a project requires environmental review, additional processing and time is required. State law under CEQA mandates these review procedures. Many of the environmental regulations have protected the public from significant environmental degradation and from development of certain projects on inappropriate sites, and have given the public an opportunity to comment on project impacts. This process does, however, increase the time needed for approval of a project. Recognizing the additional development cost that can potentially occur during plan review and processing, the City is developing a Development Handbook guide to assist applicants with this process. In addition, the City has updated their permit applications and made them available on the City's Web page. The City also encourages pre-application meetings in an effort to reduce application review time.

On- and Off-Site Improvement Requirements

The City requires the installation of certain on- and off-site improvements to ensure the safety and livability of its residential neighborhoods. On-site improvements typically include streets, curb, gutter, sidewalk, and utilities, and amenities such as landscaping, fencing, street lighting, open space, and park facilities. Off-site improvements typically include:

- Road improvements, including construction of sections of roadway, medians, sidewalks, bicycle lanes, and street lighting.
- Drainage improvements, including improvement to sections of channel, culverts, swales, and pond areas (Contra Costa County Flood Control District requirements).
- Sewage collection and treatment (City of Concord, Central Sanitation District requirements).
- Water system improvements, including lines, storage tanks, and treatment plant (Contra Costa Water District requirements).
- Public facilities for fire, school, and recreation.
- Geological hazard repair and maintenance where appropriate.

Improvements required of any particular residential project depend upon the improvements that exist prior to development. If, for example, a vacant lot is improved with curb, gutters, and sidewalks, then the developer is not required to reinstall these. All typical improvements discussed above are required for residential development if they are absent prior to development.

The Zoning Ordinance requires two covered parking spaces and two uncovered parking spaces for each single-family unit. The Zoning Ordinance also requires two parking spaces, one of which must be covered, for each multi-family unit. These parking requirements have been reduced in PD developments (e.g., Oakhurst provides only 1.5 parking spaces for its zero lot line units) and may be reduced for Affordable Housing Opportunity sites.

Typically, on- and off-site improvement costs are passed on to the homebuyer as part of the final cost of the home. Clayton does not require on- and off-site improvements beyond what is typically required in other jurisdictions and therefore does not consider the required improvements a constraint to the development of housing for all income levels.

Development Plan Review

The Planned Development (PD) District provides developers and the City with the flexibility to accommodate projects on sites which are constrained by various physical factors such as flooding, slopes, restricted access, or cultural resources. The development plan process allows the City to waive various standard development requirements including setbacks, height limitations, lot coverage, vehicular access, parking, and architectural design. Since development plans involve the relaxation of various standards, City Council and Planning Commission review is required. The standards of review are listed in the Zoning Ordinance and focus upon ensuring that a better development will result than would occur with a non-flexible zone and ensuring protection of useable and natural open areas.

Site Plan Review

Site plan review is required for single-family dwellings, multi-family dwellings, and certain types of residential additions. Typically, the process is initiated by staff meeting with the applicant to review the project. The applicant submits an application and the processing fee/deposit. Neighboring property owners are notified and a staff report is prepared. The Planning Commission reviews the project at a public hearing with regard to compatibility with surrounding residences, solar rights, privacy, safety, and views. Projects conforming with these criteria are approved. The site plan review process involves approximately six weeks of processing time. Following site plan approval, the applicant submits their construction drawings to the County Building Inspection Department, after an initial conformance review by the City's Community Development staff.

Since specific criteria listed in the Zoning Ordinance are used in the evaluation and approval of projects, the site plan review process is fairly predictable for projects which address the specified criteria. The site plan review process also applies to commercial projects in the Town Center Specific Plan planning area.

Construction and Housing Codes

Table 33 shows the construction and housing codes adopted and administered by Contra Costa County for Clayton.

TABLE 33
CONSTRUCTION AND HOUSING CODES
2009

Code	Code Section	Title	Remarks
Clayton Municipal Code incorporates these Code Sections by reference	15.01	Construction Regulations, 2001	No major impacts on cost of housing
	15.02	Uniform Building Code with Amendments, 2007	Will not have major impacts on the cost of housing
	15.03	California Electric Code with Amendments, 2007	Will not have major impacts on the cost of housing
	15.04	California Plumbing Code with Amendments, 2007	Will not have major impacts on the cost of housing
	15.05	California Mechanical Code with Amendments, 2007	Will not have major impacts on the cost of housing
	15.06	Uniform Housing Code with Amendments, 2007	Will not have major impacts on the cost of housing

Code	Code Section	Title	Remarks
	15.07	Building Security Construction Codes	Will not have major impacts on the cost of housing
	15.08	Uniform Building Code for Sign Provisions, 2007	Will not have major impacts on the cost of housing
	15.56	Moving Buildings regulations	Will not have major impacts on the cost of housing
	15.58	Flood Damage Prevention practices	Will not have major impacts on the cost of housing
	15.60	Grading Rules	Will not have major impacts on the cost of housing
	15.70	Tree Protection regulations	Will not have major impacts on the cost of housing
	15.80	Project Construction & Demolition Debris Recycling regulations	Will not have major impacts on the cost of housing, although cost savings from recycling material may provide a cost savings for construction which would be passed along to tenants
California Uniform Building Code	Part 6, Title 24	Residential Building Efficiency Standards, June 2001	Will reduce the demand for household energy and therefore decrease the cost of maintaining a household

Sources: City of Clayton, County Building Inspection Department, and County Fire Protection District

Development Fees

The City collects development fees to help cover the costs of permit processing, inspections, and environmental review. The City and applicable districts collect development fees for the provision of services such as water, sewers, storm drains, and parks and recreation facilities. These fees are generally assessed based on the number of units in a residential development. Fees charged for building permits are based on the construction values as prescribed by the Uniform Building Code. Fees collected by the City in the review and development process do not exceed the City's costs for providing these services. When raising fees, the City complies with all applicable state laws. Table 34 shows development fees for the City as of April 2009.

TABLE 34
DEVELOPMENT FEES*
2009

Item	Responsible Agency	Fee Per Unit	
		Single-Family	Multi-Family
Building Permit, Plan Check and Building Inspection [4]	County Building Inspection Dept.	$2,008	$1,399
School Fees ($2.97/s.f.)	Mt. Diablo Unified School District	$5,940 [3]	$3,528 [3]
Fire Fees	County Fire Protection District	$300	$200
Community Facilities Development	City of Clayton	$450	$125
Parkland Dedication	City of Clayton	$2,569	$1,666
Off-Site Improvement	City of Clayton	$1,456	$1,019
Childcare [1]	City of Clayton	$205	$205
Sewer Connection	City of Concord	$4,447	$4,447 [2]
Water Connection	Contra Costa Water District	$21,389	$21,389
Total		$38,764	$33,978

[1] *Senior housing, second-dwelling units, affordable housing units, and churches are exempt.*
[2] *Fee is $3,291 per unit for a two-bedroom multi-family unit and $2,446 for a one-bedroom multi-family unit.*
[3] *Assumes the construction of a 2,000 sq ft single-family home and a 1,200 sq ft multi-family unit.*
[4] *Fees are based upon building valuation and square footage. Assumes a 2,000 sq ft single-family house and a 1,200 sq ft multi-family unit.*
Sources: City of Clayton; Contra Costa County; Contra Costa Water District; City of Concord; Mount Diablo Unified School District

As presented in **Table 34,** a developer can expect to pay roughly $38,764 in fees for the construction of a 2,000 square foot single-family home and $33,978 for each 1,200 square foot multi-family dwelling unit. The fees presented in Table 34 are typical for fees associated with residential development in the Bay Area. A large share ($21,389) of the total fees associated with residential development in the City is those for water connections which are provided by the Contra Costa Water District (CCWD) for jurisdictions located in Contra Costa County. The City also depends on the County's Conservation and Development Department for building permit and plan review services. The City's pre-application meetings assist with expediting the permit review period at the County level.

Conclusion

As noted above, the regulations and fees applicable to new development increase housing costs and to some degree may constrain the availability of affordable housing. Yet these regulations and fees are mandated by state law or are deemed necessary to protect the health, safety, and welfare of the community and to protect existing residents from the otherwise external costs of new development.

The City has not formally amended the Zoning Code to include a provision for waived or reduced fees for the development of affordable housing; however the City evaluates the scope of each project and determines if reducing or waiving fees provides a greater public benefit.

NON-GOVERNMENTAL CONSTRAINTS

The availability and cost of housing is strongly influenced by market factors over which local government has little or no control. State law requires that the Housing Element provide a general assessment of these constraints. This assessment can serve as the basis for actions which local governments might take to offset the effects of such constraints. The primary market constraints to the development of new housing are the costs of constructing and purchasing new housing. These costs can be broken down into three categories: land, construction, and financing. For the most part, housing cost components in Clayton are comparable to those in other parts of the Bay Area.

Land Costs

Costs associated with the acquisition of land include the market price of raw land and the cost of holding land throughout the development process. These costs can account for as much as half of the final sales prices of new homes in very small developments or in areas where land is scarce. Among the variables affecting the cost of land are its location, its amenities, the availability of public services, and the financing arrangement made between the buyer and seller.

Land costs vary significantly in accordance with a variety of factors, including proximity of urban services. Due to a low inventory of land for sale in Clayton, it is difficult to estimate the cost per acre of land in the City. The inventory of vacant land parcels in the neighboring City of Concord includes properties that are near the Clayton boundary line. Undeveloped land zoned for residential development on these properties is listed from $600,000 per acre to as high as $4 million per acre. It is recognized that the high cost of land constrains developers' ability to develop affordable housing. Unfortunately there is little the City can do to lower the cost of land in the private market.

Construction Costs

The National Building Cost Manual (NBCM) estimates that the cost to construct a new single-family home in Clayton is approximately $126 per square foot. This estimate assumes the construction of a 2,000 square foot home with a 500 square foot attached garage, built with average quality building materials, and does not include custom quality materials or design. At $125 per square foot cost, a 2,500 square foot home would cost $315,000 to construct. The NBCM estimates that 38 percent of the construction cost is materials, 47 percent is for labor and equipment, and 15 percent is the contractor's markup. The construction cost does not include related costs associated with land, permits, or financing. Also, many new homes in Clayton include custom materials and design which also increase the total construction cost. Factoring in related cost and custom materials, the construction of a new single-family home in the City would range between $800,000 and $1.2 million.

Due to the high price of land in the City, the cost to develop multi-family housing is also high. According to local developers the cost to develop multi-family housing (excluding land cost) in the City ranges between $148,000 and $172,500 per unit. The cost to develop each unit is roughly 20 percent of the cost to develop a single-family home, making multi-family housing the more affordable housing development option.

Availability of Financing

State Housing Element law requires an analysis of potential and actual non-governmental constraints upon the availability of financing for the maintenance, improvement, or development of housing for all income levels. This section will provide an analysis of the availability of financing for home purchases as well as refinancing and improvement loans. Data provided by the Federal Financial Institutions Examinations Council (FFEIC) under the Home Mortgage Disclosure Act (HMDA) is presented and analyzed to determine the extent to which the availability of financing constrains home purchase loans and refinancing/home improvement loans.

Availability of Financing for Home Purchase Loans

Table 35 presents data as reported by the FFEIC under HMDA regulations. The data is organized and presented for the years 2004, 2005, 2006, and 2007 by loans that were either approved, denied, or withdrawn/incomplete. In an effort to determine the extent to which financing constrains access to housing in Clayton, the data is compared with the broader Oakland-Fremont-Hayward metropolitan statistical area (referred to as "MSA"). HMDA reports loan applications by designated census tracts, which in Contra Costa County are shared among jurisdictions. The data displayed in **Table 35** is comprehensive for Clayton and includes partial data for jurisdictions which share census tracts with Clayton (Antioch and Concord).

As seen in **Table 35**, there were a total of 7,327 loan applications between 2004 and 2007 in Clayton. In the MSA for the same time period, there were 382,439 loan applications. Of the total loan applications in Clayton, 69 percent were approved, the same as in the MSA. Also, the share of denied loans in Clayton and the MSA were roughly even. Taking into account that the share of approved and denied applications was similar in both Clayton and the overall MSA, it does not appear that there is a lack of financing availability for Clayton residents.

In 2004 there were 2,159 loan applications processed in Clayton and 107,433 in the MSA. In 2007 the total number of loan applications in Clayton declined to 1,055 applications (51 percent decline) and in the MSA the number of loan applications declined to 62,201 (42 percent decline). The sharp decline in total loan applications is not unique to Clayton and the MSA. The nation as a whole experienced a similar decline between 2004 and 2007. Subsequent decline in loan availability likely occurred after 2007 but data for 2008 was not yet available.

TABLE 35
HOME PURCHASE LOANS, 2004–2007

Home Purchase Loans																	
Year	Approved				Denied				Withdrawn/Incomplete				Total Loan Applications	
	Clayton	% Total Loans	Oakland-Fremont-Hayward MSA	% Total Loans	Clayton	% Total Loans	Oakland-Fremont-Hayward MSA	% Total Loans	Clayton	% Total Loans	Oakland-Fremont-Hayward MSA	% Total Loans	Clayton	Oakland-Fremont-Hayward MSA
2004	1,604	74%	78,372	73%	307	14%	17,326	16%	248	11%	11,735	11%	2,159	107,433
2005	1,555	71%	79,108	70%	414	19%	20,747	18%	214	10%	13,349	12%	2,183	113,204
2006	1,228	64%	66,097	66%	506	26%	22,082	22%	196	10%	11,422	11%	1,930	99,601
2007	654	62%	41,432	67%	258	24%	14,111	23%	143	14%	6,658	11%	1,055	62,201
Totals	5,041	69%	265,009	69%	1,485	20%	74,266	19%	801	11%	43,164	11%	7,327	382,439

Source: Home Mortgage Disclosure Act, 2004, 2005, 2006, 2007
Note: Loans approved include loans originated and loans approved, not accepted
"Home Purchase Loans" includes all FHA, FSA/RHS, VA, Conventional, and loans for dwellings for 5 or more families.

Availability of Refinance and Home Improvement Loans

Table 36 displays data provided under HMDA for home refinance and improvement loans for the years 2004, 2005, 2006, and 2007. Approved, denied, and withdrawn/incomplete loans are displayed for each year for Clayton and the overall MSA. As presented in the table, there were 18,047 total loan applications processed in Clayton and 777,987 in the MSA between 2004 and 2007. The share of approved loans in Clayton was equal to the share of approved loans in the MSA, indicating that financing is readily available in the Clayton community.

Similar to the data displayed in **Table 35** for home loan activity, the loan activity presented in **Table 36** has sharply declined from 2004 to 2007. The decline is representative of the decline in the number of homeowners financing home improvements with equity in their homes. The decline of home values since 2004 has shrunk the amount of equity homeowners have access to, thus less people apply for refinancing or home improvement loans. This trend is an indication that the market for capital to rehabilitate homes is shrinking and may become a constraint to improving the conditions of the housing stock. However, the City's most recent housing condition survey revealed no homes in need of substantial rehabilitation or in dilapidated conditions.

TABLE 36
HOME REFINANCE AND IMPROVEMENT LOANS, 2004–2007

Refinance/Home Improvement Loans														
Year	Approved				Denied				Withdrawn/ Incomplete				Total Loan Applications	
	Clayton	% Total Loans	Oakland-Fremont-Hayward MSA	% Total Loans	Clayton	% Total Loans	Oakland-Fremont-Hayward MSA	% Total Loans	Clayton	% Total Loans	Oakland-Fremont-Hayward MSA	% Total Loans	Clayton	Oakland-Fremont-Hayward MSA
2004	3,323	64%	147,657	65%	1,031	20%	41,872	18%	884	17%	37,600	17%	5,238	227,129
2005	3,414	63%	133,964	62%	1,120	21%	43,818	20%	900	17%	37,864	18%	5,434	215,646
2006	2,676	58%	113,306	60%	1,173	26%	44,531	24%	727	16%	30,787	16%	4,576	188,624
2007	1,615	58%	82,177	56%	983	35%	43,199	29%	201	7%	21,212	14%	2,799	146,588
Totals	11,028	61%	477,104	61%	4,307	24%	173,420	22%	2,712	15%	127,463	16%	18,047	777,987

Source: Home Mortgage Disclosure Act, 2004, 2005, 2006, 2007.
Note: Loans approved include loans originated and loans approved, not accepted

8.0 CURRENT AND PAST HOUSING PROGRAMS

CURRENT PROGRAMS

The City utilizes local, state, and federal funds to implement its housing strategy. Because of the high cost of new construction, more than one source of public funds is required to construct an affordable housing development. The City does not act as a developer in the production of affordable units, but relies upon the private sector to develop new units with the assistance of these various funding sources.

The Clayton Redevelopment Agency (RDA) is the primary source of housing funds for the City's housing programs. According to the City's RDA Five-Year Implementation Plan, as of April 2009 the City had a housing fund balance of $4.7 million in set-aside funds that will be available to support affordable housing activities within the Redevelopment Area over the next five years ending in June 2013. The Agency provided the Diamond Terrace (PAM) project with $2,036,000 to assist in development of the project as well as to provide $220,000 annually to supplement rental income until 2019. The project also received a low-income tax credit allocation.

The Agency expects to reach its cap on tax increment collection at the end of the current implementation plan period (2012/2013). At this time, the housing fund balance will be exhausted. Prior to exhausting the housing funds, the Agency is planning to provide $1.5 million as seed money for the development of 15 affordable rental units. Prior to the exhaustion of the housing fund balance, the Agency also plans to allocate $1.5 million toward affordable home ownership development through the remainder of the Implementation Plan period.

The Five-Year Implementation Plan also identifies that funds provided by the Agency for affordable rental development will include 55-year deed restrictions and funds used for affordable home ownership development will include 45-year deed restrictions.

In the past, the Agency has used its housing set-aside funds to assist in the development of Kirker Court, a rental project for persons with disabilities, and to provide secondary financing for moderate-income homebuyers. In 1994, the Redevelopment Agency funded second mortgages on 18 homes sold to moderate-income households at the 54-unit Stranahan development off of Marsh Creek Road. The homes were sold at prices affordable to moderate-income households. The minimum second mortgage amount was $20,500 and the maximum was $35,000. The loan agreement for the second mortgage runs for 25 years and ensures continued affordability for 10 years through a provision of the City's right of first refusal for any resales. Further, to ensure continued affordability the resale price is limited to increases in the county's median income. Following the ten-year affordability period, some homes were sold at market rates. The RDA acquired some of these homes with the intention to resell them at prices affordable to low-income person with a longer-term deed restriction. These homes were located at 214 and 282 Stranahan Circle and were re-sold to low-income households. Since the 2005 Housing Element was adopted, six additional homes were purchased and re-sold to moderate-income households on Stranahan Circle. These six homes are located at 208, 268, 274, 276, 278, and 280 Stranahan Circle.

In June of 2008 the City posted a flyer for interested applicants announcing the availability of an affordable single-family home for sale in the Stranahan development. The home was offered between $275,000 and $385,000 depending upon the prevailing interest rate at the time of the sale and the gross household income of the selected applicant. The unit has three bedrooms and was therefore available to households with a minimum of 3 persons. Upon the sale of the home, a 45-year deed restriction was put into place, restricting the resale amount of the home during the 45-year period to ensure affordability as well as establish maximum income limits of future buyers.

Clayton residents may also benefit from programs that are administered by the Contra Costa County Community Development Department. For example, the Mortgage Credit Certificate Program (authorized via Section 25 of the IRS code) is targeted to households whose incomes do not exceed 115 percent of area median income. This program permits public jurisdictions to issue tax credit certificates for a portion of the mortgage interest paid by first-time homebuyers. In this program, the buyer and the lender cover most of the direct expenses.

Community Development Block Grant Funds (CDBG)

The Community Development Department also administers the CDBG and HOME programs. The County receives approximately $3.5 million in CDBG funds annually for the 14 cities and unincorporated areas that make up the Urban County. Forty-seven (47) percent of the funds are reserved for projects and programs within the Urban County that address the following priorities:

- Increase the supply of multi-family rental housing affordable to and occupied by very low- and low-income households;
- Maintain the existing affordable housing stock through the rehabilitation of owner-occupied and rental housing;
- Increase the supply of appropriate and supportive housing for special needs populations;
- Assist the homeless and those at risk of becoming homeless by providing emergency and transitional housing; and
- Alleviate problems of housing discrimination.

CDBG funds are used for site acquisition, rehabilitation, first-time homebuyer assistance, development of emergency and transitional shelters, and fair housing/housing counseling activities. Additional activities in support of the new construction of affordable housing include site acquisition, site clearance, and the financing of related infrastructure and public facility improvements.

CDBG funds were used to assist in the development of Kirker Court.

On July 30, 2008, the 2008 Housing and Economic Recovery Act (HERA) was passed. HERA included a special allocation of CDBG funds, as part of the Neighborhood Stabilization Program (NSP) program. NSP provides targeted emergency assistance to state and local governments to acquire and redevelop abandoned and foreclosed residential properties that might otherwise become sources of abandonment and blight within communities. As the lead agency, Contra Costa County has been allocated $6,019,051 in NSP funds to be used over five years. The County intends to use these funds to support acquisition and rehabilitation programs of vacant foreclosed homes in Bay Point, Oakley, Rodeo, San Pablo, and North Richmond.

HOME Investment Partnership Act Program Funds

The Urban County and the cities of Antioch, Concord, Pittsburg, and Walnut Creek formed the Contra Costa Consortium for the purpose of applying to HUD for HOME funds. Approximately $2.9 million in HOME funds are allocated to the Consortium annually. All projects funded with HOME funds must be targeted to very low- and low-income households and must have permanent matching funds from non-federal resources equal to 25 percent of the requested funds. In addition, the County Board of Supervisors has established a priority for the allocation of HOME and CDBG funds to projects that include a portion of the units affordable to extremely low-income households (incomes at or below 30 percent of the area median income).

Consortium HOME Program priorities include the following:

- Acquisition, rehabilitation and new construction of affordable multi-family rental housing;
- Owner-occupied housing rehabilitation programs for low-income households; and
- First-time homebuyer's assistance for low-income households.

Section 8 Voucher Program

Rental assistance is available from the Housing Authority of Contra Costa County, which administers the Section 8 voucher program. As of August 2001, only one Clayton household was receiving rental assistance from this program, which is funded by the federal Department of Housing and Urban Development. The limited number of rental housing units within the City makes it unlikely that Section 8 participants will find units to rent in Clayton.

AFFORDABLE HOUSING PROJECTS

There are currently 20 affordable housing units at Kirker Court, a project for persons with disabilities managed by Eden Housing. The Stranahan residential subdivision was built in 1995 and consisted of 54 single-family detached homes. Eighteen of the homes were sold at a level affordable to moderate-income households. Since the initial sale, two of the eighteen homes have been repurchased by the Redevelopment Agency and resold to low-income households and an additional six of these houses have been repurchased by the Redevelopment Agency and re-sold to moderate-income households. Diamond Terrace, an assisted living project for seniors, was completed in 2003. This project provides 65 units for very low-income seniors and 10 units for low-income seniors as well as 10 units for moderate-income seniors. In addition, one low-income unit was provided as part of the Bridlewood subdivision's inclusionary housing requirement. **Table 37** presents detailed information on these housing units.

TABLE 37
AFFORDABLE HOUSING PROJECTS
MAY 2009

Project Name	Address	Year Built	Sponsor	Units	Target Group(s)	Waiting List	Expiration Date	Type of Subsidy	Notes
Redevelopment Agency LMI Program									
Kirker Court	1732 Kirker Pass Road	1993	Eden Housing (originally developed by Housing for Independent People)	20	Extremely Low-Income persons with disabilities	Currently accepting applications	2013	Section 811, CDBG, and Redevelopment Agency LMI funds	--
Stranahan	Stranahan Circle	1995	Lemke Construction	18	2 Low-Income	NA	2048	Redevelopment Agency LMI funds	Affordable Housing Opportunity site in 1993 Housing Element
					16 Moderate-Income	NA	2005-2006		
Diamond Terrace	6401 Center Street	2001-2002	PAM	85 (+1 care-taker unit)	65 Very Low-Income; 10 Low-Income; 10 Moderate-Income Seniors	NA	2056	Low-income tax credits and Redevelopment Agency LMI funds	Congregate care with studio, 1-bedroom and 2-bedroom units
Inclusionary Program									
Bridlewood	Bridlewood Court	2003	Delco Builders		1 Low-Income	NA	2048		Inclusionary units are offsite.
Diablo Pointe [1]	Regency Drive	2006 (est.)	Lemke Construction	3	1 Very-Low Income; 1 Low-Income; 1 Moderate-Income	NA	55 years		The very low-income unit has been secured off-site and deed restricted. The remaining two

Project Name	Address	Year Built	Sponsor	Units	Target Group(s)	Waiting List	Expiration Date	Type of Subsidy	Notes
									units are to be secured off-site prior to the issuance of the twentieth certificate of occupancy for the project
Total				**127**					

Notes: Extremely Low-Income = 30% of median income or below; Very Low–Income = 50% of median income or below; Low-Income = 51% to 80% of median income; Median-Income = 100% of median income; Moderate-Income = 80% to 120% of median income

1. Diablo Point has a recorded final map and public improvements installed but no homes constructed to date. The three below-market units will be off-site. The developer has already purchased one market-rate unit and resold it to a very low-income household. The remaining two required units must be provided prior to the issuance of the 20th certificate of occupancy within the subdivision.

Sources: Community Development Department, 2009

FUNDING PROGRAMS

There are several local, state, and federal funding programs that can be used to assist first-time homebuyers, build affordable housing, and help special needs groups, such as seniors, persons with disabilities, and the homeless. Due to the high cost of new construction, more than one source of funds is usually required to construct an affordable housing development. Funds provided may be low-interest loans that need to be repaid, or in some instances, grants are provided that do not require repayment.

These funding programs are summarized in **Table 38**. In most cases other entities, including for-profit and nonprofit developers, apply for funds or other program benefits. For example, nonprofit organizations apply directly to HUD for Section 202 and Section 811 loans, and developers apply to the California Tax Credit Allocation Committee for low-income tax credits. The City does not act as a developer in the production of affordable units, but relies upon the private sector to develop new units with the assistance of various funding sources. The City can help sponsor grant and loan applications, provide matching funds, or furnish land at below-market cost. However, there are also programs, such as CDBG and HOME, to which the City can apply directly to the County Community Development Department for funding. Finally, there are a few programs, such as the Mortgage Credit Certificate Program or the Lease Purchase Program, to which individual households apply directly once local or county programs have been established.

In addition as mentioned above, the Clayton Redevelopment Agency provides funds for housing and is expected to have approximately $4.7 million in available housing set-aside funds during the five-year period ending in June 2013.

City financial support of private sector applications for funding to outside agencies is very important. Funding provided by the City can be used as matching funds required of some programs. Local funding is also used for leverage. City support of private sector applications enhances the competitive advantage of each application for funds. For example, the Redevelopment Agency's financial support for the Diamond Terrace project was an important factor in the project's successful application for low-income tax credits.

As indicated, the Redevelopment Agency is the primary source of local housing funds in Clayton. However, the City has adopted an inclusionary housing policy, which allows for payment of an in-lieu fee if affordable units are not provided. If developers choose to pay in-lieu fees, they will augment the Agency's housing set-aside funds and increase the City's ability to encourage and assist affordable housing development.

TABLE 38
AFFORDABLE HOUSING FINANCING PROGRAMS

Program	Description
FIRST-TIME HOMEBUYERS	
Mortgage Credit Certificate Program (MCC)	Homebuyers can apply a portion of mortgage interest paid as a credit against their income tax obligations. The program primarily targets first-time homebuyers. The California Debt Limit Allocation Committee is responsible for allocating authority for the mortgage credit certificate and mortgage revenue bonds subject to the annual volume cap for the state. The Contra Costa County Community Development Department administers this program.
Housing Enabled by Local Partnerships (HELP) Program	California Housing Finance Agency (CHFA) sponsored program that provides low cost loans to cities for an array of housing activities, including down payment assistance.
School Facility Fee Down Payment Assistance Program	CHFA program that provides full or partial rebate of the school facility fee paid by the builder. The buyer can use this rebate to cover part of the down payment.
Low and No Down Payment Program	California Housing Loan Insurance Fund (CAHLIF) sponsored program that provides several loan options, including 100% loans, requiring no down payment.
Lease-Purchase Program (operated by an existing agency or the creation of a new one with other cities in area)	The program assists potential homebuyers who lack down payment savings or an acceptable credit history to become homeowners. Lease-purchasers lease homes for a three-year period, while they gradually save for the down payment and closing costs. The East Bay Delta Housing Finance Agency operates a program in the Bay Area.
Community Assisted Shared Appreciation (CASA) Program	This special program provides silent seconds (owed to participating lenders) and silent thirds (owed to the City). Funds are matched one for one by participating lenders.
FUNDING SOURCES FOR NEW CONSTRUCTION	
HOME and Community Development Block Grant Programs	Federally funded and regulated programs designed to help households up to 80% of area median income. The Contra Costa Community Development Department administers these programs for the Urban County, which includes Clayton. CDBG funds were one of the funding sources for Kirker Court.
Low-Income Housing Tax Credits	Federal and state income tax credits provide a source of equity for low-income rental projects. The California Tax Credit Allocation Committee coordinates the award of these credits. The Diamond Terrace project will use tax credits.
HELP Program	CHFA sponsored program that provides low cost loans to cities for an array of housing activities, as long as they support affordable housing.

Program	Description
State of California's Multifamily Housing Program	A new state program that provides deferred payment loans for up to 55 years. Eligible activities include new construction and rehabilitation of permanent and transitional rental housing for lower-income households.
Clayton Redevelopment Agency Funds	The Redevelopment Agency is expected to have approximately $4.7 million available through June 2013 for housing-related activities. RDA funds were used for Kirker Court and Diamond Terrace (including ongoing funding) and will be used for future affordable rental and homeownership development
Mortgage Revenue Bonds	The sale of tax-exempt bonds provides permanent financing at slightly below market interest rates for both single-family and multi-family housing. The California Debt Limit Allocation Committee is responsible for allocating authority for the mortgage credit certificate and mortgage revenue bonds subject to the annual volume cap for the state.
SPECIAL NEEDS GROUPS	
New Construction – Section 202 and Section 811	The HUD 202 Program provides grant funds to develop senior housing. The HUD Section 811 Program provides grant funds to develop housing for persons with disabilities. Section 811 funding was used for Kirker Court.
CDBG	Seniors with mobility problems can remain in their own homes longer, if it is possible to improve accessibility. CDBG funds can be used for this purpose.
HOMELESS INDIVIDUALS AND FAMILIES	
Emergency Shelter	Contra Costa County's Office of Homeless Programs coordinates programs and disperses funds for emergency shelters. Funds are available from the federal government and from the State. The County's 2001-2006 Continuum of Care Plan Homeless Plan provides detailed information.
Transitional Shelter	Financing sources include federal programs (e.g., HOPWA, HOME, CDBG, Section 8) and the State.

Source: City of Clayton 5-Year Implementation Plan, 2008/09-2012/13; Contra Costa County

9.0 Regional Housing Needs

Under the State housing element requirements, housing needs are defined in three categories: existing needs, needs of special groups within the community, and projected needs through the remainder of the planning period. The existing needs and needs of special groups are discussed in the assessment of housing needs. This section focuses on projected housing needs for the period from 2007 to 2014.

Projected housing needs are the total additional housing units required to adequately house a jurisdiction's projected population through the planning period that are affordable, in standard condition, and not overcrowded. These needs include those of the existing population as well as the needs of the additional population expected to reside in the city through the planning period.

CLAYTON'S SHARE OF PROJECTED REGIONAL NEEDS

In May 2008, the Association of Bay Area Governments released its Regional Housing Needs Allocations (RHNA) for the period January 1, 2007, to June 30, 2014. Under state law, Bay Area local governments use this determination for their projection of future housing needs. The purpose of the document is to examine housing needs on a regional basis and to allocate to every city and county responsibility for planning to meet its share of those needs.

Section 65584 of the Government Code designates the responsibility for developing projections of regional housing need, and allocating a share of this need to localities within the region, to regional councils of government. For the San Francisco Bay Area, these determinations were prepared by ABAG. ABAG determined quantifiable needs for housing units in the region according to various income categories. **Table 39** depicts Clayton's estimated need for 2007 to 2014.

Please note that the City's 2007 – 2014 regional housing needs allocation of 151 units is one unit more than the draft 2009 ABAG housing unit projection for the City through 2035. While the City will implement efforts to facilitate the development of housing to meet its fair share of housing needs, the actual expected growth based on ABAG's new projection methodology is far less than ABAG's 2007-2014 adopted fair share allocations.

Assembly Bill (AB) 2634 was approved in 2006 and requires jurisdictions to quantify existing extremely low-income households and projected extremely low-income households. Extremely low-income households are those earning less than 30 percent of the area median income. According to AB 2634, jurisdictions can quantify the projected number of extremely low-income households by assuming that 50 percent of very low-income households are extremely low-income. ABAG allocated to Clayton 49 very low-income households, of which 24 (50 percent) have been assumed to be Clayton's extremely low-income housing need and are shown in **Table 39**.

In its final RHNA figures, ABAG allocated 151 housing units to Clayton. The allocation is equivalent to a yearly need of 20 housing units for the 7½-year period. The total allocation is broken down into four income categories. However, the City assumes half of its very low-income allocation is an appropriate estimate of the projected extremely low-income household, so the RHNA in **Table 39** below is broken down into the five categories: extremely low (24 units or 15.9 percent of total units), very low (25 units or 16.6 percent of total units), low (35 units or 23.2 percent of total units), moderate (33 units or 21.9 percent of total units), and above moderate (34 units or 22.5 percent of total units). In other words, of the 151 units allocated, 77.5 percent must be in the affordable range (extremely low-, very low-, low-, moderate-income) and 22.5 percent in the above moderate range.

TABLE 39
PROJECTED HOUSING NEED BY INCOME CATEGORY
2007–2014

Income Category	ABAG Need Determination	Percentage of Total
Extremely Low (1)	24	15.9%
Very Low (2)	25	16.6%
Low (3)	35	23.2%
Moderate (4)	33	21.9%
Above Moderate (5)	34	22.5%
Total	151	100.0%
Average Yearly Need	20	--

Notes:
(1) Units for households earning less than 30 percent of median income
(2) Units for households earning between 30 and 50 percent of median income
(3) Units for households earning between 50 and 80 percent of median income
(4) Units for households earning between 80 and 120 percent of median income
(5) Units for households earning more than 120 percent of median income
Source: Association of Bay Area Governments

Table 40 shows the total 2007–2014 RHNA allocation and the 2007 housing unit count for Clayton, Contra Costa County, and the entire nine-county ABAG region. When applied to the 2007 DOF estimate of 3,984 housing units in the incorporated area of Clayton, the 151 total housing unit allocation for 2007–2014 is equivalent to a 12 percent total increase, or a 3.8 percent annual average growth rate for the 7½-year period.

Clayton's RHNA allocation represents 0.5 percent of the total Contra Costa County RHNA of 27,072. This share is half of Clayton's 1 percent share of the total Contra Costa County housing stock in 2007. Clayton's 2007 housing stock represented 0.1 percent of the total 2007 Bay Area regional housing supply. Clayton has been assigned a Regional Housing Needs Allocation (RHNA) equivalent to 0.07 percent of the regional total, a share that is slightly less than Clayton's share of the 2007 housing stock.

Clayton's annual average growth rate of 0.5 percent implied in its RHNA is slightly lower than the growth rate of Contra Costa County (0.9 percent) and the entire Bay Area region (1.05 percent).

TABLE 40
REGIONAL HOUSING NEEDS ALLOCATION
CLAYTON, CONTRA COSTA COUNTY, AND ABAG REGIONS
2007 TO 2014

Jurisdiction	Regional Housing Needs (Units) Allocation - Current Jurisdictional Boundaries			2007 Housing Units				Allocated Growth	
	Total	% of County	% of Regional Share	Average Yearly Need (7.5 Years)	2007 Housing Units (DOF)	% of County Share	% of Regional Share	% Total Growth: 2007-2014	Annual Average Growth Rate: 2007-2014
Clayton	151	0.5%	0.07%	20	3,984	1.0%	0.1%	3.8%	0.5%
Contra Costa County	27,072	100.0%	13.0%	3,694	393,406	100.0%	14.5%	6.9%	0.9%
ABAG Regional Total	214,500	--	100.0%	28,600	2,711,262	--	100.0%	7.9%	1.05%

Source: Association of Bay Area Governments, May 2009; California Department of Finance, May 2009

Between January 1, 1992, and 2004, the City issued building permits for 1,868 new units. Between January 1, 2007, and March 2009, which is within the planning time frame of this Housing Element, Clayton had 21 new units that were approved for construction or were developed. **Table 41** summarizes building permits issued by project name, year, and income category.

TABLE 41
SUMMARY OF RESIDENTIAL ACTIVITY BY INCOME
JANUARY 1992 - MARCH 2009

Project Name/Year	Very Low	Low	Moderate	Above-Moderate	Total
Stranahan (Lemke) Site (1994)	--	--	18	36	54
Diablo Village (1999)	0	0	0	33	33
Diamond Terrace PAM (1999)	65	10	10	1	86
Oakhurst (1992-1999)	--	5	264	1,205	1,474
Other (1992-1999)	--	6	--	13	19
Total (1992-1999)	65	21	290	1,290	1,666
Total (1999-2004)	65	12	14	111	202
2007	0	0	1	9	10
2008	0	0	0	11	11
2009	0	0	0	0	0
Total (2007-2009)	**0**	**0**	**1**	**20**	**21**

Source: Community Development Department, March 2009

For planning purposes, the ABAG figures need to be adjusted to reflect the units that have been issued building permits between January 1, 2007 (the starting point for ABAG's Regional Housing Needs Determination) and March 2009. **Table 42** shows modified need projections based on this adjustment.

In an effort to relate this building permit activity to the ABAG Regional Housing Needs Allocation figures, the Community Development Department assigned each new unit to one of the four income categories specified in the ABAG needs determination. This analysis also includes the projected housing need of extremely low-income households as defined by AB 2634. The results of this analysis are shown in **Table 42.**

Accounting for development activity in the current planning period (since January 2007), the balance of the City's projected housing need is an additional 130 housing units through the remainder of the planning period (June 2014).

TABLE 42
BALANCE OF REGIONAL HOUSING NEED

Income Category	2007 to 2014 ABAG Need Determination	Units Constructed/Approved and Adjustments 2007–2014*	Percentage of Need Met	Balance of Existing Need
Extremely Low	24	0	0%	24
Very Low	25	0	0%	25
Low	35	0	0%	35
Moderate	33	1	3.0%	32
Above Moderate	34	20	58.8%	14
Total	151	21	13.9%	130

Units include both units constructed and those receiving building permits since January 1, 2007.
Source: Community Development Department; Association of Bay Area Governments

10.0 AVAILABILITY OF LAND AND SERVICES

This section assesses the availability of land and services to meet the needs documented in the Housing Needs section. This section also reviews Clayton's inventory of available residentially zoned land, calculates the buildout potential of this land, and reviews the adequacy of services to support future housing development.

LAND AVAILABLE FOR RESIDENTIAL DEVELOPMENT

Vacant Residential Land

As indicated in **Table 43,** Clayton had vacant residential land that, at approved densities, would allow for the development of between 46 and 57 units based on minimum and maximum allowable densities. The table also shows an estimated realistic capacity based on recent developments as listed in **Table 47** below. The vacant parcels in **Table 43** have an estimated realistic capacity of 44 units. Sites V-2, V-3, V-4, and V-5 comprise the City's available higher density parcels and are most appropriate to meet the City very low- and low-income RHNA. Recent develop in the City has included lower density single family and lower density multi-family projects. Three of the more recent developments as shown in **Table 47** are Rachel Ranch, Pine Hollow Estates and Mitchell Creek Place. These projects developed at 73 percent, 96 percent and 73 percent of their respective maximum allowable densities. Realistic capacity of the vacant sites was determined by using the average (81 percent) of this built density percentages of these recent projects. The map in Appendix C shows the location of these sites.

Underdeveloped Residential Land

Table 44 lists the location, size, and development potential of underdeveloped residential sites within the city limits. Sites U-3 and U-9 are designated and zoned in such a way that they are appropriate for lower-income RHNA as well. The realistic capacity for the underutilized sites was determined with the same built density percentage used for the vacant sites only after the existing units on the sites were accounted for. Underdeveloped sites yield the potential for between 46 and 104 additional units based on minimum and maximum allowable densities (see Appendix C). Using the realistic capacity methodology, there would be capacity for approximately 81 (113 if U-5 and U-6 were rezoned) units. Sites U-3 and U-9 are zoned appropriately for higher density (lower-income units). Along with site V-2 through V-5, these two sites yield a total capacity for approximately 97 units, which surpasses the City's low and very low-income RHNA of 84 units leaving a surplus of 13 units. The remaining "V' and "U" sites yield capacity for approximately 40 units (w/o rezone of U-5 and U-6) or 72 units (with rezone of U-5 and U-6). This nearly accommodates the remaining moderate- and above moderate-income RHNA for the City. The remaining six units could be met by the potential second story residential units as shown in **Table 45** below. This would leave a surplus of 15 potential units. OR The remaining "V" and "U" sites yield capacity for approximately 72 units. This would provide a surplus of approximately 26 units after meeting the remaining 46 moderate- and above moderate-income RHNA. Refer to Table 46 for a summary of how these sites may accommodate the City's RHNA.

Potential Second-Story Housing Units

Table 45 lists commercially designated parcels within the Town Center that may have some potential for serving as residential sites. In accordance with the General Plan, these units would need to be second-story units. Of the three available sites, there is a potential for up to approximately 21 units (see Appendix C).

TABLE 43
VACANT RESIDENTIAL LAND

Site*	APN	Location	Size	General Plan Designation	Zoning	Minimum Units	Maximum Units	Realistic Unit Capacity	Comments/ Known Development Constraints
V-1	118-230-010	5801 Caulfield Dr	0.26 ac	SF (LD)	PD	1	1	1	None
V-2	119-021-063	High St	1.11 ac	MF (MD)	PD	10.1	16	12	Slope constraint toward the western part of the property line that may require clustering of units to achieve maximum density.
V-3	121-090-011	Mitchell Canyon Rd. [Central]	4.14 ac	SF (MD)	R-15	12	12	9	Slope constraints on the western part of the property.
V-4	121-090-016	Mitchell Canyon Rd. [South]	4.51 ac	SF (MD)	R-15	13	13	10	Slope constraints on the western part of the property.
V-5	120-015-011	Clayton Rd.	1.01 ac	MF-MD	PD	10.1	15	12	none
Totals						**46.2**	**57**	**44**	

** See Appendix C: Residential Development Sites for location of sites.*
Source: Community Development Department

TABLE 44
UNDERDEVELOPED RESIDENTIAL LAND

Site*	APN	Location	Size	General Plan Desig-nation	Zoning	Existi ng Units	Minimum Additional Units	Maximum Additiona l Units	Realistic Unit Capacity	Comments/ Known Development Constraints
U-1	078-020-006	1060 Pine Ln	6.24 ac.	SF (LD)	PD	1	5	17		Part of the site is subject to flooding. This site's PD zoning requires 20 percent open space (presumably met in flood zone). PD zoning allows clustering of units to achieve maximum density.
U-2	078-020-007	1080 Pine Ln	2.30 ac.	SF (LD)	PD	1	1	5		Same as Site U-1 above
U-3	118-020-029	Oakhurs t Dr	12.89 ac.	SF (MD)	PD	2	37	62		Part of the site is subject to flooding. This site's PD zoning requires 20 percent open space and allows clustering of units to achieve maximum density.
U-4	118-230-001	Caulfield Dr	2.18 ac.	SF (LD)	R-15	1	1	5		None
U-5	119-050-036	Pine Hollow Ct [Frank parcel]	4.50 ac	SF (RD)	R-40-H	1	0	3		GP amendment to SF (LD) and rezoning to PD would allow between 4 and 13 units.

Site*	APN	Location	Size	General Plan Desig-nation	Zoning	Existi ng Units	Minimum Additional Units	Maximum Additiona l Units	Realistic Unit Capacity	Comments/ Known Development Constraints
U-6	119-080-009	Easley Ranch	13.52 ac	SF (LD) & Open Space-Public	A	2	0	0		Rezoning to PD would allow up to 30 units on the site. Units would need to be clustered due to flooding constraints.
U-7	120-015-012	Four Oaks Lane [Copeland]	1.20 ac	SF (LD)	R-15	2	0	1		
U-8	120-043-004	Pine Hollow Rd [West]	2.41 ac.	SF (LD)	R-15	1	1	6		None
U-9	121-090-012	895 Mitchell Canyon Rd [Northeast]	2.36 ac.	SF (MD)	R-15	1	1	5		None
Totals						12	46	104		

** See Figure 2: Residential Development Sites for location of sites.*
Source: Community Development Department

TABLE 45
POTENTIAL SECOND-STORY HOUSING UNITS

Site	APN	Location	Size	General Plan Designation	Specific Plan Designation	Zoning	Potential Units Units*	Comments/Known Development Constraints
C-1	118-560-010	Main St	1.66 ac	TC Commercial	TC Commercial	PD	16	Owned by Buscaglia. Underdeveloped Commercial Site. No constraints. Owner has submitted plans for commercial development of site.
C-2	119-013-002	6026 Main St	5,000 s.f.	TC Commercial	TC Commercial	LC	1	Owned by Ipsens. Vacant site. No constraints.
C-3	119-017-003	Center St	18,550 s.f.	TC Commercial	MF (MD)/ Resource Protection	PD	4	Owned by Alderette. Vacant site. No constraints.
Total							21	

** All residential units would be second-story units.*
Source: Community Development Department

Summary of Potential Housing Units

Clayton has available in a variety of forms vacant and appropriately zoned sites to accommodate a approximately 161 units of new housing with existing zoning. **Table 46** summarizes how available vacant, underdeveloped and mixed-use sites accommodate the City's 2007-2014 RHNA.

TABLE 46
SUMMARY OF POTENTIAL HOUSING UNITS

	AMBAG Allocation	Units Built Since 2007	Remaining AMBAG Allocation	Capacity on Vacant/Underutilized Sites	Surplus/Carryover
Extremely Low Income	24	0	24	84 [1]	13 [2]
Very Low Income	25	0	25		
Low Income	35	0	35		
Moderate Income	33	1	32	62 [3]	15 [4]
Above Moderate Income	34	20	14		
Total	**151**	**21**	**130**	**146**	**15**

1. *97 potential units on sites V-2, V-3, V-4, V-5, U-3 and U-9 to meet low-, very low- and extremely low-income RHNA total of 845with a surplus of 12 units.*
2. *These thirteen units are carried over to moderate income and are reflected in the 61 units as noted.*
3. *13 units from the higher density site surplus, 28 units from the remaining "V" and "U" sites and 21units in commercial mixed-use (second story residential) parcels showing in Table 45.*
4. *These 15 units are surplus from the potential commercial mixed-use, second story residential sites.*

Approved Housing Projects

In addition to the potential number of housing units that could be developed on the land available for residential development in **Table 46**. **Table 47** identifies the location, project name, and number of housing units that have received entitlements by Clayton since 2000. Two single-family residential developments — Bridlewood and Rachel Ranch — have been approved and constructed, providing an additional 27 single-family units. The Bridlewood project provided two affordable units. In addition, the Diamond Terrace project was completed in 2003, contributing 86 units, including 85 affordable units, to the City's housing stock. In 2004, the 24-unit Diablo Pointe subdivision was approved. Following approval of the site plans for the residence, the project was scheduled for construction and occupancy in 2006. As of May 2009, the project had final map approval and improvements but no units had yet been constructed. The project will provide three affordable units. The very low-income unit has been secured and deed-restricted for a 45-year period. The remaining low-income and moderate-income units are required to be secured and deed-restricted prior to the issuance of the twentieth certificate of occupancy These units will further contribute to satisfying Clayton's fair share responsibility for 1999 to 2007.

TABLE 47
RECENT HOUSING PROJECTS

Project Name	Year Built	General Plan Designation	Zoning	Allowed Destiny	Built Density	Acreage of Site	# of Units	# of Affordable Units (if any)
Mitchell Creek Place	2007-2008	Multifamily Low Density	PD	7.6-10 du/ac	7.3 du/ac	1.22 ac	9	0
Diablo Point	2006	Single Family	R-40-H; R-40; R-10	varied	1.0 du/ac	24.10 ac	24	3
Pine Hollow Estates	2005-2006	Single Family Low Density	R-12	1.1-3 du/ac	2.9 du/ac	2.75 ac	8	0
Rachel Ranch	2003-2004	Single Family Low Density	R-12	1.1-3 du/ac	2.2 du/ac	3.61 ac	8	0
Diamond Terrace (PAM)	2003	Multiple Family	PD	7.6-20 du/ac	13.3 du/ac	6.45 ac	86	85
Bridle-wood/Vintage Clayton	2001-2002	Single Family Medium Density	R-10	3.1-5 du/ac	2.69 du/ac	7.04 ac	19	1 (low income)

AVAILABILITY OF SERVICES

Water

The Contra Costa Water District (CCWD) provides public water supply, treatment, storage, and distribution in the city. CCWD obtains its water from Rock Slough, near Oakley, in the Delta, under the terms of a contract with the federal government. CCWD's 2005 Urban Water Management Plan (UWMP) indicates that CCWD had 174,100 acre-feet of water supply in 2005. The demand for water by CCWD customers in the same year was 152,037 acre-feet of water, which yields an excess supply of 22,063 acre-feet of water.

Water distributed by CCWD in the Clayton area is treated at the District's Bollman plant on Highway 4. The plant's maximum capacity in 2001 was 75 million gallons per day (mgd), which is sufficient for current levels of demand within its service area. CCWD officials report that the

Bollman treatment plant, in its present configuration, can be expanded to a maximum capacity of 95 mgd, which is sufficient to handle increased water demand in Clayton. If development occurs east of the city, it is likely to require additional water supply and distribution facilities, including reservoirs, pumping stations, and distribution lines.

CCWD completed its Future Water Supply Study in 1996 and the Focused Update of Systemwide Demand in 2001. These two studies are the foundation to the 2005 UWMP. Demand was determined assuming full buildout of the general plans of all communities within its service boundaries. Changes in buildout strategies, land use intensification, annexations, or any number of policy changes by one or more communities within the CCWD service area can affect the viability of the plans and prompt dramatic changes. The UWMP includes strategies to meet future water demand that include the promotion of conservation, purchasing water transfers, and developing projections for an array of climate conditions, such as drought. The UWMP establishes that it will meet the water demand of its customers through the remainder of the planning cycle (2014).

Future treatment plant expansions and system-wide facility improvements are partially funded through the District's connection fee. The fee is based on the size of the new connection's water meter. The connection fee for a typical single-family home (or detached second dwelling unit) currently (April 2009) is $21,389. Local Fire District regulations require all homes on the east side of Clayton to have a one-inch meter to supply a mandatory fire sprinkler system, but CCWD charges the 5/8-inch rate for a one-inch meter under these circumstances. CCWD designs all water system expansions, prepares the construction plans, supplies the materials, and supervises construction, at the developer's expense. Installation is generally the responsibility of a developer. Upon completion, the new pipelines and appurtenances become CCWD property.

Wastewater Treatment and Collection

The Central Contra Costa Sanitary District (CCCSD) provides public sanitary sewer treatment for the central Contra Costa County area, including Clayton. Sewage is conveyed through gravity sewer lines and pumping stations to CCCSD's treatment plant located at the intersection of Highway 4 and Interstate 680. Treated effluent is discharged into the Carquinez Strait.

The CCCSD treatment plant is currently (2003) operating at 41 million gallons per day (mgd). Based upon the current rate of growth in the CCCSD service area, CCCSD staff project the plant will reach its full capacity of 53.8 mgd in 15 to 20 years.

The City of Concord Public Works Department operates and maintains Clayton's sanitary sewer collection system, although the collection lines are actually owned by Clayton. Concord transports Clayton's sewage downstream through its system of trunk sewers and pumping stations to the CCCSD treatment plant. CCCSD charges the City of Concord a per gallon fee for sewage treatment and for new service connections. Concord passes these costs along to all of its sewer customers, including those in Clayton, along with additional charges for the operation and maintenance of the collection system. The connection fee for a single-family home as of May 2005 is $4,447.

According to Concord's Sewer System Management Plan (SSMP) adopted in March 2009, the capacity of the district's waste system will support ABAG's projected population through 2030.

Recent investments made in upgrades to the system (in 2004-2006) have increased the system capacity to meet the future demands of increased population growth.

In the fall of 2004, the City initiated preparation of a sewer master plan for the Marsh Creek Road Specific Plan area. The master plan identifies upgrades needed to rectify any existing downstream constraints in the sewers serving the Specific Plan area. The master plan also identifies the routing of sewers to serve the Specific Plan area. In addition, the master plan established a funding program, to be borne by developers, for the necessary improvements and extensions of the sewers. The cost of improving Clayton's main collection system will add to the cost of developing housing in the Marsh Creek Road area and could have a constraining effect on the development of moderate-income housing in that area.

In recent years, Clayton has spent approximately $3.2 million to extend sewer service to the remaining areas of the City that do not have sewer service, including an extension of sewer service to Lydia Lane in 2002. As a result, sewer service is available to virtually all of Clayton, although not all residences have connected to the lines. According to the City Engineer, the sites identified in Tables 43-45 have water and sewer lines proximal to each site.

Pursuant to SB 1087, which requires the City to ensure a copy of the adopted Housing Element reaches its water and wastewater providers, the City will forward its adopted Housing Element to the City of Concord Public Works Department, Central Contra Costa Sanitary District, and Contra Costa Water District.

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11.0 Review of Previous Housing Element

Clayton has made significant progress toward achieving one-time and on-going goals set in the existing Housing Element, which has been effective since 2005. To the extent possible, this section below summarizes Housing Element results from 2005 through May 2009. The following matrix summarizes the results of the housing condition survey. The following section provides a brief description of Clayton's effectiveness in implementing programs to achieve objectives set in the previous Housing Element.

Housing Program	Funding Source	Responsible Agency/Department	Time Frame	Accomplishments	Continue, Modify, or Delete Program
Adequate Sites and New Construction Adequate Sites and New Construction					
Goal I Provide for adequate sites and promote the development of new housing to accommodate Clayton's fair share housing allocation.					
1. The City shall adopt an affordable housing ordinance requiring all new residential projects (including land divisions) of two units or more, to develop at least five percent of all project units as very low-income housing and at least five percent of all project units as low-income housing. In lieu of constructing the required number of very low- and low-income units on- or off-site, the applicant may, at the City's discretion, make an in-lieu cash contribution, dedication of land, or combination thereof. A formula to determine the appropriate amount of in-lieu contributions shall be included within the ordinance.		City Council; Planning Commission; Community Development Dept.	FY 05-06	The City has not adopted an affordable housing ordinance but plans to do this during this next Housing Element update round.	The City will continue this program as new Implementation Measure I.2.1.
2. The City shall approve General Plan redesignations and rezonings of the Affordable Housing Opportunity (AHO) sites identified on Figure 1 (i.e., Old Fire Station site and High Street parcel) for multi-family housing with a minimum density of 12 units per buildable acre (or 16 units per buildable acre with density bonus per State law). These sites shall be redesignated as Multifamily Medium Density (10.1 to 15 units per acre) and rezoned as Planned Development (PD) District or Multiple Family Residential (M-R) District. The City shall initiate		City Council; Planning Commission; Community Development Dept.	In conjunction with approval of a development application. If the City does not receive any development applications for these sites, the City will redesignate/ rezone the sites at least one year prior to the end of the State-mandated housing element	The City redesignated and rezoned both sites (Old Fire Station and High Street site) identified as Affordable Housing Opportunity sites. The redesignation/rezoning of both AHO sites was initiated by the City. Each site was redesignated as multifamily medium density (10.1 du/acre-15 du/acre) and rezoned as Planned Development. The City has not received a development application for either site.	The City accomplished the redesignation/rezone of the AHO sites and will continue to promote the development of these sites in new Implementation Measure I.1.1.

Housing Program	Funding Source	Responsible Agency/Department	Time Frame	Accomplishments	Continue, Modify, or Delete Program
redesignation/rezoning of the AHO sites upon receiving an application for development of the sites. To ensure that developers are aware that these sites are held for multi-family residential development, the City shall place a notation on the General Plan Land Use Diagram that refers to this measure and the following funding measure for AHO sites. If the City approves a new residential development on an AHO site at a density lower than Multifamily Medium Density, the City must make a finding that the site is not needed to achieve its fair share allocation or identify other AHO sites.			cycle.		
3. The Redevelopment Agency shall use its Low and Moderate Income Housing Fund to subsidize the construction of housing for very-low, low-, and moderate-income households on designated Affordable Housing Opportunity (AHO) sites in the Redevelopment project area to meet the City's fair share allocation within the current planning period of the Housing Element. In the event the accumulated cash balance of the Redevelopment Agency housing set-aside fund is insufficient to adequately subsidize such projects, the City and the Redevelopment Agency shall, in consultation with project proponents, do one of the following as a means of providing adequate subsidy for the projects: 1) obtain conventional financing from area lenders; 2) participate in a bond issue with neighboring jurisdictions; or 3) issue bonds.		Redevelopment Agency; City Council; Community Development Dept.	Ongoing	To date the City has not received development applications for either AHO site, rather the City's Redevelopment Agency's (RDA) Low and Moderate Income Housing Fund has been used to purchase affordable housing units at-risk of converting to market rate homes. The homes were resold at appropriately subsidized rates to low- and moderate- income households with 45-year deed restrictions, thus preserving the affordability of the units. The following units were purchased and resold using the Low and Moderate Income Housing Fund: • 208 Stranahan Circle - 6-15-06 (Purchase) - 9-15-06 (Sale) • 274 Stranahan Circle - 9-13-06 (Purchase) - 11-22-06 (Sale) • 268 Stranahan Circle - 10-20-06 (Purchase) - 11-21-06 (Sale) • 276 Stranahan Circle - 03-12-07(Purchase) - 06-01-07 (Sale) • 280 Stranahan Circle - 04-15-08 (Purchase) - 04-07-09 (Sale) • 278 Stranahan Circle - 05-30-08 (Purchase)- 02-06-09 (Sale) • 08 (Purchase) - 02-06-09 (Sale)	The program will be continued as Implementation Measure I.2.2.
4. The City shall pay up to $1,000 for a building/design professional's time to help solve		Community Development Department	FY 05-06	The City has received 3 permit applications for the development of second units. Each of the 3 applicants were offered in-house technical and design advice from City staff. The City did not provide funding or a list of local architects/contractors in either of the permit requests.	The City will continue to promote the development of second units through

Housing Program	Funding Source	Responsible Agency/Department	Time Frame	Accomplishments	Continue, Modify, or Delete Program
an applicant's particular second dwelling unit design problems. The City shall offer a list of local contractors/architects with experience in second dwelling unit construction.				The applicants of the second unit dwelling permit did not express concerns regarding second unit design problems.	new Implementation Measure I.4.1.
5. The City shall develop a program using Redevelopment Agency set-aside funds to encourage the development of second dwelling units, including a review and possible reduction of development fees that might deter the development of such units.		City Council, Planning Commission, Community Development Dept.	FY 05-06	The City adopted a Second Unit Ordinance in 2004 that establishes performance criteria to simplify and expedite the permitting process for second units in Clayton. The review process is non-discretionary and done at the administrative level. The permit fee for administrative review is $250 as compared to a Planning Commission review which requires a $1000 minimum deposit. Second unit development has been constrained by the fee charged ($30,000/unit) by the Contra Costa Water District (CCWD) to establish a connection to a second unit.	The City will modify the program to assist with reducing the amount owed to CCWD for establishing a new water connection on a second unit. This is new Implementation Measure I.4.2.
6. The City shall promote the development of second dwelling units by publicizing information in the City's newsletter and general application packet; providing a brochure at the Community Development Department and local businesses; and posting information on the City's website. The City shall also provide a press release to local media (e.g., the Clayton Pioneer, Contra Costa Times, Concord Transcript) promoting second dwelling units. The City shall provide information regarding permit requirements, changes in State law, and benefits of second dwelling units to property owners and the community. The City shall review and update the promotional materials on an annual basis.		Community Development Department	FY 05-06; Ongoing	The City has utilized the City's website to promote and provide information regarding the development of second dwelling units. In addition, the City has included publicized information regarding second units in the general application packet. The City has not used other sources of communication (press release, brochures, etc.) to promote the development of second units. During the adoption of the Second Unit Ordinance in 2004 and the Housing Element adoption in 2005, substantial information was provided at public meetings and hearings about the streamlining of the Second Unit approval process. During the meetings and hearings the permit requirements, changes in State Law as well as the benefits of second dwelling units were presented. Low development activity and a costly water connection fee have not resulted in second unit development.	This program will be combined with new Implementation Program I.4.1.
7. The City shall provide a bibliography of technical assistance resources for second dwelling unit applicants. The bibliography shall include prototype plan sets, instructional video tapes, Internet resources, and "how to" manuals.		Community Development Department	FY 05-06	The City has not made any progress on developing a bibliography of technical assistance resources for developing second units.	This program will be combined with new Implementation Program I.4.1.

Housing Program	Funding Source	Responsible Agency/Department	Time Frame	Accomplishments	Continue, Modify, or Delete Program
8. To encourage development of mixed use projects in the Town Center, the City shall provide technical assistance to developers in developing second-story residential units above commercial uses, offer incentives such as density bonuses, and actively recruit developers to undertake such projects. The City shall develop guidelines and a technical assistance package (based on the experience of other communities with success in such developments) to facilitate permitting process.		City Council, Planning Commission, Community Development Dept.	FY 05-06 (Guidelines and technical assistance package) FY 06-07 (Provide technical assistance to developers)	The City of Clayton adopted the Clayton Town Center Specific Plan in March of 1990, and amended that Plan in February of 2008. This Specific Plan provides detailed policy directions, standards and guidelines that encourage mixed-use development within the Clayton Town Center area. Additionally, the City has purchased and then identified qualified developers/buyers for two properties (2007and 2008) in the Town Center area for mixed-use projects. The first project is retail on ground floor with office units on the second floor at 1026 Oak Street; this project is known as the Flora Square project. The second mixed-use project is retail on ground floor with seven residential units above at 1005 Oak Street; this project is known as the Rivulet project. The first project is nearly completed and occupancy is estimated to occur by June 1, 2009. The second project is in the entitlement phase and is not likely to be occupied, assuming project approval, until 2011. As mentioned above, the City has an adopted a Specific Plan and has purchased and identified qualified developer/buyers for the two sites in the Town Center area for mixed-use development. The City Manager, Community Development Director, as well as other staff members have worked closely with these projects to help assure success. Density bonuses are available in accordance with State law. The City completely updated its development application formixed-use and related handouts in the fall of 2008. In addition, the City is finalizing a Development Handbook guide to facilitate the permitting process.	This program will be continued as new Implementation Measure I.5.1.
9. The City shall establish a program to provide subsidies using Redevelopment Agency set-aside funds for second-story residential units above commercial uses to promote the inclusion of affordable units.		City Council, Planning Commission, Community Development Dept.	FY 05-06	The City has not established a formal program, but would consider use of RA set-aside funds for second story units on a case by case basis.	This program was combined with new Implementation Measure I.5.1.
10. The City shall continue to monitor the affordability of new housing sales in the community. To this end, the City shall continue to require developers to file annual reports with the Community Development Department declaring the number and price of new houses each developer sold during the previous year.		City Council; Community Development Department	Annually	The City does not formally monitor the affordability of new housing sales in the community. Informally, similar to other communities in Contra Costa County, the downturn in the real estate market has reduced housing sales prices substantially in Clayton. Various reports are required of developers and/or property owners of affordable housing in Clayton. Examples include the requirement for the Diamond Terrace affordable senior housing project to document that it is serving the very low- and low-income individuals that it is intended to serve. A second example is the requirement for owners of deed-restricted homes in Clayton's Affordable Housing Program to affirm that they are the primary occupants of the households involved and that they continue to qualify for participation in the program. Only those owners of homes in which this reporting requirement applies. Yes, if the owners do not comply they could loose their subsidized residential units.	This program is implemented through development agreements for affordable housing projects.
11. The City shall revise its Zoning Ordinance to allow for the		City Council, Planning	As needed, the City shall work	The City has not implemented this program but will implement this during this program to comply with SB2 requirements.	This program will be modified and continued

Housing Program	Funding Source	Responsible Agency/Department	Time Frame	Accomplishments	Continue, Modify, or Delete Program
development of emergency shelter facilities as an accessory use to any church, synagogue, temple or similar place of worship with a use permit. The use permit process shall not be used to unduly restrict the ability of emergency shelters to be located on suitable sites in Clayton.		Commission, Community Development Dept.	with local faith-based organizations and other community groups to help develop emergency shelter facilities in Clayton.		as new Implementation Measure II.1.1.
12. The City shall continue cooperation with the regional/countywide housing task force. The City shall use this task force as a means of gaining new policy and technical perspectives		Community Development Department	Ongoing	The City of Clayton participated in the "Shaping Our Future" project. Current Mayor, Julie Pierce, was the co-chair of this effort. This project was aimed at trying to facilitate future development patterns occurring in more energy efficient and cost-effective ways. Work on this project led into "Projections 2009" and the establishment of regional housing number allocations by the Association of Bay Area Governments (ABAG). Additionally, the City has, through its contract with Contra Cost County Building Inspection Division used the Contra Costa County Neighborhood Preservation Program for low-cost home repair loans for low income homeowners. The City uses the task force as a means of gaining new policy and technical perspective as an information source.	This program will be continued as new Implementation Measure V.1.3.
Regulatory Relief and Incentives					
Goal II To the extent feasible, remove governmental constraints on the production of affordable housing and create incentives for the production of affordable housing.					
13. The City shall create a new zoning district termed "Town Center (T-C) District" to replace the Limited Commercial (L-C) and Planned Development (PD) Districts in the Town Center area. The City shall ensure that the new T-C District is consistent with the Town Center (TC) land use designation in the General Plan and the TC Commercial designation in the Town Center Specific Plan.		City Council, Planned Commission, Community Development Dept	FY 05-06	The City did not created a Town Center District but the City continues to implement the Town Center Commercial General Plan land use designation and the Town Center Specific Plan that both provide development policy and standards guidance for the Town Center area. Proposals for development and/or redevelopment within the Town Center area must not only satisfy the requirements of the applicable zoning district, but, in addition, demonstrate conformance with the applicable General Plan and Town Center Specific Plan policies and requirements to be approved.	This program will be modified and continued as Implementation Measure I.5.2.
14. The City shall amend the Zoning Ordinance to allow manufactured houses, consistent with the requirements of State law.		City Council; Planning Commission; Community Development Dept.	FY 06-07	The City has not amended the Zoning Code to allow for manufactured housing however, would defer to requirements of State law.	This program will be continued as Implementation Measure I.3.1.
15. In accordance with the requirements of state density bonus law (SB 1818), the City shall amend the Zoning Ordinance to provide for a density bonus of		City Council; Planning Commission; Community Development Dept	FY 05-06	The City did not amend the Zoning Ordinance to provide for a density bonus of at least 20 percent and a minimum of at least three incentives however, would defer to requirements of State law.	This program will be continued as Implementation Measure II.3.1.

Housing Program	Funding Source	Responsible Agency/Department	Time Frame	Accomplishments	Continue, Modify, or Delete Program
at least 20 percent and a minimum of three incentives (e.g., parking, setback, open space reductions).					
16. The City shall continue to prioritize development applications to decrease the review and approval time for all development projects that include residential units affordable to very low- and low-income households.		City Council; Planning Commission; Community Development Dept.	Ongoing	The City has updated its development application forms; is in the process of finalizing a Development Handbook guide; and encourages pre-application meetings to help expedite the review process. The City has not had any specific applications for affordable housing projects. The City Manager and the Community Development Director, however, have had several meetings/discussion with a non-profit builder for the purpose of encouraging a possible joint venture with the Clayton Redevelopment Agency to build one or more affordable housing project here in Clayton.	This program will be continued as Implementation Measure II.4.1.
17. The City shall initiate revision of the Municipal Code to establish a procedure to reduce or waive certain development fees for development projects that include residential units affordable to very-low, low, and moderate income households.		City Council; Planning Commission; Community Development Dept.	FY 05-06	The City would evaluate the scope and potential benefit to the community for reducing or waiving certain development fees for projects that include very low-, low-, and moderate-income residential units and would consider such waivers on a case by case basis. The City's Municipal Code has not been specifically revised to provide for such a procedure but will be continued to be considered on a case by case basis. .	This program will be continued on a case by base basis (new Implementation Measure II.5.1).
18. The City shall amend the Zoning Ordinance and other Municipal Code provisions to provide flexible development standards (e.g., parking, landscaping, setbacks) and authorize regulatory concessions for development that includes residential units affordable to very low- and low-income households.		City Council; Planning Commission; Community Development Dept.	FY 05-06	The City would consider authorizing regulatory concessions as authorized by State law to provide more flexible development standards for very low- and low-income housing units. The City did not amend the Zoning Ordinance and other Municipal Codes to reflect these standards but does this on a case by case basis. To date, no developments have utilized the City's flexible development standards for the production of affordable units.	This program will be continued as Implementation Measure II.6.1.
Rental and Homeownership Assistance					
Goal III Increase housing opportunities for lower-income renters and first-time homebuyers.					
19. The City shall post in City Hall, on the City's website, on Ohm's Board, and in the Community Library, and disseminate in its newsletter, information regarding Contra Costa County's Mortgage Credit Certificate Program, the Mortgage Revenue Bond Program, and the Owner-Occupied Housing Rehabilitation Program The City shall also post and disseminate		Community Development Department	FY 05-06; ongoing	The City does not provide information related to these programs directly, but refers related inquiries to the Contra Costa Housing Authority for information and assistance. • The Contra Costa County Mortgage Credit Certificate Program? • The Mortgage Revenue Bond Program? • The Owner-Occupied Housing Rehabilitation Program? As informational flyers are received from the various agencies involved, the City will post them at City Hall. No additional steps beyond those mentioned above have been taken to ensure that these	The City will continue to publicize information on Contra Costa program (Implementation Measure III.1.1).

Housing Program	Funding Source	Responsible Agency/Department	Time Frame	Accomplishments	Continue, Modify, or Delete Program
information regarding Contra Costa Housing Authority's Lower-Income Rental Assistance Program and Aftercare Certificates.				programs are publicized.	
20. The City shall develop and implement a down payment assistance program using Redevelopment Agency set-aside funds or California Housing Finance Agency funds for first-time homebuyers by working with the County or by developing its own program that can be used with the Mortgage Credit Certificate program, new inclusionary units, or alone.		City Council, Planning Commission, Community Development Dept.	FY 05-06	To date the City has not pursed a downpayment assistance program but plans to continue to consider developing a downpayment assistance program in the next 5 years.	This program will be continued as Implementation Measure III.1.2.
21. The City shall review potential funding opportunities through the County HOME program and apply for funding for applicable projects when development opportunities arise.		City Council, Planning Commission, Community Development Dept.	FY 05-06	The City did not pursue HOME funds during the last five years but will continue to consider applying for funds in the future.	The program will be continued as Implementation Measure III.1.3.
22. The Redevelopment Agency shall consider the feasibility of using housing set-aside funds to provide additional subsidies for a limited number of the units at Diamond Terrace that are designated for Very-Low Income (50 percent of median income) so that the units would be affordable to seniors with lower incomes (30 percent to 40 percent of median income or below) to increase housing opportunities for seniors with limited incomes.		Redevelopment Agency, Community Development Department	FY 05-06	The Redevelopment *Agency determined additional subsidy was not needed at Diamond Terrance as all units became occupied as originally anticipated.* *There has not been additional housing set-aside subsidy for Diamond Terrace beyond what was originally anticipated. The original project includes a total of 85 units: 65 very-low income, 10 low-income and 10 moderate income units. The original approval assumes an annual subsidy from the low and moderate income housing fund in the amount of $200,000 annually for a specified term. No additional units were subsidized beyond original project as described above.*	The City will continue to provide an annual subsidy to the Diamond Terrace project (new Implementation Measure III.1.4).
23. The City shall review and revise its affordability covenants for the inclusionary housing program to insure that the units remain affordable for the longest period feasible. The City shall develop and implement procedures for this program.		City Council, Planning Commission, Community Development Dept.	Ongoing	The City does not have an inclusionary housing program other than what is required by Redevelopment Agency Law. The City is proposing a inclusionary program with the adoption of this Housing Element.	This program will be combined with Implementation Measure I.2.1.
Equal Access					

Housing Program	Funding Source	Responsible Agency/Department	Time Frame	Accomplishments	Continue, Modify, or Delete Program
Goal IV Ensure equal housing opportunities for all persons in Clayton regardless of age, race, religion, sex, marital status, national origin, color, disability, or other barriers that prevent choice in housing.					
24. The City shall distribute a public information brochures on reasonable accommodations for disabled persons and enforcement programs of the State Fair Employment and Housing Commission.		Community Development Department	Ongoing	The City distribute information to the public on reasonable accommodations for disabled persons and enforcement programs of the State Fair Employment and Housing Commission at City Hall in the Community Development Department. The City posts and updates its information as it is received from the State Fair Employment and Housing Commission.	This program will be continued as Implementation Measure IV.3.2.
25. The City shall develop a public outreach program to inform community residents on the role and need for affordable housing in Clayton. The City shall produce articles concerning affordable housing issues (e.g., available funding for affordable housing projects, energy conservation, first-time homebuyer programs, housing density, etc.). The City shall place information regarding affordable housing on the City website, in the City newsletter, and at City Hall.		City Council; Community Development Department	Ongoing	The City does not have a specific, on-going public outreach program to inform the public on affordable housing projects. However, as the City periodically updates its Housing Element it reaches out to community members to inform them of housing needs and State requirements. The periodic outreach efforts include study sessions, public meetings, and public hearings to inform community members of local housing needs, State housing requirements, as well as local housing standards and requirements. Data and information regarding the housing needs and requirements stated above.	As affordable housing projects are approved through the City the public will be informed (Implementation Measure IV.2.1).
26. The City shall review development plans to assure consistency with State accessibility laws and require modifications for accessibility.		Contra Costa County Building Inspection Department	Ongoing	The City requires review of development plans for all housing projects for consistency with state accessibility laws as required by the City-adopted 2007 Uniform Building Code.	This program will be combined with new Implementation Measure IV.3.1 to develop a more formalized reasonable accommodations procedure.
27. The City shall establish exceptions for persons with disabilities with respect to zoning, permit processing, and building codes.		Community Development Department, Contra Costa County Building Inspection Department	FY 06-07	Exceptions for persons with disabilities are available in accordance with State law. Exceptions have been granted for a person with disabilities on a case by case basis and no formation records have been kept on these exceptions.	This program will be combined with new Implementation Measure IV.3.1 to develop a more formalized reasonable accommodations procedure.
28. The City shall review its zoning ordinance, policies, and practices to ensure compliance with fair housing laws.		Community Development Department	Ongoing	In February of 2007, the City amended its Zoning Ordinance to rezone the two identified affordable housing opportunity (AHO) sites in the City's 2005 certified Housing Element to Planned Unit Development, allowing up to 15 units/net acre on both sites. The sites are identifies as R-1 (APN 119-021-063) and R-2 (APN 120-015-011). These rezonings allow the opportunity to build affordable housing units on these properties. Additionally, on April 1, 2008, the City adopted the 2007 Uniform Building Code as the code that development project must conform with.	This program will be continued on a base by case basis (Implementation Measure IV.1.1).

Housing Program	Funding Source	Responsible Agency/Department	Time Frame	Accomplishments	Continue, Modify, or Delete Program
Energy Conservation					
Goal V Encourage and maintain energy efficiency in new and existing housing.					
29. The City shall continue to provide energy conservation brochures at City Hall.		Community Development Department	Ongoing	The City consistently makes energy conservation brochures available for the public at City Hall and The Clayton Community Library.	This program will be continued as Implementation Measure V.1.1.
30. The City should develop design standards to allow energy self-sufficiency and generation projects.		Community Development Department	FY 05-06	To date the City has not developed any design standards to allow energy self-sufficiency and generation projects but plans to do this during this Housing Element update.	This program will be continued as Implementation Measure V.1.2.
Regional Planning					
Goal VI Promote and participate in the resolution of housing, employment, and transportation issues on a regional basis in cooperation with all Contra Costa County jurisdictions.					
31. The City shall support responsible state legislation which allows municipalities to enter into equitable agreements with other entities to transfer and financially participate in the provision of fair-share housing units closer to transportation centers and work centers outside the City limits, while retaining full credit for the transferred units.		City Council	Ongoing	To date the City has not supported any state legislation which allows municipalities to enter into agreements with other entities to transfer and financially participate in the provisions of fair-share housing units close to transportation centers outside the city limits, while retaining full credit for the transferred units but would consider supporting this program in the future.	This program will be continued as Implementation Measure VI.1.1.
32. The City shall participate in the Contra Costa County "Shaping Our Future" project, Contra Costa Affordable Housing Trust Fund, and other regional planning efforts addressing housing, employment, and transportation issues.		City Council	Ongoing	The City of Clayton has been a very active participant in the Contra Costa "Shaping Our Future" effort, the Association of Bay Government's (ABAG's) Projections 2009, and various efforts of the Contra Costa Transportation Authority, including the drafting of Measures C and J. The City's current Mayor, Julie Pierce, was the co-chair of "Shaping Our Future. In addition, Mayor Pierce has had significant involvement over many years through the present with the Contra Costa Transportation Authority (CCTA) and the Association of Bay Area Governments (ABAG).	This program will be continued as Implementation Measure VI.1.2.

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GOALS AND POLICIES

ADEQUATE SITES AND NEW CONSTRUCTION

Goal I Provide for adequate sites and promote the development of new housing to accommodate Clayton's fair share housing allocation.

Policy I.1. The City shall designate and zone sufficient land to accommodate Clayton's projected fair share housing allocation as determined by the Association of Bay Area Governments.

Implementation Measure (I.1) The City will promote the development of the Affordable Housing Opportunity sites identified in Table 43 Vacant Residential Land (i.e. Old Fire Station site and High Street parcel) for Multifamily Medium Density (10.1 to 15 units per acre).

Responsibility: City Council; Planning Commission; Community Development Dept.

Time Frame: Ongoing, 2009-2014

Funding: General Fund, RDA funds

Policy I.2 The City shall actively support and participate in the development of extremely low-, very-low, low-, and moderate-income housing to meet Clayton's fair share housing allocation and redevelopment agency housing requirements. To this end, the City shall help facilitate the provision of affordable housing through the granting of regulatory concessions and available financial assistance.

Implementation Measure (I.2.1) For residential projects of two or more units, developers will be required to develop an Affordable Housing Plan that requires a certain percentage of units be built as affordable housing units to very low- and low-income households. The City has established the following guidelines to provide direction for the review of Affordable Housing Plans associated with individual development projects and to provide direction for the preparation of an Affordable Housing Plan.

The Plan shall be approved in conjunction with the earliest stage of project entitlement, typically with the City Council approval of the Development Agreement, or other primary land use entitlement.

The Affordable Housing Plan shall specify and include the following:

- The number of dwelling units that will be developed as affordable to very low-, low-, moderate-, and above moderate-income households (the City's desire would be that at least five percent of all project units be built as very low-income housing units and at least five percent of all project units be built as low-income housing units.

- The number of affordable ownership and rental units to be produced. Such split shall be approved by the City Council based on housing needs, market conditions, and other relevant factors. The split of ownership and rental units shall be addressed within the Plan of each individual project.

- Program options within project-specific Affordable Housing Plans may include but are not limited to the following:

  - Actual production (on-site or off-site) of affordable units (including ownership and rental opportunities in the form of corner units, halfplexes, duplexes, cottages, creative alternative housing products, etc.)

  - Land dedication (on-site and off-site).

  - Payment of in-lieu fees.

- The timing for completion of affordable housing obligations. For projects proposing to construct affordable housing units the City generally supports construction of affordable dwellings concurrent with the construction of market-rate housing when feasible. For projects providing alternative contributions (land dedication, funds, etc.), timing of such contributions shall be identified in the Plan, with the expectation that the City will pursue construction of affordable units generally concurrent with construction of project market-rate housing.

- At the City Council's discretion, land or other contributions provided by developers as specified within project Affordable Housing Plans (may be utilized to augment City efforts and the efforts of its nonprofit partners to provide affordable housing opportunities to all income levels throughout the community. The City will pursue supplemental funding to allow affordability to households earning less than 50 percent of area median income.

- In order to ensure the production and preservation of housing affordable to the City's workforce, no productive, reasonable program or incentive option will be excluded from consideration within project-specific Affordable Housing Plans. Possible incentives may include, but are not limited to:
  - Density bonuses
  - Fee waivers or deferrals (as reasonably available)
  - Expedited processing/priority processing
  - Reduced parking standards
  - Technical assistance with accessing funding
  - Modifications to development standards (on a case-by-case basis)

Responsibility: City Council; Planning Commission; Community Development Dept.

Time Frame: This program will be implemented as projects of two or more units are processed through the Planning Department.

Funding: General Fund, RDA funds

Implementation Measure (I.2.2) The Redevelopment Agency shall use its Low and Moderate Income Housing Fund to subsidize the construction of housing for very-low, low-, and moderate-income households on designated Affordable Housing Opportunity (AHO) sites in the Redevelopment project area (Table 43 Vacant Residential Land) to meet the City's fair share allocation within the current planning period of the Housing Element. In the event the accumulated cash balance of the Redevelopment Agency housing set-aside fund is insufficient to adequately subsidize such projects, the City and the

Redevelopment Agency shall, in consultation with project proponents, do one of the following as a means of providing adequate subsidy for the projects: 1) obtain conventional financing from area lenders; 2) participate in a bond issue with neighboring jurisdictions; or 3) issue bonds.

Responsibility: Redevelopment Agency; City Council; Community Development Dept.

Time Frame: Ongoing, 2009-2014

Funding: RDA funds

Policy I.3 The City shall promote wherever feasible, homeownership for low- and moderate-income households in Clayton.

Implementation Measure (I.3) The City shall amend the Zoning Ordinance to allow manufactured houses, consistent with the requirements of State law.

Responsibility: City Council; Planning Commission; Community Development Dept.

Time Frame: June 2010

Funding: General Fund, RDA funds

Policy I.4 The City shall encourage the development of second dwelling units on new and existing single family-zoned lots.

Implementation Measure (I.4.1) The City shall continue to promote the development of second dwelling units by publicizing information in the general application packet; and posting information on the City's website.

Responsibility: Community Development Department

Time Frame: Ongoing, 2009-2014

Funding: General Fund, RDA funds

Implementation Measure (I.4.2) The City shall develop a program using Redevelopment Agency set-aside funds to encourage the development of second dwelling units, including a review and possible reduction of development fees that might deter the development of such units.

Responsibility: City Council, Planning Commission, Community Development Dept.

Time Frame: December 2012

Funding: RDA funds

Policy I.5 The City shall aggressively promote mixed-use or second-story residential units above commercial uses in the Town Center.

Implementation Measure (I.5.1) To encourage development of mixed use projects in the Town Center, the City has adopted the Clayton Town Center Specific Plan which provides detailed policy direction, standards, and guidelines that encourage mixed use development. In addition the City will continue to offer incentives such as density bonuses, actively recruit developers to undertake such projects and where feasible provide subsidies using Redevelopment Agency set-aside funds.

Responsibility: City Council, Planning Commission, Community Development Dept.

Time Frame: Ongoing, 2009-2014

Funding: General Fund, RDA funds

Implementation Measure (I.5.2) The City will continue to promote the use of the Town Center Commercial district and the Town Center Specific Plan standards to promote mixed-use or second-story residential units. These standards allow for more flexibility in the development mixed-use or second story units. In addition, the City is finalizing a Development Handbook guide to facilitate the permitting process of mixed-use projects.

Responsibility: City Council Planned Commission, Community Development Dept.

Time Frame: Ongoing, 2009-2014

Funding: General Fund, RDA funds

Regulatory Relief and Incentives

Goal II To the extent feasible, remove governmental constraints for affordable and special needs housing.

Policy II.1 The City shall ensure that locations are available within the City to accommodate any future need for facilities to serve City residents in need of emergency shelter.

Implementation Measure (II.1.1) California Health and Safety Code (Section 50801) defines an emergency shelter as "housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or households may be denied emergency shelter because of an inability to pay."

Pursuant to Senate Bill 2, the City will amend the Zoning Ordinance to allow emergency shelters as a permitted use in the area that is currently designated Kirker Corridor in the City's General Plan and classified as PD in the City's Zoning Ordinance. The City will create an overlay zone with specific development standards for emergency shelters in this 5 acre area. This corridor is close to services and public transportation. In addition, the City will evaluate adopting development and managerial standards that will be consistent with Government Code Section 65583(a)(4). These standards may include such items as:

- Lighting
- On-site management
- Maximum number of beds or persons to be served nightly by the facility
- Off-street parking based on demonstrated need
- Security during hours that the emergency shelter is in operation

Responsibility: City Council, Planning Commission, Community Development Dept.

Time Frame: June 2010, the City will create an overlay zone that will provide development standards for emergency shelters in the Kirker Corridor

Funding: General Fund

Implementation Measure (II.1.2) Transitional and supportive housing provides temporary housing, often with supportive services to formerly homeless persons for a period that is typically between six months and two years. The supportive services, such as job training, rehabilitation, and counseling, help individuals gain life skills necessary for independent living.

Pursuant to Senate Bill 2, the City must explicitly allow both supportive and transitional housing types in all residential zones. The City shall update its Zoning Code to include separate definitions of transitional and supportive housing as defined in Health and Safety Code Sections 50675.2 and 50675.14. Both transitional and supportive housing types will be allowed as a permitted use subject to only the same restrictions on residential uses contained in the same type of structure.

Responsibility: City Council, Planning Commission, Community Development Dept.

Time Frame: June 2010

Funding: General Fund

Implementation Measure (II.1.3) Assembly Bill 2634 requires the quantification and analysis of existing and projected housing needs of extremely low-income households and requires Housing Elements to identify zoning to encourage and facilitate supportive housing and single-room occupancy units (SROs).

The City shall update its Zoning Code to allow for the development of single-room occupancy (SRO) units (A type of residential hotel offering one-room units for long-term occupancy by one or two people. SROs may have a kitchen or bath facilities (but not both) in the room.) with a conditional use permit in the L-C (Limited Commercial) District and/or in the area that is currently designated Kirker Corridor. The Kirker Corridor is classified as PD in the City's Zoning Ordinance. The City will create an overlay zone with specific development standards to focus on this approximately 5 acres area. This corridor is close to services and public transportation. The conditions for these units will continue to be minimal and will only require review by the Planning Commission.

Responsibility: City Council, Planning Commission, Community Development Dept.

Time Frame: June 2010, the City will allow for SROs in the L-C District or create an overlay zone that will provide development standards for SROs in the Kirker Corridor.

Funding: General Fund

Policy II.2 The City shall permit owner-occupied and rental multi-family residential use by right.

Implementation Measure (II.2.1) Most recent housing developments in Clayton have not been constructed to the maximum densities allowed by zoning. Market conditions, bank financing and insurance requirements have favored the construction of single-family detached houses. To increase housing supply and obtain densities closer to those envisioned by zoning policies, the City will do the following: Currently, the City's Zoning Code allows for the development of single-family homes in the Multiple Family Residential (M-R) District. The City will consider amending the Zoning Code to allow single-family homes in the Multiple Family Residential (M-R) District only with a conditional use permit so that these remaining sites can be used to accommodate multi-family housing.

Responsibility: City Council

Time Frame: Consider amending Zoning Code by December 2010

Funding: General Fund amend MR (Multiple Family Residential)

Policy II.3 The City shall encourage affordable housing by granting incentives (e.g., density bonus) to projects that provide affordable units.

Implementation Measure (II.3.1) The City shall amend the Zoning Ordinance to provide for a density bonus in accordance with the requirements of state density bonus law (SB 1818)

Responsibility: City Council; Planning Commission; Community Development Department

Time Frame: Amend Zoning Code by May 2010.

Funding: General Fund

Policy II.4 The City shall work to decrease the review and approval time for projects that provide affordable units and otherwise simplify the development review process for residential development.

Implementation Measure (II.4.1) The City shall continue to prioritize development applications to decrease the review and approval time for all development projects that include residential units affordable to extremely low-, very low- and low-income households.

Responsibility: City Council; Planning Commission; Community Development Department

Time Frame: Ongoing

Funding: General Fund

Policy II.5 The City may reduce development and planning fees for projects that provide affordable units.

Implementation Measure (II.5.1) The City will consider reducing or waiving certain development fees for development projects that include residential units affordable to extremely low-. very low-, low-, and moderate income households on a case by case basis.

Responsibility: City Council; Planning Commission; Community Development Department

Time Frame: Ongoing, 2009-2014

Funding: RDA Funds, or as other funding sources become available

Policy II.6 The City shall provide flexible development standards for projects that provide affordable units.

Implementation Measure (II.6.1) The City shall provide flexible development standards (e.g., parking, landscaping, setbacks) and authorize regulatory concessions for development that includes residential units affordable to extremely low-, very low- and low-income households.

Responsibility: City Council; Planning Commission; Community Development Dept.

Time Frame: Ongoing, 2009- 2014

Funding: RDA funds, as funding becomes available.

Rental and Homeownership Assistance

Goal III Increase housing opportunities for lower-income renters and first-time homebuyers.

Policy III.1 The City shall promote assistance to lower-income renters and first-time homebuyers by promoting programs available through Contra Costa County and the Contra Costa County Housing Authority.

Implementation Measure (III.1.1) The City refers interested persons to, information regarding Contra Costa County's Mortgage Credit Certificate Program, the Mortgage Revenue Bond Program, and the Owner-Occupied Housing Rehabilitation Program. The City also disseminates information regarding Contra Costa Housing Authority's Lower-Income Rental Assistance Program and Aftercare Certificates as information becomes available.

Responsibility: Community Development Department

Time Frame: Ongoing, 2009- 2014

Funding: General Funds will be used to post information.

Implementation Measure(III.1.2) The City shall develop and implement a down payment assistance program using Redevelopment Agency set-aside funds or California Housing Finance Agency funds for first-time homebuyers by working with the County or by developing its own program that can be used with the Mortgage Credit Certificate program, new inclusionary units, or alone.

Responsibility: City Council, Planning Commission, Community Development Dept.

Time Frame: Consider developing a down payment assistance program by 2011.

Implementation Measure (III.1.3) The City shall review potential funding opportunities through the County HOME program and apply for funding for applicable projects when development opportunities arise.

Responsibility: City Council, Planning Commission, Community Development Dept.

Time Frame: Ongoing, 2009- 2014

Funding: HOME funds

Implementation Measure (III.1.4) The City will continue to provide Redevelopment Agency set-aside funds for the continued affordability of the subsidized units at Diamond Terrace ($200,000 annually) for the remaining terms of the project.

Responsibility: Redevelopment Agency, Community Development Department

Time Frame: Ongoing, for the length of the affordability term of the project

Funding: RDA funds

Policy III.2 Preserve units "At-Risk" of losing affordability covenants.

Implementation Measure (III.2.1) The City will continue or undertake the following programs and activities during the five-year period of the housing element. The Community Development Department will implement these efforts. The efforts listed below represent a varied strategy to mitigate potential loss of "at-risk" units due to conversion to market-rate units. These local efforts utilize existing City and local resources. They include efforts to secure additional resources from the public and private sector should they become available.

Monitor owners of at-risk projects on an ongoing basis, at least every six months, in coordination with other public and private entities to determine their interest in selling, prepaying, terminating or continuing participation in a subsidy program.

Maintain and annually update the inventory of "at-risk" projects through the use of existing databases (e.g., HUD, State HCD and California Tax Credit Allocation Committee).

Take all necessary steps to ensure that a project remains in or is transferred to an organization capable of maintaining affordability restrictions for the life of the project, including proactively ensuring notices to qualified entities, coordinating an action plan with qualified entities upon notice and assisting with financial resources or supporting funding applications.

Annually coordinate with HUD to monitor projects approved to convert to ensure that any required assistance (or assistance that the owner has agreed to provide) to displaced tenants is carried out in a timely manner. Ensure projects are monitored to see if they are subject to other State or local requirements regarding the provision of assistance to displaced tenants.

Annually monitor local investment in projects that have been acquired by non-or for-profit entities to ensure that properties are well managed and maintained and are being operated in accordance with the City's property rehabilitation standards.

Work with owners, tenants and nonprofit organizations to assist in the nonprofit acquisition of at-risk projects to ensure long-term affordability of the development. Annually contact property owners, gauge interest and identify non-profit partners and pursue funding and preservation strategy on a project basis.

Annually meet with stakeholders and housing interests to participate and support, through letters and meetings and technical assistance with local legislators in federal, State or local initiatives that address affordable housing preservation (e.g., support State or national legislation that addresses at-risk projects, support full funding of programs that provide resources for preservation activities).

Use available financial resources to restructure federally assisted preservation projects, where feasible, in order to preserve and/or extend affordability.

Annually identify funding sources for at-risk preservation and acquisition rehabilitation and pursue these funding sources at the federal, State or local levels to preserve at-risk units on a project-by-project basis.

Responsibility: Community Development Department

Time Frame: Annually

Funding: General Fund

Equal Access

Goal IV Ensure equal housing opportunities for all persons in Clayton regardless of age, race, religion, sex, marital status, national origin, color, disability, or other barriers that prevent choice in housing.

Policy IV.1 The City shall promote housing opportunities for all persons regardless of age, race, religion, sex, marital status, national origin, color, disability, or other barriers that prevent choice in housing.

Implementation Measure (IV.1.1) The City shall review its zoning ordinance, policies, and practices to ensure compliance with fair housing laws.

Responsibility: Community Development Department

Time Frame: Bi-annually and ongoing, 2009- 2014

Funding: General Fund

Policy IV.2 The City shall strive to increase public awareness and acceptance of affordable housing in the community.

Implementation Measure (IV.2.1) As affordable housing projects are processed through the Planning Department the City will provide information on the project to the public through the City's public hearing process in the form of study sessions, public hearings and public meetings.

Responsibility: City Council; Community Development Department

Time Frame: Ongoing, as projects are processed through the planning department.

Funding: General Fund

Policy IV.3 The City shall provide disabled persons with reasonable accommodation with respect to zoning, permit processing, and building codes and shall support programs to modify existing units to better serve the needs of disabled persons.

Implementation Measure (IV.3.1) Develop and formalize a general process that a person with disabilities will need to go through in order to make a reasonable accommodation request in order to accommodate the needs of persons with disabilities and streamline the permit review process. The City will provide information to individuals with disabilities regarding reasonable accommodation policies, practices, and procedures based on the guidelines from the California Housing and Community Development Department (HCD). This information will be available through postings and pamphlets at the City and on the City's website.

Responsibility: City Council, Planning Commission, Community Development Dept.

Time Frame: October 2010

Funding: General Fund

Implementation Measure (IV.3.2) The City shall distribute public information brochures on reasonable accommodations for disabled persons and enforcement programs of the State Fair Employment and Housing Commission.

Responsibility: Community Development Department

Time Frame: Ongoing, 2009- 2014

Funding: General Fund

Implementation Measure (IV.3.3) The City will evaluate the feasibility of a universal design ordinance that provides greater adaptability and accessibility of housing for persons with disabilities. If a universal design ordinance is determined to be feasible, the City will prepare an ordinance and produce a brochure on universal design, resources for design and compliance with City requirements. The City will distribute the brochure to developers and to community organizations serving individuals with disabilities.

Responsibility: Community Development Department

Time Frame: May 2011

Funding: General Fund

Energy Conservation

Goal V Encourage and maintain energy efficiency in new and existing housing.

Policy V.1 The City shall continue to promote energy conservation in the design of all new residential structures and shall promote incorporation of energy conservation and weatherization features in existing homes.

Implementation Measure (V.1.1) The City shall continue to provide energy conservation brochures at City Hall and the Clayton Community Library.

Responsibility: Community Development Department

Time Frame: Ongoing, 2009- 2014

Funding: General Fund

Implementation Measure (V.1.2) The City should develop design standards to allow energy self-sufficiency and generation projects.

Responsibility: Community Development Department

Time Frame: January 2011

Funding: General Fund

Regional Planning

Goal VI Promote and participate in the resolution of housing, employment, and transportation issues on a regional basis in cooperation with all Contra Costa County jurisdictions.

Policy VI.1 The City shall actively support regional-based solutions to the housing, employment, and transportation issues initially within Contra Costa County, and ultimately within the Bay Area.

Implementation Measure (V1.1.1) The City shall support responsible state legislation which allows municipalities to enter into equitable agreements with other entities to transfer and financially participate in the provision of fair-share housing units closer to transportation centers and work centers outside the City limits, while retaining full credit for the transferred units.

Responsibility: City Council

Time Frame: Ongoing, 2009- 2014

Funding: General Fund

Implementation Measure (V.1.2) The City shall continue to participate in programs in Contra Costa County (e.g. "Shaping Our Future" project and Contra Costa Affordable Housing Trust Fun), and other regional planning efforts addressing housing, employment, and transportation issues.

Responsibility: City Council

Time Frame: Ongoing, 2009- 2014

Funding: General Fund

Implementation Measure (V.1.3) The City shall continue cooperation with the regional/countywide housing task force. The City shall use this task force as a means of gaining new policy and technical perspectives.

Responsibility: Community Development Department

Time Frame: Ongoing, 2009- 2014

Funding: General Fund

Implementation Measure (V.1.4) The City shall continue to work with the Association of Bay Area Governments ABAG on their FOCUS program implementation. FOCUS is a regional development and conservation strategy that promotes a more compact land use pattern for the Bay Area. Some of the strategies that FOCUS is promoting are listed below:

- encourage infill and the efficient use of land capacity within existing communities;
- provide for compact, complete, resource-efficient communities near existing or planned transit and other infrastructure ;

- provide opportunities for people to live near their jobs and work near their homes; and

- encourage a mix of land uses with jobs, housing, retail, schools, parks, recreation, and services in proximity.

Responsibility: Community Development Department

Time Frame: Ongoing, 2009- 2014

Funding: General Fund

QUANTIFIED OBJECTIVES

Table 48 summarizes the quantified objectives for each implementation measure expected to contribute to the construction, rehabilitation, or conservation of units during the time frame of the *Housing Element* (2009-2014). These quantified objectives represent a reasonable expectation for the new housing units that will be developed and the households that will be assisted based on the policies and implementation measures outlined in this Housing Element and general market conditions. **Table 48** also indicates ABAG's net new construction need for Clayton by income group.

TABLE 48
SUMMARY OF QUANTIFIED OBJECTIVES

Objective Category/Program	Extremely Low Income	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
Clayton's ABAG Allocation for 2007-2014	24	25	35	33	34	151
Permit Development Activity (1/07 – 5/09)	0	0	0	1	20	21
Remaining Need	24	25	35	32	14	130
REHABILITATION		5[1]	5[1]			10[1]
CONSERVATION	20[2]					20[2]

[1] *Estimate based on Owner-Occupied Housing Rehabilitation Program operated through Contra Costa County.*
[2] *The Kirker Court Apartments were made affordable through a combination of HUD funding programs 202 and 162, CDBG funding, and RDA funding sources. The units are renter-occupied and serve persons with disabilities. The complex consists of 20 units that are rented to extremely low-income households at a rental rate that is based on 30 percent of their monthly income.*

PUBLIC PARTICIPATION

State law requires that "the local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element . . ." (Government Code §65583). In order to satisfy this requirement, the City conducted a series of community meetings and public hearings to receive community input concerning Clayton's housing goals and policies. The dates of these meetings are listed below. In addition, City staff used posted notices, published notices, letters and verbal notices to housing advocacy groups, property owners, and community contacts to publicize meetings dates for study sessions and public hearings as wide as possible.

Public Workshop(4/28/09) — The housing element consultant made a presentation to the City Council, Planning Commission and general public including an overview of the update process, an outline of State housing law, and a description of the required components of the Housing Element Background Report and Policy Document. At the conclusion of the presentation, Council members and Commissioners discussed housing concerns in the City and potential changes or additional to policies and programs. The comments received at the meeting included general questions and comments about the Housing Element process, which were addressed at the meeting. Policy issues discussed were folded into the updated goals, policies, and implementation measures, for a complete list of comments received please see **Appendix A**.

Planning Commission Meeting (6/9/09) – TBA

City Council Meeting (6/20/09) – TBA

APPENDIX A:
PUBLIC PARTICIPATION

APPENDIX A: PUBLIC PARTICIPATION

Public Workshop (4/28/2009)— The housing element consultant made a presentation to the City Council, Planning Commission and general public including an overview of the update process, an outline of State housing law, and a description of the required components of the Housing Element Background Report and Policy Document. At the conclusion of the presentation, Council members and Commissioners discussed housing concerns in the City and potential changes or additional to policies and programs. The comments received at the meeting included general questions and comments about the Housing Element process, which were addressed at the meeting. Policy issues discussed were folded into the updated goals, policies, and implementation measures. The Topics discussed include:

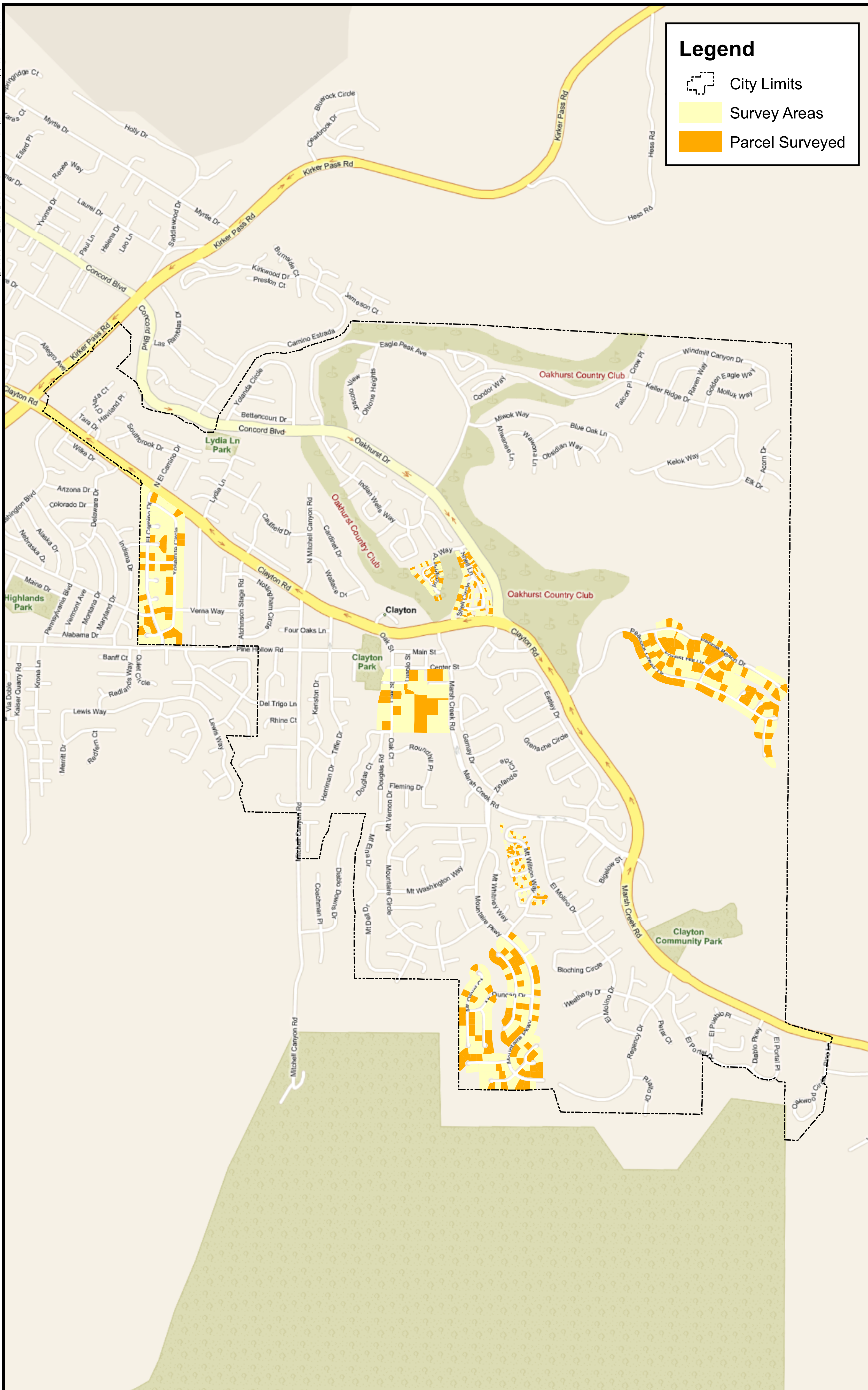
- Understanding the timeline for Housing Element adoption. Should the City wait until more current Census data is available to proceed?
  - Response: Where available, the City will use Department of Finance information for the Housing Needs Assessment since Census information is outdated.
- Why does the City want to be certified?
  - Response: The City does want to be certified so they can be more competitive in apply for state funding as it becomes available
- What is the City's role in housing development and the implementation of Housing Element policies and programs?
  - Response: The Housing Element sets forth the City's best effort for how they will assist developers in accessing funding and making the land available to develop affordable housing, it is up to the development market to build the housing units.
- The City's current RHNA of 151 units nearly matches the new ABAG households growth through 2035, which is projected to be only 150 households.
  - Response: The City will continue to work with ABAG on implementation of the FOCUS programs through Implementation Measure V.1.4.
- Look into ways to encourage Universal Design.
  - Response: The City will consider creating a universal design ordinance through Implementation Measure IV.3.3.
- The City has tried to encourage second dwelling unit even adopting its own ordinance but the main constraint is the cost of water hook-up ($18,000), which the City has no control over.
  - Response: The City will continue to encourage second dwelling units through Implementation Measure I.4.1 and will consider adoption a program using Redevelopment Agency set-aside funds to possibly reduce the development fees that might deter the development of such units (Implementation Measure I.4.2).
- No formal ordinance Housing Affordable Housing or Inclusionary Housing Ordinance has been adopted but the City has been requiring affordable units in past developments.
  - Response: The City should go ahead with an official ordinance. The City will include

Implementation Measure (I.1) that will include the following:

- The ordinance needs flexibility to encourage and facilitate affordable units.
- One possible incentive for developments for extremely low- and very low-income is to increase RDA funding assistance to developers.
- Program should not be a mandatory program because these seem to work better in larger cities.
- The City needs good residential development downtown and this could facilitate that.
- Possibility of offering an open space requirement waiver or concession for affordable units.

- City could utilize RDA funds for downpayment assistance. Do the second mortgages have to be forgiven or can they be shared-equity?
  - Response: The City has done this but only on a project-by-project basis and the City has preferred a shared equity structure approach. The City will also develop a more formalized downpayment assistance program through Implementation Measure III.1.2.

Appendix B:
Housing Conditions Results Map



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FEET

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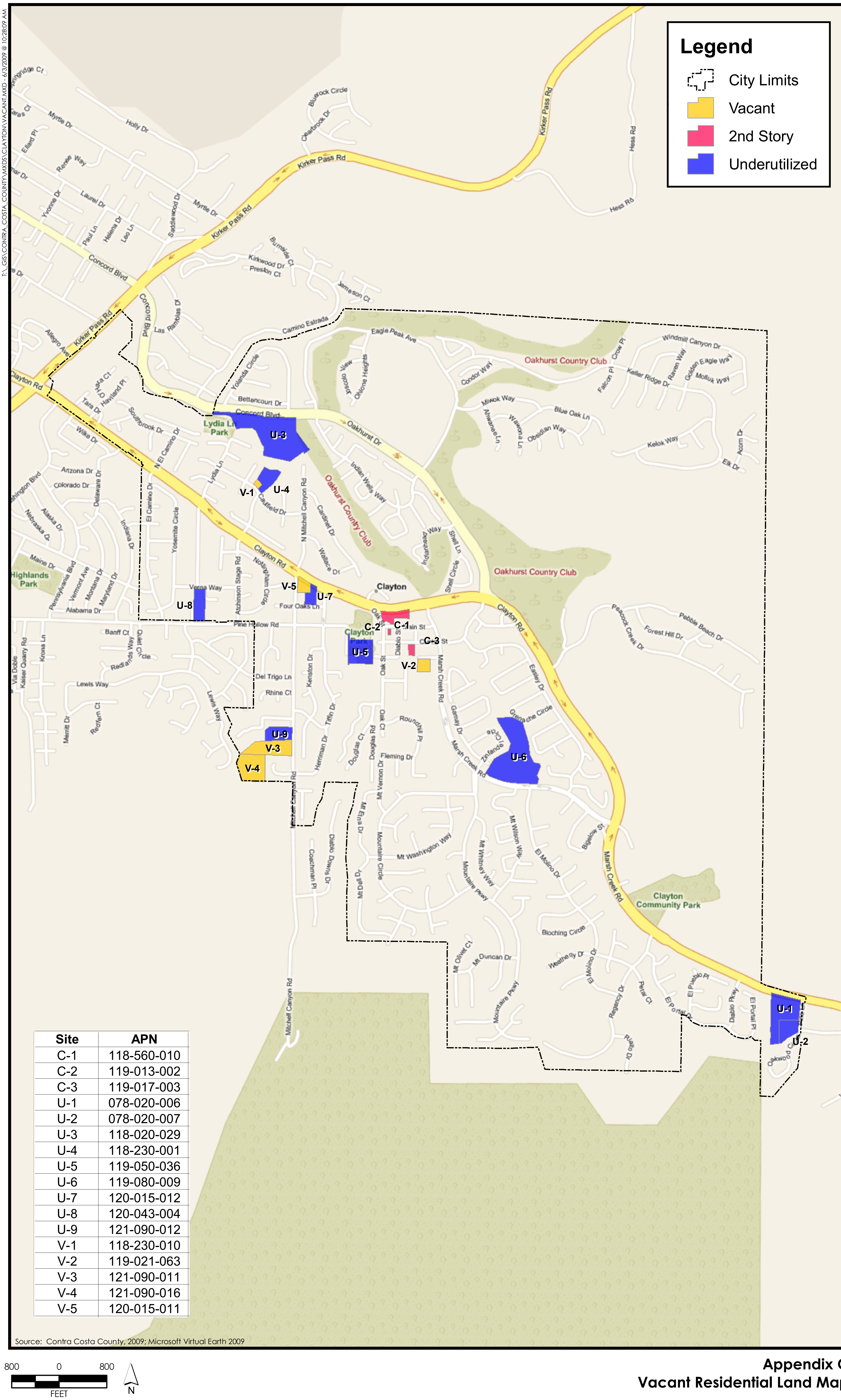
Appendix B
Housing Conditions Results Map

PMC®

APPENDIX C:
VACANT RESIDENTIAL LAND MAP



Site	APN
C-1	118-560-010
C-2	119-013-002
C-3	119-017-003
U-1	078-020-006
U-2	078-020-007
U-3	118-020-029
U-4	118-230-001
U-5	119-050-036
U-6	119-080-009
U-7	120-015-012
U-8	120-043-004
U-9	121-090-012
V-1	118-230-010
V-2	119-021-063
V-3	121-090-011
V-4	121-090-016
V-5	120-015-011

Appendix C
Vacant Residential Land Map

PMC

CITY OF CLAYTON

Founded 1857 . . Incorporated 1964

Agenda Date: 6-30-09

Agenda Item: 9a

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

FROM: **Maintenance Supervisor**

DATE: **June 25, 2009**

SUBJECT: **Consider Options and Costs for Renovation of Existing City Well Clayton Town Center Area**

RECOMMENDATION

It is staff's recommendation the City Council authorize funds to renovate the existing City well located on High Street (behind the U.S. Post Office) to provide a reliable unmetered water source for public landscaping in the Downtown area. The landscaped areas for well irrigation would include The Grove Park landscape areas, raised planter beds along Main Street and Center Street, Endeavor Hall landscaping, and the new Endeavor Hall parking lot.. The cost to complete this capital improvement project would be approximately $26,393.00, and source of funds would be the existing Capital Improvement Budget.

BACKGROUND

Due to Contra Costa Water District's 45% reduction in outdoor water supplies to the City's irrigation systems, staff has been looking for alternative ways to irrigate the public landscape areas. One of the alternatives was to explore ways to maximize existing wells within the City. An example of this potential was our recent ability to tap into the existing City well behind the Clayton Community Library to now supply well water to the median landscape areas along Clayton Road between Mitchell Canyon Rd. and Oakhurst Dr. This connection also allowed us to irrigate the turf knoll at the Oak Street off-ramp, and a small portion of landscape located on Marsh Creek Road, 100' south of Clayton Road. After only a week and half in well water operation, the brown turf at the Oak Street knoll is returning to life. The use of City well water for this purpose is not governed by the Water District's rationing mandates.

With the addition of an upgraded pump, at a cost of $5,674.28, Maintenance staff was able to supply each irrigation system with more pressure to provide better coverage to the landscape areas. This project was of minimal cost to the Citywide Landscape Maintenance District (authorized by the City Manager) and allowed us to transfer 12,000 gallons per day to the City's pooled water meter thresholds plus a 20,000 gallon per day reduction in the City's historical average water consumption.

RENOVATE EXISTING CITY WELL

The other possibility staff looked into is revisiting the forsaken old well located on High Street. At a cost of $975, Martel Water Systems was invited to test this unused well for output of gallons per minute (gpm). They found that although the well produced a steady flow of 25 gpm, this amount was not adequate to operate or service the desired irrigation systems in the Town Center area (see attached report). Martel suggested 2 different options to solve the problem:

1. At a cost of $26,393 a pump could be installed at the existing well plus a nearby 5,000 gallon above-ground tank with a booster pump to increase the gpm. The well pump would fill the tank allowing stored water to supply the volume while the booster pump will be used to supply the gpm needed to properly run the irrigation systems. As the booster pump draws the tank down at 35 gpm to supply the systems, the well pump refills the tank at 25 gpm. If each system ran at 35 gpm it would take over 8 hours to completely drain the tank. For example, The Grove Park irrigation needs, which would draw the most water from the tank, may water a maximum of 6 to 7 hours on certain nights of the week. Many of these systems will still run less than 35 gpm leaving us with an ample supply of water in the tank. It is noted the well water would replace outdoor metered irrigation water but metered water remains necessary to serve the park's potable water needs (i.e. water play feature; public restrooms).

2. The second option is to drill a new well at a cost of approximately $ 40,231. There is a possibility a new well might provide better water flows to operate the irrigation systems. Although the well company cannot guarantee they will find water, staff is confident there is an aquifer beneath the Downtown area. The unknown factor is the draw we would receive from a new well. If the new well's draw is no better than the existing well, we have incurred a higher expense than if we had used the existing well. There is also the possibility the new well would draw less water, turning us back to the first option of renovating the existing well.

CONCLUSION

The additional monies to drill a new well with no assurance on outcome causes staff to believe that renovation of the existing well is the best solution. This project would add an additional 3,300 gallons per day to the pooled meters, and give us a reliable source of unmetered water for use to sustain public landscaping in the entire Downtown area.

FISCAL IMPACT

This project was not budgeted in the fiscal year 2008-2009 budget. Staff recommends appropriating $26,393.00 from the CIP interest earnings for renovation of the existing City well located on High Street.

The following are approximate estimations for each project option:

RENOVATE EXISTING WELL	
Existing well set-up	$15,143
Electrical/ including meter	$5,000
Concrete pad (for tank)	$3,000
Equipment and tank enclosure	$1,500
Landscape and irrigation (enclosure)	$750
Main line connections and shut-offs	$1,000
Total	**$26,393**

INSTALLATION OF NEW WELL	
Test well construction	$26,281
Electrical/ including meter	$5,000
Pump and pressure tank	$5,700
Enclosure	$1,500
Landscape and irrigation (Enclosure)	$750
Main line connections and shut-offs	$1,000
Total	**$40,231**

Staff estimates the ongoing expenses for electricity and maintenance to reactivate the existing City well runs approximately $2,000 to $3,000 a year, which cost will be borne equitably between the Landscape Maintenance District and The Grove Park special revenue fund. Such expenses will be offset by reductions in expensive metered water from the Contra Costa Water District.

Respectfully submitted,

John Johnston
Maintenance Supervisor

Attachments: 1pg Existing well upgrade
1pg Tank dimensions
1pg Test well
3pgs Existing well test
1pg Library pump

Martell Water Systems, Inc.
1818 Loveridge Road
Pittsburg, CA 94565-4111
(925) 432-4282

Estimate

DATE	ESTIMATE NO.
6/16/2009	**29920**

NAME / ADDRESS	JOB LOCATION
City of Clayton **6000 Heritage Trail** **Clayton, CA 94517**	1650 Center St. Clayton, CA

TERMS	PHONE NUMBER	OTHER PHONE	PROPOSAL BY:
Net 30 days	925-673-7300	Mark 250.5803	Russ

QTY	DESCRIPTION
	We Propose to install pump, tanks and booster pump system.
1	16S07-8 Grundfos 3/4 HP Pump End
1	3/4 HP 3 wire Grundfos Motor 1 Ph., 230V
1	SP233 Symcom Pump Saver w/o Encl.
1	Nema 3R Enclosure A-8R64
1	3/4 HP Grundfos Control Box
	30A 240V 2 Pole D221NRB Square "D" Safety Switch
40	1 1/4" Sch 80 Threaded Drop Pipe
1	8"x1 1/4" steel plate one hole Well seal
40	#12/3 jacketed sub cable with ground
1	5000 Gal. Poly tank Green Tall is 8'6"x12'7" or Short is 11'9"x7'3" on your foundation
2	SJE20PCSPDT 1/2-1 HP Float Switch 20' Cord lengh
1	Freight Expense
2	NT60403 1-1/4" Bulkhead TxT Poly Fitting
1	Goulds Aquaboost II 5AB2LCC1J2DO 50 gpm @ 65psi & 30 gpm @ 75 psi
1	CH8003 32 Gallon Amtrol Pro Line Tank for booster pump
1	70A 240V 2 Pole D221NRB Square "D" Safety Switch
1	MISC ELECTRICAL & PLUMBING FITTINGS
4	Lump Sum Pump Installation Crew Rate 2 men/day)

This proposal does not include any under ground utilitys or main electrical service. We can privide under ground work and tank foundation on a Time and Material basis.

For Budgeting purposes only! Actual cost may vary.

Thank you for the Opportunity to provide you
with this estimate. Please call if have any questions.
Contra Costa County Sales Tax 9.25%

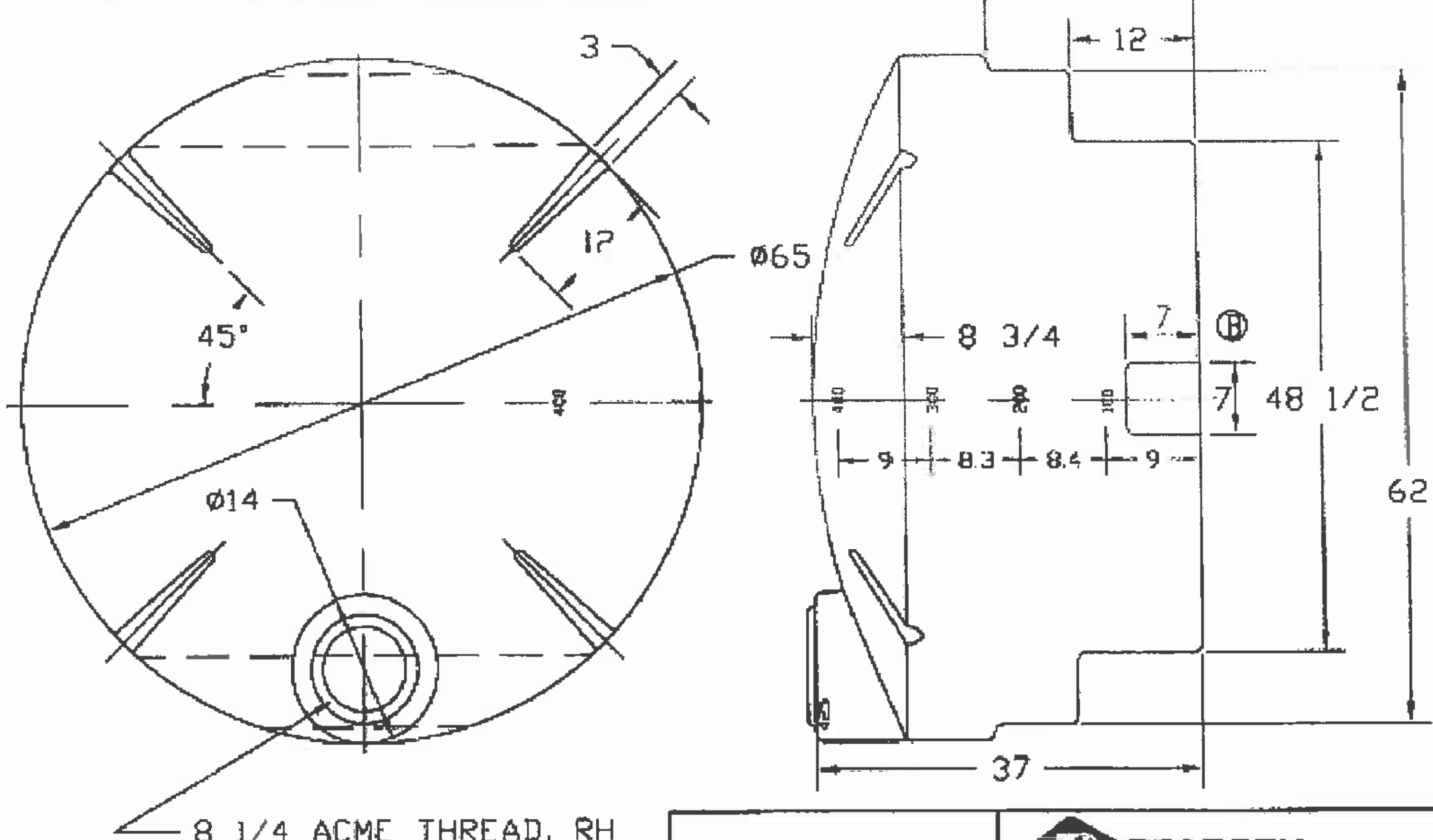
Acceptance Signature/Date

____

TOTAL **$15,142.34**

REVISIONS

ZONE	REV	DESCRIPTION	DATE	APPROVED
	A	REDRAWN	2APR96	
	B	FLAT ADDED	15MAR00	



	PEABODY		
	425 GALLON PICKUP TANK		
JTP 2APR96	SIZE A	FSCM NO.	DWG NO.	REV B
	SCALE 1/16		SHEET

Martell Water Systems, Inc.
1818 Loveridge Road
Pittsburg, CA 94565
(925) 432-4282 Fax 432-8149

TEST WELL CONSTRUCTION PROPOSAL

June 15, 2009

Proposal No. 8645

Mark Janney
City Of Clayton
6000 Heritage Trail
Clayton CA 94517

Phone: 925-250-5803 **Email: mjanney@ci.clayton.ca.us**

Re: Drilling a test well for the irrigation system in Downtown Clayton, CA.

Martell Water Systems, Inc. is pleased to provide the following quotations:

1.	Well Permit: Contra Costa County Environmental Health Dept.	$531.00
2.	Mobilize drill rig & equipment at site: Customer is responsible for site access.	$4,500.00
3.	Drill 1- 6" diameter test hole using a direct air / mud rotary drilling rig. Estimate 1 test-hole at: **250** ft. **$15.00** per lin.ft.(150' min.)	$3,750.00
4	Ream bore hole and install **5"** Dia. Class 200 PVC Well Casing Factory slotted screen, washed and graded sand pack, Air Development and tax. Estimate **250** ft. **$42.00** per lin. ft.	$10,500.00
5	50' Sanitary Seal – Bentonite or Cement Grout: Additional seal @ $9.00 per linear foot	$2,500.00
6	Flow test / water analysis with temp pump and equipment. (24 hr. test) Geo Consultants to interpret flow test and provide writen report.	$4,500.00

Total Estimated cost for test well: (Actual cost may vary) **$26,281.00**

This proposal does not include costs to off haul or disposal of drill mud or cuttings (see T&C's).

Zone sampling if needed would be at $450.00 per hr. 8 hr. min. charge + stand-by and analysis.

Exclusions: Site restoration, site fencing & sound mitigation.

E-Log test hole if needed to identify water zone/s if needed add; $2500.00

Martell Water Systems, Inc.
Well drilling – Pumps – Water Conditioning
1818 Loveridge Road, Pittsburg, CA 94565-4111
925-432-4282 FAX# 925-432-8149

WATER WELL TEST/INSPECTION REPORT

Inspectors Name:	RICARDO FOGEL				Date:	6-11-09	
Customer Name:	CITY OF CLAYTON				Phone #	925-673-7300	
Billing Address	6000 HERITAGE TRAIL CLAYTON, CA 94517				Well Location:	HIGH ST. & MARSCH CRK. RD. CLAYTON, CA	
Permit Number:					DWR:		
Well Diameter:	8"	Depth:	43'	Static Water Level:	11'	Date of Test:	6-11-09

FLOW			COMMENTS
TIME MIN	GPM	Water Level	Conditions/Comments
11:25	0	11	SWL
1:10	0	11	ELECTRICAL PROBLEMS
1:11	37.5	12'	MURKY WATER COLOR
1:12	37.5	20'	LIGHT ORANGE COLOR WATER
1:13	37.5	24'	
1:14	37.5	25'	DARK ORANGE COLOR W/SAND
1:15	37.5	26'	
1:20	37.5	28'	WATER COLOR GETTING LIGHTER
1:22	37.5	29'	
1:24	35	31'	
1:25	32	33'	SMALL AMOUNT OF ORANGE DISCOLORATION IN WATER
1:28	30	35'	
1:30	27	36'	
1:35	25	37'	SOME ORANGE SAND IS PRESENT
1:40	25	37'	
1:45	25	37'	STILL SLIGHT ORANGE COLOR TO WATER
1:50	25	37'	WATER LEVEL HOLDING STABLE WITH OUT HELP.
1:55	25	37'	SMALL SLURP OF AIR ALONG WITH FLOW
2:00	25	37'	
2:10	25	37'	WATER IS STILL MURKY
2:20	25	37'	

FLOW			COMMENTS
Time-MIN	GPM	Water Level	Conditions/Comments
2:30	25	37′	MURKY COLOR IS GETTING BETTER
2:40	25	37′	
2:50	25	37′	STILL SMALLSLURP OF AIR WITH WATER FLOW
3:00	25	37′	STABLE RECOVERY RATE DURING PUMPING
3:15	25	37′	WATER COLOR IS ALMOST CLEAR
3:30	25	37′	CLEAR WATER COLOR
3:45	25	37′	CLEAR WATER SMALL PARTICLES
4:00	25	37′	
4:30	25	37′	STOP PUMP

RECOVERY		COMMENTS
Time	**Water Level**	**Conditions/Comments**
4;30	37′	Stop pump
4:35	12′	STRONG FAST RECOVERY
4:40	11′	FULL 100% RECOVERY
4:45	11′	
4:50	11′	
4:55	11′	
5:00	11′	

LIMITATIONS: THIS EVALUATION IS BASED ONLY ON WHAT THE WATER WELL PRODUCED THE DAY OF THE TEST.

Martell Water Systems, Inc.
1818 Loveridge Road
Pittsburg, CA 94565-4111
(925) 432-4282
Fax (925) 432-8149

Estimate

DATE	ESTIMATE NO.
6/12/2009	29903

NAME / ADDRESS
City of Clayton 6000 Heritage Trail Clayton, CA 94517

JOB LOCATION
Clayton, CA

TERMS	PHONE NUMBER	OTHER PHONE	PROPOSAL BY:
Net 30 days	925-673-7300	Mark 250.5803	Russ

DESCRIPTION	QTY	COST	TOTAL
Change pump at Community Library Well			
Pull 2hp pump and replace with 3hp pump			
40S30-9 Grundfos 3hp pump & motor	1	1,830.00	1,830.00T
Lump Sum Pump Installation Crew Rate 2 men/day)	1	1,190.00	1,190.00
(Optional) Constant Pressure Variable Frequency Drive System, add [illegible]			
As water use increases pump speed increases to maintain pressure up to the maximum speed of the motor.			
For Budgeting purposes only! Actual cost may vary.			
Thank you for the Opportunity to provide you with this estimate. Please call if have any questions.			
Contra Costa County Sales Tax 9.25%		9.25%	169.28

Acceptance Signature/Date		TOTAL	$3,189.28
6/17/09			

(5,674.28)

Agenda Date: 6-30-09

Agenda Item: 9b

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Approved:
Gary A. Napper **City Manager/Executive Director**

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Maintenance Supervisors

DATE: June 25, 2009

SUBJECT: CONSIDERATION OF MATERIALS AND COSTS REPLACEMENT OF DECKING, BLACK DIAMOND PLAZA BRIDGE

RECOMMENDATION

It is staff's recommendation that we use plastic lumber for the decking material to renovate the Black Diamond Plaza Bridge, as opposed to the pressure treated deck boards. The cost to complete this project would be approximately $30,161.15, and monies from the Deferred Maintenance Account have previously been allocated for this repair project.

BACKGROUND

The Black Diamond Plaza Bridge was renovated in 2001 using pressure treated lumber to create a façade over the top of the concrete deck. 3"x 3" wood boards spaced on 24" centers anchored into the concrete were used as joists to attach the pressure treated decking material for the final surface. This design was also used to raise the bridge surface 4 inches to match the elevation of the walkway entries on each side of the bridge. Over the past 6-7 years, the Maintenance Department has routinely repaired the lifting and twisting deck boards that create tripping hazards for the bridge's pedestrians and bicyclists. Using a combination of screws and stress cuts in the decking material, we were able to minimize the hazards created by the warped boards. A combination of wood rot and constant repairs weakened the wood joists underneath, making it more difficult to anchor down the deck boards and provide a safe surface.

It is now necessary to replace the joists underneath, along with the decking boards on top. The monies for this project were approved as part of the City Council's action in September 2006 to create and fund a Deferred Maintenance projects list. At that time the maintenance staff was directed to present the council with our recommendation of the decking material to be used on the bridge. The likely cost of this project at that time was $25,000 to $30,000.

DECKING MATERIAL OPTIONS

Maintenance staff has researched different types of materials to renovate the bridge with a more durable maintenance-friendly product. One product that has interested us is plastic lumber. This product is more durable than wood, resistant to stains, and installs with the same tools as wood. It also offers a 50 year guarantee. It does contract and expand with heat, but with proper design and installation, this can be minimized. It comes in many different sizes, colors, and has a wood grain surface (product brochures have been provided, and material samples will be available for inspection at the Council meeting).

Our original intent was to use this product for the joists underneath the decking to minimize the rot caused from water and moisture. Pressure treated lumber would then be used for the decking material. After researching it further, we have determined plastic lumber would be the best product to use for the decking material. We briefly looked at using composite wood, such as TREK, but did not feel this would be a good application for a commercial setting with heavy use. Composites (many offering a 10 year warranty) have many of the same properties as wood, and would wear and fade with time. Staining would be a problem, and it may lose its wood grain appearance from the wear and tear from the use of the many events downtown. Using pressure treated wood is always another option, but this option leaves us repairing the deck again in 2-3 years. Cutting the boards in smaller lengths, and installing plastic lumber joists, will minimize the twisting and lifting of the boards, and may lengthen the life of the deck, but would still require ongoing maintenance and monitoring.

CONCLUSION

The difference in the cost of using plastic lumber as opposed to pressure treated wood, for the decking material is approximately $8,310.11. At almost 3 times the material cost of pressure treated wood, we feel that plastic lumber's durability, appearance, and maintenance friendly qualities are worth the expense. We would like to see the bridge hold its appearance for more than just a few years and believe plastic lumber will reduce the amount of maintenance, repairs, and public tripping hazards presented over time.

FISCAL IMPACT

This project will be funded through the Deferred Maintenance Account funds, and monies are available to fund either decking material preferred by the City Council. Sample colors of the plastic lumber will be provided, as well as a sample of the pressure treated decking material.

We have provided estimates replacing the decking material with (1) plastic lumber, and replacing the decking material the same like (2) pressure treated lumber.

1. Using the plastic lumber for the joists and decking complete with labor will cost approximately $15,500 (labor) + $14,661.15 (materials) = **$30,161.15**

2. Using plastic lumber for the joists, and pressure treated wood for the decking complete with labor will cost approximately $15,500 (labor) + $6,351.04 (materials) = **$21,851.04**

(*The labor cost to perform the demolition, hauling, drainage, and installation of the new joists and decking is a constant $15,500. The City will supply the selected materials to the installation contractor.)*

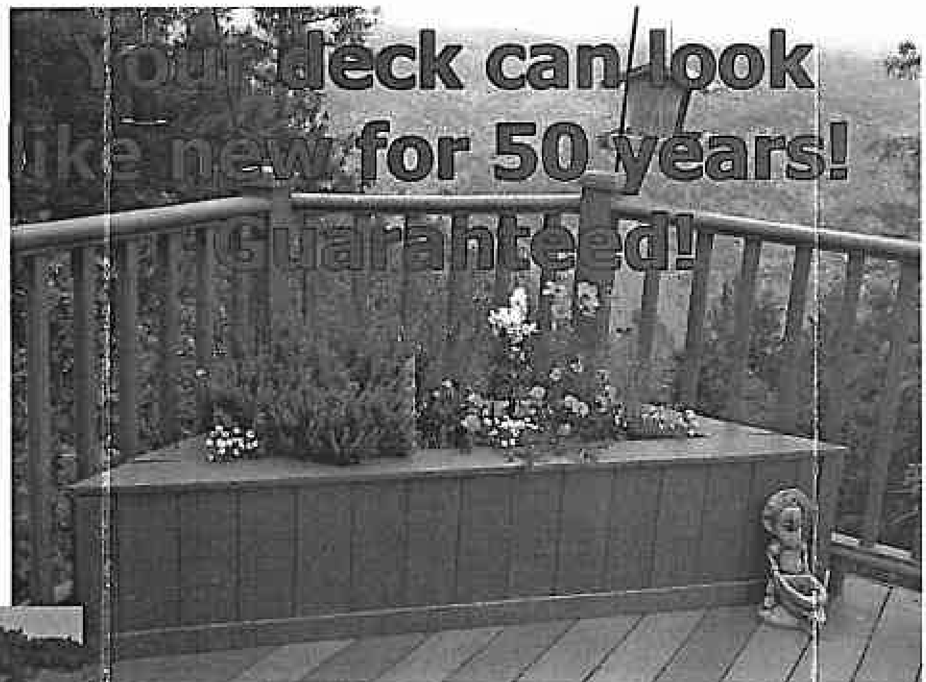
Respectfully submitted,

John Johnston
Maintenance Supervisor

Attachments: 1pg brochure
1pg plastic estimate
1pg lumber estimate

Why compromise with composites and a 10 year warranty?

Many decking and lumber products have emerged in the marketplace within the past few years. Nearly all are an improvement on high-maintenance and short-life traditional lumber. However, none can offer the advantages of our plastic lumber, made from 100% recycled plastic. It is more durable than wood and will not rot, crack, splinter, or chip. It never needs paint, stain, or sealer, and is impervious to insects, mold, mildew, and salt water. And though many of the composites on the market may make some of these claims, the fact is that these boards still contain wood, and will stain and eventually fall apart. This is why composites offer only a 10-year limited warranty, while the warranty on 100% plastic lumber is 50-years. Standard woodworking tools are all that is necessary to work with the product, and plastic lumber holds screws 40% better than wood. And perhaps the biggest selling point is that 100% plastic lumber is completely maintenance-free.

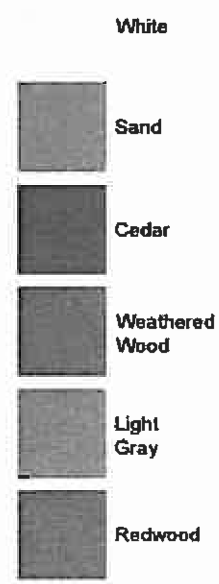


Plastic lumber comes in a large variety of colors and sizes, as well as standard grade, structural grade, and utility grade. It can be used for nearly any application. If you can think of it, it can most likely be built with plastic lumber. This is why corporations from various areas are all ordering plastic lumber for their projects. The Department of Transportation, Parks and Recreation, the National Park Service, San Diego Zoo, state and county governments, and even the US Coast Guard are recognizing the benefits of plastic lumber and utilizing it in a variety of applications.

And finally, because plastic lumber is made from recycled plastic milk jugs, it is the environmentally responsible solution to all of your lumber needs.

So feel free to contact us with any questions about our lumber or our decking systems, or furnish us with a materials list for a free quotation. We can also provide you with assistance in the design/ engineering aspect of your project on a time and materials basis.

STANDARD DECKING COLORS



American Plastic Lumber, Inc
PO Box 514
Shingle Springs, CA 95682-0514
Ph 530.677-7700 Fx 530.677-6718
www.american-plasticlumber.com

ESTIMATE

DATE	ESTIMATE ...
6/22/2009	6012

NAME / ADDRESS

Clayton City Hall
John Johnston, Ph 925.673-7326 em
6000 Heritage Trail
Clayton, CA 94517
Ph 925-673-7300 Fx ____ TBA ____

Ship To

Clayton City Hall, Maintenance Dept
John Johnston, Ph 925.673-7326 em
~~ BUSINESS w/OUT Dock/Frklift ~~
6000 Heritage Trail
Clayton, CA 94517

QTY	DESCRIPTION	COST	TOTAL
45	3x4x192" PREMIUM Recycled Plastic Lumber, SColor	66.68	3,000.60T
125	2x12x96" PREMIUM Recycled Plastic Lumber, WOODGRAIN ~ SColor	69.60	8,700.00T
1,000	SSrvc, Wood Grain EMBOSSING, per foot-per one side	0.20	200.00T
1	Shipping/Freight To Zip CODE 94517 a BUSINESS WITH OUT A DOCK OR FORKLIFT, NOTE Customer Is Responsible For Off Loading Truck ~ Due to current world issues material &/or freight cost subject to change without notice, to be confirmed at time of order.	1,659.74	1,659.74
	~ Prices quoted reflect grade, quantities & color as noted above and must be ordered as such to receive this price.		

Subtotal	$13,560.34
Sales Tax (9.25%)	$1,100.81
TOTAL	$14,661.15

______________________ ________
Approved Date

PO# / Job Name ______________________
~ Please Sign & Date To 1) Verify The 'Ship To' Address & 2) Approve Your Order. Fax This Back With Your Check Prior To Mailing, Wire Transfer Information Available Upon Request.
~ Thank you for the opportunity to quote your material needs.

SPECIAL ORDER ITEM! TERMS PRE-PAID Thank you!

Dolan's Lumber

2231 Monument Blvd.
Concord, CA 94520
925-686-1734
925-686-3933

Quote

Cashier:	115	Quote #:	43304
Register #	17	Account #:	000016011574
Time:	10:43:56 AM	Page:	1 of 1
		Date:	6/26/2009

Bill To: MARK JANNEY
CITY OF CLAYTON
6000 HERITAGE TRAIL
CLAYTON, CA 94517
925-673-7327

Ship To: CON WILL CALL
Concord, CA 94520

Date Shipped ____________ Checked By ____________ Delivered By ____________

Item Lookup Code	Description	Quantity	Price	Extended
21220DFPT	2X12X20 DF PRESSURE TRTD ACQ	54	$44.64	$2,410.56

Sub Total	$2,410.56
Sales Tax	$222.98
Total	$2,633.54
Change Due	$0.00

THIS IS A SPECIAL ORDER & CANNOT BE CANCELLED, RETURNED OR REFUNDED. DOLAN'S IS NOT RESPONSIBLE FOR MEASUREMENTS GIVEN BY THE CUSTOMER OR CONTRACTOR. DOLAN'S WILL TRY TO EXPEDITE ALL SPECIAL ORDERS, BUT IS NOT RESPONSIBLE FOR MANUFACTURERS DELAYS.

SIGN ____________

DATE ____________

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Agenda Date: 6-30-09

Agenda Item: 9c

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

FROM: Laura Hoffmeister, Asst. to the City Manager

MEETING DATE: **June 30, 2009**

SUBJECT: Consideration of allowing expanded outside alcohol service/drinking area (adjacent parking lot) for downtown business at 6115 Main Street (Moresi's Chophouse) on the 4th of July from 8:00 am to apx. 2-3 pm.

RECOMMENDATION

Provide policy direction to City Staff regarding this specific request and allowing other Downtown establishments the same opportunity.

BACKGROUND

The Annual 4th of July Parade is held in downtown Clayton which is oriented as a family event with the Rotary Club pancake breakfast at Endeavor Hall parking lot from 7am to 10am, then the kiddie parade followed by the main parade. There will be as in past years a free kiddie land area at the Church offices parking lot off Main Street. The kiddie land will operate from about 8:30 am to about 1:30 pm depending on attendance. Streets are closed for this event into the downtown in order to allow room for the line up and the parade and to allow for safe pedestrian movement, especially with the number of kids. It is staffs understanding that past 4th of July Parade Committee and City Council Policy was to not have expanded outdoor alcohol opportunities. The prior La Coquette and Fox and Fiddle at this location were not open on 4th of July and the Chophouse opened last year. Last year the Chophouse although wanting to expand onto its private parking lot area to serve and consume alcoholic beverages, was contained to the deck area.

On Wednesday July 24th a representative of Moresi's Chophouse came to the City offices and advised City staff that they would be planning to use their adjacent parking lot area for early alcohol sales and that they had their State ABC event permit for city records. A copy of page one of the permit (page two would be the terms/conditions etc) was furnished to the City along with a copy of insurance information by the representative (note it is unclear if it includes liquor liability nor has endorsement certificate, which would be needed). That afternoon the Assistant to the City Manager attempted to contact their representative by calling the restaurant as well as attempting to reach him through Mudville's. The telephone line at Mudville's was busy however a voice mail message was left at Chophouse about 4:15pm for Mac, their representative, asking that they return the call as soon as possible to discuss their plan. On Thursday morning their representative returned to add a note to the Police Chief stating what they plan to do. City staff obtained a phone number for the representative so that City staff could follow up. On Thursday morning the Assistant to the City Manager and the Chophouse representative played a couple of rounds of phone tag. The Assistant to the City Manager provided the information received and conferred with the Police Chief and City Manager. The information received included the note that they would set up a tent bar in the parking lot and use the parking lot (in addition to the deck area) for serving and people to consume their beverages, and from a prior voice mail that the restaurant would be closed and the deck and parking lot would be needed for the bar and drinking area from 8am to apx. 2- 3pm. After conferring with the City Manager and Police Chief, the Assistant to the City Manager left a voice message that the plan would need to have discretionary administrative actions, a city temporary use permit and city alcohol permit, and after conferring with the Police Chief and City Manager, the City was not in the position to grant approvals of these as the Parade was not an appropriate time, nor police resources available for expanded outdoor alcohol consumption areas. It was also conveyed that consumption within the restaurant and/or the deck area were fine as that was part of the current permanent business operation and permanent ABC license. In the message it was asked that they could contact City Staff to further discuss the voice mail, reasoning etc. To date staff did not receive any return call or contact from the business.

Since that phone message City staff was able to make contact with the State ABC to clarify the event permit copy submitted by the applicant. This was done to determine if there was some sort of approval ABC gave for the 4th of July as the Police Chief did not have any record of signing an ABC application form that applicants are required to obtain. The last state event form application (Form 218) that the Chief had copy of for this location was for the Art and Wine. State ABC staff was able to confirm that the event permit provided to the City was not valid for the 4th of July until they had approved the specific event date with a Form 218 which has not been filed. The only event date approved was for the Art and Wine weekend. Each special event date must be filed separately with the ABC on Form 218 and have the local police chief's approval.

Applicable Regulations:

City:
The Zoning Code requires temporary outside activities such as this to receive a Temporary Use Permit as well as a City alcohol permit. Both the Temporary Use Permit and City Alcohol Permit applications are discretionary with approval being required by the Police Chief and City Manager.

State ABC:
A state ABC approval is also needed. Although the applicant has a copy of a special event permit by ABC for up to 4 outside events a year, each event date must be submitted separately on a Form 218, which also requires the local Police Chiefs approval prior to being submitted by the applicant to the State. The City has not received nor approved Form 218 from the applicant for this event as required by the ABC. City staff did contact the State ABC who confirmed that the Form 218 is required with filing fee for each individual event typically a minimum of 10 days prior to the event, and approved at least three days before the event date (see attached form 218 instructions).

CONCLUSION:

Provide policy direction to City Staff regarding the specific request and the larger public policy determination whether to allow outdoor sales and consumption of alcohol by Town Center establishments on the 4th of July.

Should the City Council desire to allow expanded alcohol service/consumption areas, it needs to be done in an overall manner and not specific to any one business, as other downtown businesses could also make such requests.

Attachments:

- Note to Police Chief of the Chophouse plan
- Page 1 of ABC special event license
- City Alcohol Permit application form
- City Temporary Use Permit application form
- City code information
- State ABC Form 218/instructions
- 4th of July parade event flyer/poster

Dear Chief,

Here is a copy of our event permit from the ABC. All we want to do is set up our little tent bar in the parking lot just like art + wine and octoberfest weekends. We will <u>rope off</u> our parking lot and post no alcoholic beverages past this point signs.

~~[illegible]~~

MAC cell
270-9721

July 4, 2009
8-2 or 3pm
then will close everything down.

Thanks,

Mac

STATE OF CALIFORNIA

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

ALCOHOLIC BEVERAGE LICENSE

EVENT PERMIT

VALID FROM
DEC 01,2008

EDS MUDVILLE GRILL INC
6115 MAIN ST
CLAYTON,CA 94517-1201

EXPIRES
NOV 30,2009

TYPE NUMBER DUP
77-446779 -1

RENEWAL

0713-22
AREA CODE

BUSINESS ADDRESS
(IF DIFFERENT)

OWNERS:
EDS MUDVILLE GRILL INC

CONDITIONS
7

IMPORTANT INFORMATION

EFFECTIVE PERIOD This license is effective only for the operating period shown above. A new license will be sent to you within 30 days of the expiration date on your license if payment is timely.

POSTING Cover this license with glass or other transparent material and post it on premises in a conspicuous place

RENEWAL NOTICES Renewal notices are sent to premises address unless a specific mailing address is requested. If a notice is not received 30 days before expiration date shown above, contact the nearest ABC office. To assure receipt of notices, advise your local ABC office of any change in address.

RENEWAL DATES It is the licensee's responsibility to pay the required renewal fee by the expiration date shown above. A penalty is charged for late renewal and the license can be automatically revoked for failure to pay.

SEASONAL LICENSES It is the licensee's responsibility to pay the required renewal fee prior to the next operating period.

CONDITIONS A copy of all applicable conditions must be kept on premises

LICENSEE NAME Only 10 names will be printed on each license. If there are more names associated with the license, they will be indicated by "ET AL". All names are on file and available upon request from your local ABC office.

DBA If you change your business name please notify your local ABC office

If you have any questions regarding this license, contact your local ABC office.

Page RENP388- 00933 2030784470

NOTE: CONTACT YOUR LOCAL ABC OFFICE IF YOUR LICENSED PREMISES WILL BE TEMPORARILY CLOSED FOR MORE THAN 15 DAYS OR WILL BE PERMANENTLY CLOSED.

CERTIFICATE OF LIABILITY INSURANCE

ACORD®

DATE (MM/DD/YYYY): 6/24/2009

PRODUCER	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
(925)673-2200 FAX: (925)673-2212 Insurance Management Corporation 6160 Center Street License# 0C54731 Clayton CA 94517	

INSURED	INSURERS AFFORDING COVERAGE	NAIC #
Ed's Mudville Grill, Inc, DBA:Ed's Mudville Grill; Moresi's Chop House	INSURER A: Travelers	
6200 Center Street, Suite D	INSURER B:	
Clayton CA 94517	INSURER C:	
	INSURER D:	
	INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS	
A		GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY ☐ PRO-JECT ☐ LOC	680 3387N467	5/10/2009	5/10/2010	EACH OCCURRENCE	$ 1,000,000
						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 300,000
						MED EXP (Any one person)	$ 5,000
						PERSONAL & ADV INJURY	$ 1,000,000
						GENERAL AGGREGATE	$ 2,000,000
						PRODUCTS - COMP/OP AGG	$ 2,000,000
A		AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS X HIRED AUTOS X NON-OWNED AUTOS	680 3387N467	5/10/2009	5/10/2010	COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
						BODILY INJURY (Per person)	$
						BODILY INJURY (Per accident)	$
						PROPERTY DAMAGE (Per accident)	$
		GARAGE LIABILITY ☐ ANY AUTO				AUTO ONLY - EA ACCIDENT	$
						OTHER THAN AUTO ONLY: EA ACC	$
						AGG	$
A		EXCESS / UMBRELLA LIABILITY X OCCUR ☐ CLAIMS MADE ☐ DEDUCTIBLE ☐ RETENTION $	ISF CUP 6769Y314 TBD	5/10/2009	5/10/2010	EACH OCCURRENCE	$ 1,000,000
						AGGREGATE	$ 1,000,000
							$
							$
							$
A		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N ☐ (Mandatory in NH) If yes, describe under SPECIAL PROVISIONS below	IEUB4872C61 TBD	5/10/2009	5/10/2010	X WC STATU-TORY LIMITS ☐ OTH-ER	
						E.L. EACH ACCIDENT	$ 1,000,000
						E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
						E.L. DISEASE - POLICY LIMIT	$ 1,000,000
		OTHER					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

RE: One day event on July 4, 2009. Certificate Holder to be Named as Additional Insured as respects General Liability Coverage Only. 10 Day Notice of Cancellation for Non Payment of Premium.

CERTIFICATE HOLDER	CANCELLATION
City of Clayton 6000 Heritage Trail Clayton, CA 94517	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE

ACORD 25 (2009/01)
INS025 (200901)

CITY OF CLAYTON

ALCOHOL USE PERMIT / CITY PARKS & FACILITIES

$50 Fee

General Conditions:

1. If granted, this permit will allow beer and wine only. Glasses and glass containers are not allowed.
2. If alcoholic beverages are to be sold, a State ABC license will be required.
3. The applicant and all adult participants will be personally responsible to ensure that no underage children possess or consume alcoholic beverages at the event.
4. The costs of any law enforcement actions incurred as a result, direct or indirect, of the issuance of this permit, will be charged to the applicant and/or sponsoring organization.
5. Permits will be granted only for rented facilities, and will not be granted for any time period during which any youth sports activity is scheduled at the same facility.
6. The issuance of this permit is at the sole discretion of the City Manager or designee, and may be revoked at any time.
7. This permit will require a fee, in addition to any other facility use fee, in the amount of $50.00.
8. Applicant will be required to obtain liability insurance in the amount of $1,000,000 and name the City of Clayton as additionally insured.

Applicant Name: ______________________________ Date: ______________

Sponsoring Organization: ____

Location of event: ____

Type of event: ____

Date of event: ______________ From: __________ a.m./p.m. To: __________ a.m./p.m.

Anticipated number of attendees: __________ Will there be minors present? __________

Review by Police Chief: ☐ Approved ☐ Denied Date: ______________

Additional conditions: ____

Police Chief Signature: ____

Review by City Manager: ☐ Approved ☐ Denied Date: ______________

City Manager Signature: ____

ATTACH TO FACILITY USE PERMIT

Temporary Use Permit Application

As provided in the Clayton Municipal Code Title 17, Chapter 17.70

CITY OF CLAYTON
Founded 1857 .. Incorporated 1964

6000 Heritage Trail, Clayton, CA 94517
Phone No. 925.673.7300 Fax No. 925.672.4917
www.ci.clayton.ca.us

Below: Office Use Only

File No: ____________________ Fee: $ 150.00

Received By: ____________________

Date: __________ Receipt No: ____________________

Please clarify any questions with the Planning Staff prior to completing this form. Please print or type legibly. Attach additional sheets if necessary. Incomplete applications will not be accepted.

1. Applicant/Property Owner Contact Information:

Phone Number: ____________________

Applicant Name: ____________________ Applicant Email: ____________________

Property Owner Name: ____________________ Property Owner Email: ____________________

2. Submittal Requirements:

The number of copies of each of the items below, which constitutes a complete Application Submittal Packet, will be determined by the Community Development Director. If not specified, assume only one copy is needed. If applicable, all plans and analyses shall be at scale 1"=20' for site planning and 1/8"=1' or greater for elevations and floor plans. Please submit the following information in the order in which it is outlined below. Additional items may be required by the Community Development Director.

- ☐ Community Development General Application
- ☐ Temporary Use Permit Application
- ☐ Processing Fee $ __________ (Make check payable to the City of Clayton)
- ☐ Letter of Explanation Mark One: ☐ Attached ☐ Included below in Part 3 of this application
- ☐ Plans showing location of proposed use delineating, if applicable, parking, signage, fencing, etc- max size 11"x17"
- ☐ Photographs/Graphics showing the relationship of the subject parcel(s) identified to the surrounding properties. Include aerials such as Google Earth maps, and perspective photographs, as applicable.

3. Statement of Operation:

Type and attach response to 3a-3d below

Dates of Temporary Use: From: ____________________ To: ____________________

Hours of Temporary Use: From: ____________________ To: ____________________

In order to assure that the general health, safety and welfare of the community will be preserved with such temporary uses, conditions relating to each individual event may be imposed upon the applicant. If any of the conditions below apply to the requested Temporary Use Permit, explain how each condition will be successfully addressed.

a. Bonding for police and maintenance services

b. Temporary parking and signing controls

c. Temporary fencing or barricades as necessary

d. Noise, dust and odor control

4. Staff Comments: [office use only]

If your comments are attached, please place a check mark in the box.

☐ Chief of Police:

☐ Maintenance Department:

☐ Community Development Director:

5. Action by City Manager:

☐ Approved ☐ Denied

City Manager's Signature: ____________________ Date: ____________________

6. Important Implementing Information from the City of Clayton Municipal Code:

17.70.010 Statement of purpose. There are a number of land uses that are of such a temporary nature that their potential impact on adjoining properties and the community is either minimal or can be offset by administrative conditions of approval. Because of the short term nature of the uses, it is seldom necessary to process such applications as conventional use permits via the Planning Commission and it is often time consuming to do the same. The purpose of this chapter then is to permit certain temporary, or short term uses, subject to adequate bonding and other conditions of approval on an administrative basis. (Ord. 204 Sec. 1(part), 1980).

17.70.020 Conditionally permitted uses. The following list depicts the types of temporary uses that are intended to be considered through this administrative process. Each such application must be specific as to intended use:

A. Arts and crafts shows;
B. Parades;
C. Carnivals and fairs;
D. Christmas tree lots;
E. Musical concerts;
F. Block parties (street closures);
G. Other similar temporary uses. (Ord. 204 Sec. 1 (part), 1980).

17.70.030 Conditions of approval. In order to assure that the general health, safety and welfare of the community will be preserved with such temporary uses, conditions relating to each individual event may be imposed upon the applicant, including but not limited to:

A. Bonding for police and maintenance services;
B. Temporary parking and signing controls;
C. Temporary fencing or barricades as necessary;
D. Noise, dust and odor control;
E. Limits on hours and days of operation;
F. Others as needed. (Ord. 204 Sec. 1 (part), 1980).

17.70.040 Period of time. The maximum time period for any of these temporary uses shall not exceed forty- five days or more than three individual events per year, or a use permit application before the Planning Commission shall be required. The permit shall be applied for at least forty-eight hours prior to the actual event. (Ord. 204 Sec. 1 (part), 1980).

17.70.050 Approval process. The applicant shall submit his application on the prescribed city form and will be accompanied by a fee in such amount as may be fixed from time to time by resolution of the City Council. The matter shall be reviewed by the City Manager upon review and recommendation from both the Chief of Police and the Planning Director, or Secretary to the Planning Commission. If the use is deemed to be safe and an appropriate temporary use of the land, it may be approved subject to conditions as described in Section 17.70.030. (Ord. 204 Sec. 1 (part), 1980).

17.70.060 Appeal process. Administrative denial of a temporary use permit may be appealed to the Planning Commission within five days of notice of denial, said appeal to be heard at the next regular Planning Commission meeting. Appeals of Planning Commission action shall be the same as the conventional use permit process as set forth in Section 17.68.030. (Ord. 204 Sec. 1 (part), 1980).

7. Certification:

General Certification:

I (We):

- consent to the submission of this application.
- understand that an incomplete application may be denied.
- hereby declare under penalty of perjury under the laws of the State of California that the information in this application and its attachments is true, complete and correct.
- certify that I (We) have read and understand Title 17, Chapter 17.70 found in Part 6 of this application and in the City of Clayton's Municipal Code.

Form Specific Certification:

I (We):

- understand that following receipt of a complete application, staff will review the application and that recommendations will be provided from the Chief of Police, the Maintenance Department, and the Community Development Department. The City Manager may approve the application, subject to conditions.
- understand that the decision of the City Manager may be appealed to the Planning Commission within five days of the note.

Applicant's Signature: ______________________________ Date: ______________

Property Owner's Signature: ______________________________ Date: ______________

Form 218

INSTRUCTIONS AND GENERAL INFORMATION

General Information

- Type or print clearly in black or blue ink
- Acronyms or form numbers used in these instructions:

B&P Business & Professions Code
CCR California Code of Regulations
PC Penal Code
231 License Action Request
239 Correction/Application Request
253 Supplemental Diagram

Form ABC-218 is used for two purposes:
It is used by on-sale general or club licensees who also hold a caterer's permit (Type 58 license) to request permission to cater alcoholic beverages (Complete Sections 1, 2 and 4). Form ABC-218 must be approved at least three days before the catered event. (Section 23399 B&P and Rule 60.5(1) CCR)

Form ABC-218 is also used by on-sale general licensees who hold an event permit (Type 77 license) to sell alcoholic beverages on adjacent property (Complete Sections 1, 3 and 4). (Sections 23399(b)(c)(d) B&P)

Only one signature for the licensee is needed.

Instructions

Action Desired What to Complete

Catering Authorization.......Sections 1, 2 and 4
Event Authorization...........Sections 1, 3 and 4

Licensee Name (Item 1) — List the name of the licensee. For a limited partnership, limited liability company, or a corporation, show the name of the entity.

Event Location (Item 6) — The site of a *catered event* may be an unlicensed building or grounds, a licensed building, or a separate room within the licensed building(s). If the site is licensed, the license must be surrendered to ABC (use Form ABC-231). A Type 50, 51 or 52 licensee may only cater upon the licensed club premises, and the events shall not be open to the general public (an exception may be made if unlimited attendance is in the public interest).

An *event permit* authorizes Type 41, 42, 47, 48, 49, 57, 75 and 78 licensees to sell beer, wine and distilled spirits for consumption on adjacent property owned or under control of the licensee. The property must be secured and controlled by the licensee and not visible to the general public. A diagram of the property is required (Form ABC-253).

Total Number of Days (Item 10) — A catering authorization is required for each event catered. When the same event is two or more consecutive days, a single Form ABC-218 is needed. For non consecutive dates a separate Form ABC-218 is required for each date.

Number of Events (Item 15) — For Type 47, 48 and 57 licensees, there is a limit of 24 catered events per year at any given site. There is no annual limit for Type 50, 51 and 52 licensees.

Number of Events Already Held this Calendar Year at this location (Item 20) — For events held on adjacent property. Limit of 4 events per calendar year at any given location.

Local Law Enforcement Agency Approval Signature (Item 21) — All events on adjacent property require approval of the local law enforcement agency. Have an authorized person sign.

MISCELLANEOUS INFORMATION

At all approved events, you may exercise only those privileges authorized by your license. You must comply with all provisions of the ABC Act. Violations may be grounds for suspension or revocation of your license or permit, or both, as though the violation occurred on the licensed premises. (Section 23399(d) B&P)

Sites for catered events are at ABC's discretion. Proximity to schools, churches, State and Federal institutions, and other facilities may be a factor in ABC's decision. Zoning may also be a factor. (Rule 60.5(2)(3) CCR)

Persons under 21 years of age may be allowed on the premises of a catered event. However, they may not possess, purchase, or consume alcoholic beverages.

Wholesalers may deliver alcoholic beverages to the site of a catered event. You may not store distilled spirits at the event site. The distilled spirits must be returned to the licensed premises after the event.

State of California

Department of Alcoholic Beverage Control

CATERING OR EVENT AUTHORIZATION APPLICATION

Please read instructions before completing form.

LICENSE NUMBER

RECEIPT NUMBER

TOTAL FEE ($10.00 per day)

$

SECTION 1

1 LICENSEE NAME(S) (If an individual, first name, middle name, last name)

2 CONTACT PERSON

3 CONTACT PHONE NUMBER

4 LICENSED PREMISES ADDRESS

5 MAILING ADDRESS (IF DIFFERENT)

6 EVENT LOCATION (Street number and name, city, zip code)

7 DESCRIPTION OF LOCATION (Parking lot, office building, residence, county/city park, etc.)

8 EVENT LOCATION IS WITHIN THE CITY LIMITS

☐ Yes ☐ No

9 EVENT DATE(S)

10 TOTAL NUMBER OF DAY(S)

11 EVENT HOURS

From ________ To ________

12 EVENT OPEN TO THE PUBLIC

☐ Yes ☐ No

13 ESTIMATED ATTENDANCE

SECTION 2 CATERING EVENT

14. EVENT TYPE

☐ Convention ☐ Trade Exhibit ☐ Social Gathering ☐ Anniversary

☐ Sporting Event ☐ Picnic ☐ Wedding ☐ Birthday

☐ Other

15 NUMBER OF EVENTS CATERED THIS YEAR AT THIS LOCATION (Not applicable to club licensees)

16 ORGANIZATION SPONSORING EVENT

17 PERSON IN CHARGE OF EVENT

18 MAILING ADDRESS

19 PHONE NUMBER OF ABOVE PERSON

SECTION 3 EVENT ON ADJACENT PROPERTY

20 NUMBER OF EVENTS ALREADY HELD THIS CALENDAR YEAR AT THIS LOCATION (Limit of 4 events per calendar year)

21 LOCAL LAW ENFORCEMENT AGENCY APPROVAL SIGNATURE

23 TITLE

24 DATE SIGNED

SECTION 4

I declare under penalty of perjury that to the best of my knowledge these statements are true and correct.

LICENSEE SIGNATURE

DATE SIGNED

SECTION 5 AUTHORIZATION (For ABC Use Only)

PROPERTY OWNER APPROVAL REQUIRED

☐ Yes, attached ☐ No

CONDITIONS/ACKNOWLEDGMENTS REQUIRED

☐ Yes, attached ☐ No

DIAGRAM REQUIRED

☐ Yes, attached ☐ No

LAW ENFORCEMENT APPROVAL REQUIRED

☐ Yes ☐ No

DISTRICT APPROVAL BY (Name)

ABC EMPLOYEE SIGNATURE

DATE SIGNED

July 4th Parade

Clayton Celebrates The Red, White & Blue

Pancake Breakfast - **Endeavor Hall** Clayton Valley Sunrise Rotary Club
$5 Adults---- $3 Children (12 and under)

7:00 am - 10:00 am

Kiddie Land - Main Street - near Oak Street

8:30 am - 1:30 pm

Parade - Main Street

10:00 am

To Volunteer call (925) 673-7300
For Main Parade entry form visit www.cityofclayton.org
No parade entry form needed for Kiddie Parade

Our thanks to this years sponsors

CITY OF CLAYTON   ALLIED WASTE SERVICES   Jim Webb

Turner – Huguet – Adams * Endashiian LLC * CD Federal Credit Union

Agenda Date: 6-30-09

Agenda Item: 3a RDA

MINUTES
OF THE
REGULAR MEETING

CLAYTON REDEVELOPMENT AGENCY

June 16, 2009

1. CALL TO ORDER & ROLL CALL - the meeting was called to order at 8:46 p.m. by Chairman Shuey at Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Boardmembers present: Chairman Shuey, Vice Chairman Medrano, Boardmembers Geller, Stratford, and Pierce. Staff present: Executive Director Napper, Secretary Jackson, and General Counsel Adams.

2. PUBLIC COMMENTS – None.

3. CONSENT CALENDAR- It was moved by Boardmember Stratford, seconded by Boardmember Pierce to approve the Consent Calendar as submitted (Passed; 5-0 vote).

(a) Approved the minutes of the regular meeting of June, 2 2009.

4. PUBLIC HEARING – None.

5. ACTION ITEMS

(a) Introduction and consideration of the proposed Clayton Redevelopment Agency Budget for Fiscal Year 2009 – 2010.

The Executive Director presented the Agency Budget for FY 09-10 in the amount of $5,297,572. He stated the State of California is appealing the recent court ruling which kept the State from stealing further money this year from redevelopment agencies including $404,570 from this Agency. He noted the State Budget problems could again impact the Redevelopment Agency discretionary capital projects. He then outlined the two new programs being researched in the Redevelopment area next fiscal year (i.e. Downtown paseo; what happens when the Agency hits its cap of $55 million) and the Agency's debt service obligation of $2.6 million.

No public comments were received.

It was moved by Boardmember Stratford, seconded by Boardmember Pierce to instruct the Executive Director to prepare the Budget for Public Hearing and adoption at the June 30th Board special meeting (Passed; 5-0 vote).

6. BOARD ITEMS – None.

7. **ADJOURN** – on call by Chairman Shuey the meeting adjourned at 8:53 p.m.

Respectfully submitted,

____
Laci J. Jackson, Secretary

Clayton Redevelopment Agency Board

____
David T. Shuey, Vice Chairman

Agenda Date: 6-30-09

RESOLUTION NO. – 2009

Agenda Item: 3b RDA

A JOINT RESOLUTION OF THE CLAYTON CITY COUNCIL AND THE CLAYTON REDEVELOPMENT AGENCY AUTHORIZING THE CITY ATTORNEY/REDEVELOPMENT AGENCY GENERAL COUNSEL TO COOPERATE WITH THE LEAGUE OF CALIFORNIA CITIES, THE CALIFORNIA REDEVELOPMENT ASSOCIATION, OTHER CITIES AND COUNTIES IN LITIGATION CHALLENGING THE CONSTITUTIONALITY OF ANY SEIZURE BY STATE GOVERNMENT OF THE CITY'S STREET MAINTENANCE AND REDEVELOPMENT FUNDS

THE CITY COUNCIL
City of Clayton, California

THE CLAYTON REDEVELOPMENT AGENCY
City of Clayton, California

WHEREAS, the current economic crisis has placed cities under incredible financial pressure and caused them to make painful budget cuts, including pay decreases, layoffs and furloughs of city workers, decreasing maintenance and operations of public facilities, and reductions in direct services to keep spending in line with declining revenues; and

WHEREAS, since the early 1990s the state government of California has seized over **$10 billion** in city property tax revenues statewide, now amounting to over $900 million each year, **including $5.4 million from the small City of Clayton,** to help fund the chronic deficits of the state budget; and

WHEREAS, since the early 1990s the state government also has seized $1.04 billion of redevelopment tax increment statewide, and the now the Governor and State Legislature are embracing the further seizure of $350 million statewide each year for three years, beginning in the current fiscal year, **which amount would equal $404,570 each year (or $1.2 million over the next three years) from the Clayton Redevelopment Agency**; and

WHEREAS, on 30 April 2009, in the case of *CRA v. Genest*, the Sacramento Superior Court found similar efforts by the State to seize redevelopment tax increment for the state general fund to be in direct violation of Article XVI, Section 16 of the State Constitution, added by the voters in 1952 as Proposition 18, which requires that tax increment be used <u>exclusively</u> for the benefit of redevelopment project areas; and

WHEREAS, in his proposed FY 2009-10 budget the Governor also proposes transferring $1 billion of local gas taxes and weight fees to the state general fund to balance the state budget, and over $700 million in local gas taxes permanently in future years, immediately jeopardizing the ability of this City to maintain its streets, traffic signals, streetlights, sidewalks and related traffic safety facilities for the use of our citizenry and the motoring public; and

WHEREAS, the loss of almost all of cities' gas tax funds will seriously compromise cities' ability to perform critical traffic safety related street maintenance, possibly including, but not limited to, drastically curtailing patching, resurfacing, street lighting/traffic signal maintenance, payment of electricity costs for street lights and signals, bridge maintenance and repair, sidewalk and curb ramp maintenance and repair, and more; and

WHEREAS, cities and counties maintain 81% of the state road network while the state directly maintains just 8%, and according to a recent statewide needs assessment[1] on a scale of zero (failed) to 100 (excellent), the statewide average pavement condition index (PCI) is 68, or "at risk."

WHEREAS, in both Proposition 5 in 1974 and Proposition 2 in 1998 the voters of our state overwhelmingly imposed restrictions on the state's ability to do what the Governor has proposed and the State Legislature is considering, and any effort to permanently divert the local share of the gas tax would violate the state constitution and the will of the voters.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California and the Board of Directors of the Clayton Redevelopment Agency do hereby direct its City Attorney/Redevelopment Agency General Counsel to take all necessary steps to cooperate with the League of California Cities, the California Redevelopment Association, other cities, other counties and other redevelopment agencies in supporting litigation against the state of California if the Legislature enacts and the Governor signs into law legislation that unconstitutionally diverts the redevelopment tax increment and/or the City's share of funding from the Highway Users Tax Account (HUTA), also known as the "Gas Tax," to fund the state general fund; and

BE IT FURTHER RESOLVED that the City Manager/Agency Executive Director shall cause this resolution to be sent with an accompanying letter from the Mayor and Agency Chairman to the Governor and each of the City's state legislators, informing them in the clearest of terms of the City's adamant resolve to oppose any effort to frustrate the will of the electorate as expressed in Proposition 18 (1952), Proposition 5 (1974) and Proposition 2 (1998) concerning the proper use and allocation of the redevelopment tax increment and the gas tax, and to jeopardize and place at risk local public services; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be sent by the City Clerk to the League of California Cities, the California Redevelopment Association, the local chamber of commerce (Clayton Business & Community Association), and other community groups whose members are affected by this irresponsible and unlawful proposal to divert local funds from vital local services and projects.

---

[1] *California Statewide Local Streets and Roads Needs Assessment*, Nichols Consulting Engineers, Chtd. (2008), sponsored by the League of California Cities, California State Association of Counties and County Engineers Association of California.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California and the Board of Directors of the Clayton Redevelopment Agency at special public meetings thereof held on the 30th day of June 2009 by the following vote:

CLAYTON CITY COUNCIL:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Julie K. Pierce, Mayor

ATTEST:

Laci J. Jackson, City Clerk

* * * * *

AGENCY BOARD OF DIRECTORS:

AYES:

NOES:

ABSTAIN:

ABSENT:

CLAYTON REDEVELOPMENT AGENCY

David T. Shuey, Chairman

ATTEST:

____

Laci J. Jackson, Secretary

Agenda Date
Agenda Item

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: **HONORABLE CHAIRMAN AND BOARD MEMBERS**

FROM: **COMMUNITY DEVELOPMENT DIRECTOR**

DATE: **JUNE 30, 2009**

SUBJECT: **REQUEST FROM EDEN HOUSING, INC. FOR AGENCY SUPPPORT FOR A GREEN RETROFIT LOAN (GRL) APPLICATION, KIRKER COURT APARTMENTS, 1730-1740 KIRKER PASS ROAD, CLAYTON, CALIFORNIA**

RECOMMENDATION

Approve the request from Eden Housing, Inc. for Agency support of a repayable Green Retrofit Loan (GRL) application to the U.S. Department of Housing and Urban Development (HUD) on behalf of Peace Grove, Inc. to install energy retrofits to the housing units at Kirker Court Apartments, 1730-1740 Kirker Pass Road, Clayton, California.

BACKGROUND

The City of Clayton Redevelopment Agency received notification that Eden Housing, Inc. was in the process of submitting an application to the U.S. Department of Housing and Urban Development (HUD) to participate in that Agency's Green Retrofit Program for Multifamily Housing. A summary handout of that Green Retrofit Program is attached. Essentially, the Program provides funds in the form of a loan, grant, and/or combination of the two to be used to improve energy efficiency aspects of multifamily projects. Eden Housing Inc., the entity that operated the Kirker Court Apartments located in Clayton, hopes to qualify for some of these funds to improve the energy efficiency of that development. The

Clayton Redevelopment Agency and Contra Costa County were financial partners in the development of this project in the early 1990s. Kirker Court comprises 20 very low income residential units for the developmentally disabled.

HUD is requiring as part of the application process that existing lenders of the applicant projects to this Program provide certification that they will subordinate their interests to the loans that may be awarded to these projects. The Clayton Redevelopment Agency loaned the Kirker Court Apartments project a total of $567,000, with the understanding and commitment that as long as the operators comply with the provisions of the Agreement, focused primarily on assuring that a very low income population be served during the 60-year term of the Agreement, the loan would be forgiven. Moreover, under the current Agreement the interests of the Clayton Redevelopment Agency are subordinate to HUD.

Contra Costa County invested $220,000 into this project. As a lender, the County too was asked to formally support this application and at its meeting of June 23, 2009, the Board did authorize its support for this application.

FISCAL IMPACT

Staff does not anticipate a fiscal impact, given the nature of the Agency's loan on the project and the fact the Agency is already in a subordinate position to HUD.

CONCLUSION

Participation in the Green Retrofit Loan (GRL) Program could make available funds to improve the energy efficiency and, presumably, reduce the operating costs of the Kirker Court Apartment project without anticipated impacts to the Agency. Executive Director Gary A. Napper submitted an initial letter (See Attached), indicating that this matter would be presented to the Agency Board for a formal action.

Attachments:

1. E-mail from Lucy Pineda to David Woltering
2. Handout titled, "Green Retrofit Program for Multifamily Housing"
3. June 17, 2009 Letter from Gary A. Napper to U.S. Department of Housing and Urban Development (HUD)

David Woltering

From: Lucy Pineda [Lpineda@edenhousing.org]
Sent: Tuesday, June 16, 2009 3:30 PM
To: dwoltering@ci.clayton.ca.us
Subject: FW: Peace Grove, Inc. (Kirker Court)
Attachments: GPR Overview.PDF; Requirements for Lenders or Lienholders Certification.doc

Hello Mr. Woltering,

We are preparing to submit the GPR application for Peace Grove, Inc. (Kirker Court) this Thursday, 6/18/09 and still missing the certification from the City of Clayton (in City's letterhead). Please let me know what is the status of this consent being signed.

Thanks,

Lucy Pineda
Asset Manager
Eden Housing, Inc.
22645 Grand Street
Hayward, CA 94541
(510) 582-1460
Fax: (510) 582-0122

From: Lucy Pineda
Sent: Wednesday, June 03, 2009 5:00 PM
To: 'dwoltering@ci.clayton.ca.us'
Subject: Peace Grove, Inc. (Kirker Court)

Mr. Woltering,

We are in the process of preparing an application for the above referred property for the Green Retrofit Program (GRP), attached please find an overview of the program and the certification HUD requires from lenders as part of the application. I recently got your contact information and apologize for this late notice. We have application deadline of June 15th.

In 1994, the Agency provided a $567,000 loan to Peace Grove, Inc. for the development of the property. HUD provided an 811 funds; County provided $200,000. Agency and County have a joint deed of trust that is subordinate to the HUD documents. County staff is supportive of current request.

I am working with Kara Douglas at the County (925) 335-7223 if you like to coordinate with her regarding this request.

Your prompt cooperation on this request is appreciated.

Lucy Pineda
Asset Manager
Eden Housing, Inc.
22645 Grand Street
Hayward, CA 94541
(510) 582-1460
Fax: (510) 582-0122

GREEN RETROFIT PROGRAM FOR MULTIFAMILY HOUSING

	Created by the American Recovery and Reinvestment Act of 2009, Implemented by Housing Notice H-09-02 published May 13, 2009:
Objectives	$250 Million in loans and grants to for energy and green retrofits in the multifamily assisted housing stock. Create green collar jobs. Improve property operations by reducing utility expenses. Benefit resident health. Benefit the environment.
Energy and Green Retrofit Investments	Up to $15,000 per residential unit (with an expected average of $10,000/unit) to reduce energy costs (e.g., more efficient heating and cooling systems), reduce water use (e.g., low-flow faucets and toilets), improve indoor environmental quality (e.g., low-VOC products), and provide other environmental benefits (e.g., materials with recycled content, reflective roofing to reduce heat-island effects, etc).
Program Volume	Estimate funding about 25,000 units (approx 300-350 properties).
Implementation	Accept applications starting June 15, 2009, begin obligating funds by September 2009, and owners begin making improvements immediately thereafter (and owners must complete work within two years).
Eligible Properties	Must receive HUD project-based assistance: o Section 8 o 202-811 Elderly/Disabled Housing
Funding Buckets	Initial applications will be allocated to project categories for Section 202, Section 811, USDA Section 515, and other Section 8 projects based on a pro rata representation of each property type among the universe of eligible properties. Further, limitations will be placed on projects under common ownership or control and projects within any one of the ten HUD regions.
Underwriting Criteria	Applications must pass an initial feasibility based on underwriting criteria consistent with origination of each project type, that uses the last three years' financials, applies a vacancy/ rent loss factor, applies a common reserve deposit requirement, and requires a minimum debt service coverage and operating expense cushion. After passing initial feasibility, HUD will underwrite each project to determine feasibility.
Processing Timeline	HUD expects most Green Retrofit transactions to close within 120 days of being assigned for processing.
Owner Incentives	• Pre-Development Incentive: 1% of Green Retrofits not to exceed $10,000 • Energy Efficiency Incentive: 3% of Green Retrofits not to exceed $30,000 • Targeted Job Creation Incentive: (optional) up to $25,000 • Incentive Performance Fee: 3% of collected revenue annually
Owner Commitments	• Use Agreement for 15 years beyond existing use restricted period • Green Rehab and Green Replacements for life of Use Agreement • Green Maintenance • Recycling/ Hazardous Waste/ Landfill Diversion • Discounts, Rebates and Commissions to Project Account • Resident Involvement, Outreach and Incentive Plan • Integrated Pest Management Plan • Green Research Cooperation • Green Property Management Training

CITY OF CLAYTON

Founded 1857 . . . Incorporated 1964

City Council
JULIE K. PIERCE, *MAYOR*
HANK STRATFORD, *VICE MAYOR*
HOWARD GELLER
JOSEPH A. MEDRANO
DAVID T. SHUEY

COMMUNITY DEVELOPMENT (925) 673-7340
ENGINEERING (925) 363-7433

6000 HERITAGE TRAIL • CLAYTON, CALIFORNIA 94517-1250
TELEPHONE (925) 673-7300 FAX (925) 672-4917

June 17, 2009

U.S. Department of Housing and Urban Development (HUD)
Office of Affordable Housing Preservation
Green Retrofit Program for Multifamily Housing
451 7th Street SW, Room 622
Washington, D.C. 20410

Re.: Support for Green Retrofit Loan (GRL) Application – Peace Grove, Inc. (Kirker Court Apartments, 1730-1740 Kirker Pass Road, Clayton, California)

Dear Sir/Madam:

The City of Clayton Redevelopment Agency has received notification that Eden Housing, Inc. desires to submit an application to the U.S. Department of Housing and Urban Development (HUD) to participate in HUD's Green Retrofit Program for Multifamily Housing. It is intended that funds from this program, in the form of a loan, grant or combination of the two, would be used to improve energy efficiency aspects of the Kirker Court Apartments located in Clayton. The Clayton Redevelopment Agency was a financial partner in the development of this project in the early 1990s. Kirker Court comprises 20 very low income residential units for the developmentally disabled. The Agency strongly supports beneficial and reasoned Green Building projects and efforts to achieve energy efficiency.

I understand that HUD will request the Agency subordinate its loans totaling $567,000 to Peace Grove to the GRL, if awarded. I certify that I have received information about the potential GRL for Peace Grove, Inc. sufficient to allow me to understand the general nature of the transaction. However, this is considered to be a discretionary action that requires approval by the Clayton Redevelopment Agency Board. The soonest that we would be able to obtain approval from the Agency Board on this matter is July 7, 2009. Agency staff is supportive of this request and will bring the matter to the Agency Board at its July 7, 2009 meeting for action.

Should you have any questions regarding the content of this letter, please do not hesitate to call me at 925-673-7300.

Sincerely,

Gary A. Napper
Executive Director/City Manager

Affordable Housing Program/Kirker Court Apartments – Green Retrofit Program

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Agenda Date: 6-30-09

Agenda Item: 4a RDA

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE CHAIR AND BOARDMEMBERS

FROM: EXECUTIVE DIRECTOR

DATE: 30 JUNE 2009

SUBJECT: ADOPTION OF FY 09-10 AGENCY BUDGET

RECOMMENDATION

Following the conduct of the Public Hearing and receipt of public comments on the proposed Agency Budget, it is recommended the Board of Directors of the Clayton Community Redevelopment Agency adopt the prepared Resolution approving the Agency's planned operating and capital improvement budgets for Fiscal Year 2009-2010.

BACKGROUND

At its regular meeting of 16 June 2009, the Board of Directors received a presentation and reviewed the proposed operating and capital budgets of the Redevelopment Agency for the fiscal year commencing 01 July 2009. The operations of the Agency are primarily split between two (2) funds: the Redevelopment Project Budget [the 80% discretionary use fund] and the Redevelopment Housing Budget [the 20% mandatory set-aside fund for affordable housing purposes]. The budgetary details of these two (2) funds are further explained and shown in Attachment 2, the Agency's Budget Message.

The lion's share of Agency revenues is obligated to the retirement of previously-issued debt for non-housing capital improvement projects (77.5% of the Discretionary Fund monies; the Affordable Housing Fund has not issued any debt). The next fiscal year will experience favorable tax increment revenues of $815,687 available for capital improvement purposes, an amount significantly lower (-47%) than last fiscal year's CIP budget transfer of $1,535,105. These monies are recommended for allocation to the City's Capital Improvement Project Budget (CIP) in the "Downtown Economic Development" project (CIP

No. 10400) for continuing local efforts to stimulate and enhance the economic viability of our small Downtown commercial sector.

In addition, the Affordable Housing Fund of the Agency will have accumulated a total of $4.56 million for use in the facilitation of low-to-moderate income housing within the Project Area. These affordable housing monies must be targeted to addressing affordable housing opportunities (note: actual production of housing units) for low and very-low income households, as required by California Redevelopment Law. Effort must be sustained to promote the inclusion of affordable housing units in residential projects which come before the City, and to seek partnership with non-profit or profit development firms interested in the construction of affordable housing projects within the Project Area.

STATE BUDGET IMPACTS

On Wednesday, June 24th, the California State Legislature failed to adopt a State Budget for submittal to the Governor. The failure now pushes the key action to the "Big 5" Conference Budget Committee for resolution of the impasse; meanwhile, the State Controller is preparing to issue IOU's starting July 1st should the stalemate continue through the weekend. The State Budget standoff means further desperation which causes legislators' heads to jerk toward the taking of additional redevelopment agency monies, even when such thefts were ruled unconstitutional by a Sacramento Superior Court in April 2009.

The State Budget Conference Committee previously approved the inclusion of language in a budget trailer bill to take $350 million statewide in redevelopment agency tax revenues as ERAF shifts for each of 3 years: the current fiscal year (FY 08-09), and again in fiscal years 2009-10 and 2010-11. A seizure of local monies of this magnitude would cost our Agency approximately $1.22 million in that time span. While numbers move quickly in this bizarre process, the "take" from the Clayton Redevelopment Agency has notched up slightly since the original Budget Message, from $404,570 to **$406,515** for FY 08-09 (almost 0.5% in less than two weeks). Legal teams for redevelopment agencies continue to maintain taking local redevelopment agency funds for non-redevelopment purposes ordered by the State violate the State Constitution; and yet, the Legislature blindly follows the questionable legal advice from the same State staff who recommended the last ERAF "take" that has presently been found unconstitutional.

Until a State Budget is adopted and the smoke screen clears so we can assess the damage, our Agency has no recourse except to adopt its Budget now before the deadline of July 1st, and then adjust accordingly in the aftermath. Most certainly, any State action to take additional redevelopment agency monies will be challenged appropriately, and the Board has been asked to adopt a Resolution on this agenda to join in supporting the resultant legal opposition to an ERAF shift should it occur. If enacted by the State and eventually deemed lawful, the Agency's "donation" to the State would be addressed by the reduction in transfer of its funds to the City's Capital Improvement Project (CIP) Budget for the Downtown Economic Development account.

CONCLUSION

The enactment of the prepared Resolution will approve the planned operations of the Clayton Community Redevelopment Agency for the ensuing twelve-month fiscal year that will end on 30 June 2010. Modifications to the Agency's Budget may be enacted during the fiscal year as deemed appropriate by Board action and as amendments become necessary based on budgetary bills of the State of California.

Attachments:
1. Resolution adopting RDA Budget [2 pp]
2. June 16, 2009 Budget Message and Budget Detail [12 pp.]

AGENCY RESOLUTION NO. - 2009

A RESOLUTION ADOPTING THE ANNUAL BUDGET FOR THE CLAYTON COMMUNITY REDEVELOPMENT AGENCY FOR THE 2009 – 20010 FISCAL YEAR BEGINNING 01 JULY 2009 AND ENDING 30 JUNE 20010, AND DECLARING THE 2009 – 2010 APPROPRIATIONS LIMITATION

CLAYTON REDEVELOPMENT AGENCY
City of Clayton, California

WHEREAS, on 16 June 2009 the Executive Director submitted and presented to the Board of Directors for the Clayton Community Redevelopment Agency a proposed budget for operation of the Agency in the fiscal year commencing 01 July 2009; and

WHEREAS, for 30 June 2009, a Public Hearing was set and duly held on the proposed Agency Budget and opportunities were duly provided for members of the public to offer comments and input on the fiscal plan presented; and

WHEREAS, after due consideration and review, the Board of Directors finds it is in the best interests of the general health, welfare and safety of this Agency, its citizens and businesspersons to adopt a financial plan governing the receipt and expenditure of public monies in Fiscal Year 2009 – 2010.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Clayton Community Redevelopment Agency of Clayton, California, does hereby adopt the budget tax increment [revenue] by fund for the Clayton Community Redevelopment Agency for the fiscal year beginning 01 July 2009 and ending 30 June 2010 as follows:

FUND	2009-2010 GROSS REVENUES	
Redevelopment Project Fund – No. 301	$ 4,149,938	
Affordable Housing Fund – No. 302	$ 1,147,634	
TOTAL REVENUE:	**$ 5,297,572**;	and

BE IT FURTHER RESOLVED that the budget appropriations by fund for the Clayton Community Redevelopment Agency for the fiscal year beginning 01 July 2009 and ending 30 June 2010 are adopted as follows:

FUND	2009-2010 APPROPRIATIONS	
Redevelopment Project Fund – No. 301	$ 4,641,131	
Affordable Housing Fund – No. 302	$ 555,222	
TOTAL APPROPRIATIONS:	**$ 5,196,353**;	and

BE IT FURTHER RESOLVED the appropriations above constitute the Agency Budget for the 2009-2010 fiscal year and the Executive Director is authorized to transfer appropriations within the control accounts as deemed necessary provided no change is made in the total amount designated for any of the funds; and

BE IT FURTHER RESOLVED that in the 2009-2010 Budget document adopted herein, pursuant to Senate Bill 1972 (Campbell; Chapter 1342, 1980 Statutes), it is hereby deemed that any tax increment revenue received by the Clayton Community Redevelopment Agency is not the receipt of proceeds of taxes by or on behalf of the Clayton Community Redevelopment Agency within the meaning or for the purposes of Article XIII B of the California Constitution nor of any other public body nor pursuant to any statutory provision enacted implementing Article XIII B; and,

BE IT FURTHER RESOLVED that the Board of Directors does hereby determine it has complied with all of the provisions of Article XIII B in determining the annual appropriations limit for the Fiscal Year 2009-2010 and there are no appropriations subject to limitation in Fiscal Year 2009-2010 for the Clayton Community Redevelopment Agency.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the Clayton Community Redevelopment Agency of Clayton, California during a Public Hearing at a special public meeting thereof held on the 30th day of June 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE BOARD OF DIRECTORS

____
David T. Shuey, Chairman

ATTEST:

____
Laci J. Jackson, Secretary

Agenda Date: 6-16-09

Agenda Item: 5a RDA

PROPOSED BUDGET
2009 – 2010

CLAYTON REDEVELOPMENT AGENCY

BOARD OF DIRECTORS

DAVID T. SHUEY, CHAIRMAN
JOSEPH A. MEDRANO, VICE CHAIRMAN
HOWARD GELLER, BOARDMEMBER
JULIE K. PIERCE, BOARDMEMBER
ROSS "HANK" STRATFORD, BOARDMEMBER

* * *

PROPOSED AND PRESENTED BY:

GARY A. NAPPER, EXECUTIVE DIRECTOR

* * * * *

PREPARED BY:
MERRY PELLETIER, FINANCE MANAGER

CITY OF CLAYTON, CALIFORNIA
94517
www.ci.clayton.ca.us

BUDGET MESSAGE

TO: HONORABLE CHAIR AND BOARDMEMBERS

FROM: EXECUTIVE DIRECTOR

MEETING DATE: 16 JUNE 2009

SUBJECT: PROPOSED REDEVELOPMENT AGENCY BUDGET FISCAL YEAR 2009-2010

RECOMMENDATION

Following introduction and presentation of the proposed Budget for the Clayton Redevelopment Agency in FY 2009-2010, it is recommended the Board provide any policy direction or changes accordingly, and then instruct staff to prepare the Budget for public hearing and adoption at the 30 June 2009 special public meeting.

BACKGROUND

The Clayton Redevelopment Agency receives tax increment revenue from real property taxes collected each year within the Redevelopment Agency's project boundaries. As required by law, the minimum 20% of the tax increment revenue is "set aside" for programs enacted by the Board to facilitate affordable housing opportunities within Clayton for qualified, low to moderate income households.

The remaining 80% is available for Agency programs and activities consistent with its Project Plan primarily focused at curing and improving blighted conditions and spurring private economic development opportunities on real properties that exist within the Agency's Project boundaries. Monies of the Agency cannot be used to fund on-going operations or maintenance of facilities, infrastructures or programs of the Agency or the City of Clayton, except to pay expenses necessary to administer the Agency's Plan (e.g. staff time, legal counsel, office expenses, etc.). In addition, with limited exceptions the Agency cannot expend monies on projects *outside* its Project Area (Note: the Redevelopment Project Area *is not* co-terminus with the City's boundary. For example, most of Oakhurst Development and all of Dana Hills are not within the Redevelopment Agency's Project Area).

Since its creation, the Clayton Redevelopment Agency has implemented a host of capital improvement projects that have been paid for using previous revenue bond issuances of the Agency. This issued and incurred debt must first be serviced using the annual tax increment revenues flowing to the Agency each year. Consequently, retiring debt represents the ever-increasing percentage of the Agency's expenses as the Project Area's time project activities limitation matures toward its 45-year expiration date in July 2027. The approved Plan self-imposed a $55 million tax increment revenue cap on Discretionary Project monies that may be attained earlier than expected in the Year 2013-14 (ref. Agency 5-Year Plan).

PROPOSED REVENUE

In FY 2009-2010, it is estimated the Agency will receive *gross* tax increment revenues totaling $5,297,572 (includes projected interest earnings). This amount is slightly less ($105,011; -1.94%) than our budgeted revenue projection for last year's budget. The Project Area is reacting slowly to the downturn in local housing market values and resale of land within its boundaries. Real property attritions and foreclosures that occur within the Project Area trigger assessed valuation readjustments, after being artificially compressed under Proposition 13. As forced or foreclosed private property sales occur, the new assessed value is generally lower than its previous market value. The creeping trend of lowered real property values in the Project Area negatively impacts the flow of tax increment to the Agency.

This total revenue projection merely illustrates on paper what our Agency is allotted *before* tax increment is siphoned for our pre-negotiated "pass throughs" to other taxing public entities within our jurisdiction (e.g. school district, community college district, etc.). As our Agency maturation occurs, these predetermined formulas escalate in size as to the amount of property tax increment that must be released back to the underlying taxing entities. In Fiscal Year 2009-10, the combined "pass-throughs" now total over $1 million ($1,000,516), the third year of full allocations to other taxing entities.

The disruptive party-crasher to the Agency's operations is once again the State of California, which implemented a State Budget theft of redevelopment agency monies in 2008-09 in the amount of $250 million statewide. Our Agency's ransom amount was calculated at $404,570, and the Agency dutifully reduced its transfer to the City's Capital Improvement Project (CIP) budget in December 2008 to address this questionable state action. However, the California Redevelopment Agency sued the State of California in Superior Court pleading this "Grandson of ERAF Shift" was unconstitutional, and redevelopment agencies prevailed in the court's ruling in May 2009. Although the State quickly filed an appeal (*California Redevelopment Association, et al. v. Michael C. Genest, Director of the CA Department of Finance, et al.*), present law does not allow the State to take these local monies. Therefore, the proposed Agency Budget restores the allocation of these targeted funds to the City's CIP Budget for Downtown Economic Development purposes.

Absent further State takeaway schemes that may yet blossom as it struggles with a $24 billion fiscal gap, the Agency should move forward at this time and adopt a budget that does not include diversions to the State Budget. When the State finally does adopt its Budget, the Agency can reevaluate the financial impact and modify its budget accordingly. However, the counter-notion of spending Agency monies first before the State takes it away does not absolve the Agency or its parent organization (City) from a lawful obligation to transfer local tax increment revenue.

In summation, of the Agency's gross revenue stream, $3.35 million (81%) flows to our Agency's Discretionary-use Fund (No. 301) while a balance of $947,530 (82.5%) is deposited in our state-required Low-Moderate Housing Fund (No. 302). Charting the pathway of "pass throughs", the Table below illustrates our available net revenues:

	DISCRETIONARY FUND	LMI HOUSING FUND
Gross Revenues	$4,149,938	$1,147,634
Negotiated "Pass Throughs"	(800,412)	(200,104)
State "Take Aways	unk.	unk.
NET REVENUE	**$ 3,349,526**	**$ 947,530**

These net revenues represent the funds available to the Agency this year for capital improvement projects, operations, affordable housing opportunities and to pay the Agency's debt service schedules.

PROPOSED EXPENDITURES

Using the net revenue expectations calculated above, the Agency then turns to expenditure of the tax increment to accomplish our multi-faceted objectives within the Redevelopment Project Area.

A. DISCRETIONARY FUND NO. 301 (80%)

1. Local Obligation Expenditures – Debt Service
   Through previous actions of the Agency over the course of its life, the Board obligated a large portion of its future revenue stream to retire debt service via its 1993 revenue bond issuance (ref. Fund No. 401). This traditional action to capitalize the Agency created immediate monies for the Agency to expend on selected priority projects. A significant portion of the net revenue stream noted above is therefore pre-obligated to retiring debt service payments this year ($2,604,143). Over the course of years, the Agency has refinanced this debt several times to obtain more favorable interest rates to lower the annual repayment of principal and interest.

   The Discretionary Fund of the Agency is the only account that has previously issued debt; it has not been necessary to date for the Affordable Housing Fund to issue any debt for an affordable housing opportunity. Therefore, retiring annual debt service locks up 78% of the available net revenues in the Discretionary Fund. It must be noted our community already enjoys the benefits of our Agency's past public improvements underwritten by the revenue bond issuance (The Grove park; replaced retaining wall on old Marsh Creek Road; a 2nd Municipal Parking lot adjacent to Endeavor Hall; neighborhood sewer connection projects eliminating many septic tanks in town; downtown sidewalks and street lights; Endeavor Hall; City Hall; Clayton Community Gymnasium; preservation of the Keller Ranch House; street rehabilitation projects, etc.).

2. Agency Management and Operations
Since our Redevelopment Agency does not employ separate staff or use a separate governing body, fixed assets, facilities and personnel of the City of Clayton are shared to more efficiently administer and effectively manage the operations of our Agency. In order to compensate the City of Clayton for the Agency work allocations, an annual transfer of funds has historically been tendered by the Agency to offset incurred administration expenses. Last year, in effort to aid the City's Budget deficit and account for increased activities of the Agency necessitating more time and expense of City staff, the transfer fee was elevated to $275,000 (+$20,000). The proposed Budget calls for the same amount as last year, equating to an 8.2% overhead charge.

An additional $145,889 is budgeted for direct expenses against the Agency to cover such costs and program expenses such as: 1. The County's wildly-increasing fee for property tax administration charge ($51,414; up 60% over the last two years!), advertising/promotion of the Agency's programs ($4,600; e.g. yellow page ads for Endeavor Hall rental), specialized legal services ($5,000). A growing operational expense of the Agency has been monies to promote the Clayton Town Center via the seasonal "Concerts in The Grove" series and Clayton's Farmers' Market ($15,000, and it is recommended the Agency allocate $39,000 this year in Professional Services (Acct. 7419) for the following purposes:

1. $25,000 to generate a Concept Development Plan for future retail use of Morris and Diablo Streets (between Main and Center Streets) and to visualize a paseo (pedestrian walkway) interconnecting the various commercial buildings along the same segment between Oak Street and old Marsh Creek Road); and

2. $14,000 to calculate the redistribution of tax increment revenues on reaching the spending cap of the Agency, and to evaluate raising the Agency's spending cap.

Each of these tasks was identified by the Board of Directors in its annual Goals Setting Session held in February 2009.

And finally, a fixed interest payment of $30,875 that represents repayment to the City for its construction loan on the County Fire District Station relocated and built within the Town Center area (Center Street).

After addressing the required debt service and operational obligations of the Agency, the Agency has healthy monies of $815,687 to allocate for capital improvements within the Redevelopment Project Area when combined with its opening Fund Balance position of $491,193 (of which the non-diverted State takeaway of $404,570 constitutes the major portion). Without a positive Fund Balance to use this year, the net annual amount available would have been $324,494 (60% less).

3. Discretionary Projects (CIP)
   Therefore, given this set of facts, it is proposed the Board allocate the annual residual and the full working equity (total $815,687) to the City's Capital Improvement Program (CIP) project proposed for funding by our Agency in FY 2009-2010 [cross reference: City CIP Budget for FY 09-10):

   a. Downtown Economic Development (CIP No. 10400): $ 815,687

   This augmentation will bring that Downtown Fund to approximately $2 million, which is available for use to continue the Agency's and City's mission to improve and enhance the retail, economic and visual viability of the Clayton Town Center. One of the Board's identified goals this year is to develop for consideration a business loan program for small business owners in the Town Center to access for improvement or expansion of their real property and buildings. The source of such a loan program, if approved, would be this CIP Fund to which the Agency is the sole contributor.

In order to receive the maximum allocation of tax increment allowed under California Redevelopment Law, our Redevelopment Agency must demonstrate sufficient debt and capital improvement project allocation. Therefore, it is the antithesis for the Agency to accumulate large unallocated reserves (fund balances/retained earnings). The Board may certainly alter the type of capital improvement project slated for funding above or target it for another specified purpose of its choosing.

B. AFFORDABLE HOUSING FUND NO. 302 (20%)

Our Agency continues to have retained equity available to address needs in the facilitation and availability of affordable housing stock in Clayton. As noted above under Proposed Revenue, our *net* revenue for FY 2009-2010 in the Affordable Housing Fund is $947,530 or 9% less (-$92,904) than the $1,040,434 in available revenue budgeted last year.

1. Agency Management and Operations
   Operational expenses of the Agency to administer the state-required Housing Set-Aside Program equal $30,119, up from last year's operation budget of $20,013 caused in part by the County's inflated fee to administer the property tax disbursement to the Agency ($12,854), the continuing need for specialized legal services regarding complex affordable housing laws and covenants, and the Agency's proportional contribution this year to fund the state-mandated Housing Element update ($7,085). It is further proposed the Agency transfer the same annual payment as last year of $125,000 to the City for overhead, facility expenses and staff time incurred in the on-going administration of our affordable housing programs and projects (13% overhead rate).

   City staff spends considerable time managing the agreements and obligations of the Stranahan affordable housing units, the Diamond Terrace Senior Housing Project and monitoring the Kirker Court Apartments. Over the last year, staff personally handled the Agency's interim ownership and resale of two (2) single-family affordable housing units within our Project Area. While property ownership attrition has slowed, staff is beginning to see signs that some household owners are seriously examining today's market opportunity to purchase foreclosure homes in the region in order to gain full equity growth (note: equity growth is shared with the Agency in its modified home ownership program due to the significant buy-down by the Agency on resale pricing). The Agency is expecting to deal with additional purchases and re-sales in the coming fiscal year.

2. Local Obligation Expenditure
   The Agency has a contractual payment of $200,000 each year for the next four (4) years as additional direct support to the successful Diamond Terrace affordable housing project for qualified seniors (ref. Acct. 7520). The remaining obligation of $800,000 must be deleted from the ending Fund Balance of $5,362,148 (leaving a net unreserved balance of $4,562,148 projected on 30 June 2010).

3. Affordable Housing Projects
   No monies are shown for expense at this time as the Agency has no automatic affordable housing project it is presently undertaking. In the City's draft Housing Element, certain programs are identified as relying on the Agency's affordable housing monies to assist in the production of affordable housing units and qualified secondary dwelling units within the Project Area. Furthermore, private developments (e.g. Rivulet Project) within the Downtown area may surface in this fiscal year offering a partnership opportunity for the

Agency to advance its mission in this objective (mixed use – housing on 2nd floor).

As housing units become available within the Project Area suitable for our Affordable Housing Program and related resale restrictions (e.g. Stranahan Subdivision), the Agency will utilize this Fund's reserve balance to further its mission in this regard. The Agency's 5-Year Implementation Plan also provides a roadmap for allocation of this money to facilitate affordable housing opportunities in Clayton for all generations.

C. REDEVELOPMENT DEBT SERVICE (FUND NO. 401)

As noted previously, annual tax increment is diverted from the Discretionary Project Fund to cover the Agency's payment of its previously-issued annual debt service obligations. For FY 2009-2010, $2,604,143 must be used by this Fund to underwrite the debt service and its associated expense. The Agency's annual debt service liability is then met for the coming fiscal year:

a.	Principal Owed	$2,060,000
b.	Accrued Interest	$ 536,878
c.	Debt service agent fees	$ 5,365
d.	Professional service fees	$ 2,900
	Total:	**$2,605,143**

The difference in transferred revenues to debt obligation is filled by this Fund's interest earnings of $1,000. This Fund's unallocated closing balance of $1,156,784 expected on 30 June 2010 is the debt service reserve required and imposed by law when the previous bond structures of the Agency were issued. It is not available for expenditure (use) by the Agency.

SUMMATION

Although still in its middle age of existence (48%), the Agency's previously aggressive facility and asset improvement programs have curtailed as much of the surface activities have been accomplished. In recent years, the Agency has turned to supporting and encouraging private property investments and developments in the Town Center area, thereby elevating the small commercial sector, its appearance and attraction (ref. The Grove park; Flora Square; 2nd public parking lot). Significant monies continue to exist by virtue of the Agency to focus on Town Center viability; in FY 2009-10, the City will shortly construct the Town Center Entry Sign and Improvements identified in its 5-Year Implementation Plan in financial partnership with the Clayton Business & Community Association (CBCA). An aspect of this Project includes trail connectivity from Longs Drugs Store (CVS/Pharmacy) to the gateway corner of the Town Center (also a project acknowledged in the Agency's 5-Year Plan), which promotes alternative transportation movement and patronage to the Town Center.

Promotion and facilitation of affordable housing units in the Project Area remain a challenge for the Agency when land inventory is minimal and development size is relatively small. Creativity in cobbling one or more suitable housing project(s) will be necessary in working with prospective developers and land owners to achieve the Agency's housing production obligations (by law, 15% of all new housing units constructed within the Project Area after 1987 must be for affordable housing households). The Agency has done well to this point with only being 8 units shy of its requirement based on past housing production. However, as it is anticipated a total of 19 affordable housing units will still become necessary over the life of the Plan, we must work diligently to promote higher-density housing at affordable rates in and around the Town Center area and other suitable properties (required units are in the Very-Low and Low income categories).

The bright news in an otherwise dismal economy is the Agency remains solvent, it can still honor its debt service, and it continues to have monies available for the elimination of blight, stimulation of the local retail economy, and stands prepared to assist in the creation of additional affordable housing units within its Project boundaries. The performance of the Clayton Redevelopment Agency within the community has been extremely valuable in bringing vast improvements and overall enhancement to the quality of life in Clayton with its tangible benefits. Without the Agency, the city of Clayton would appear much different to the eye of the resident and the guest.

Staff looks forward to working with the Board of Directors tackling and completing its goals and objectives in the coming fiscal year.

Respectfully submitted,

Gary A. Napper
Executive Director

Attachment: Proposed Agency Budget for FY 2008-2009 [1 pp.]
Pie Charts [2]

CITY OF CLAYTON REDEVELOPMENT AGENCY FUND PROPOSED BUDGET

Account Number	Account Name	Redevelopment Projects Fund 301 2007-08 Actual 6/30/2008	Fund 301 2008-09 Projected 6/30/2008	Fund 301 2009-10 Proposed Budget	Redevelopment Housing Fund 302 2007-08 Actual 6/30/2008	Fund 302 2008-09 Projected 6/30/2008	Fund 302 2009-10 Proposed Budget	Redevelopment Debt Service Fund 401 2007-08 Actual 6/30/2008	Fund 401 2008-09 Projected 6/30/2008	Fund 401 2009-10 Proposed Budget	RDA Recap 2007-08 Actual 6/30/2008	RDA Recap 2008-09 Projected 6/30/2008	RDA Recap 2009-10 Proposed Budget
Beginning Fund Balance		315,225			3,662,148			1,167,758					
7112	Temporary Help	-	-	-	-	397	-	-	-	-	-	397	-
7361	Advertizing	3,452	7,277	4,600	-	-	-	-	-	-	3,452	7,277	4,600
7381	Property Tax Admin Cost	38,475	46,740	51,414	9,619	11,685	12,854	-	-	-	48,094	58,425	64,268
7389	Misc. Expenses	-	-	-	864	-	-	-	-	-	864	-	-
7413	Special Legal Services	6,062	-	5,000	2,782	5,000	5,000	-	-	-	8,844	5,000	10,000
7414	Auditing Services	6,264	-	-	-	8	-	-	-	-	6,264	8	-
7415	Computer Services	-	-	-	-	-	-	-	-	-	-	-	-
7417	Janitorial Services	-	-	-	-	-	-	-	-	-	-	-	-
7418	Eng Plan Check	-	-	-	-	-	-	-	-	-	-	-	-
7419	Other Prof. Services	-	1,847	39,000	26,006	15,180	12,265	2,900	2,900	2,900	28,906	17,027	51,265
7489	Loss on Sale of LMI Housing	-			-	430,040	-	-	-	-	-	430,040	-
7520	Project/Program costs	9,786	10,365	15,000	200,960	211,336	200,000	-	-	-	210,746	221,701	215,000
7611	Principal	30,875	-	-	-	-	-	1,670,000	1,660,000	2,060,000	30,875	-	-
7612	Interest Payment	-	30,875	30,875	-	-	-	681,015	593,890	536,878	-	30,875	30,875
7613	Paying Agent Fees	-	-	-	-	-	-	7,925	7,925	5,365	-	-	-
7615	Property Taxes	763,824	-	-	-	-	-	-	-	-	763,824	-	-
7998	County Pass Throughs	-	784,718	800,412	190,956	196,180	200,104	-	-	-	190,956	980,898	1,000,516
7999	State Take Aways	255,000	-	-	-	-	-	-	-	-	255,000	-	-
8101	Transfer to General Fund	-	275,000	275,000	50,000	125,000	125,000	-	-	-	50,000	400,000	400,000
8103	Transfer to Streetlights	-	-	-	-	-	-	-	-	-	-	-	-
8104	Transfer to Measure C	2,391,403	-	-	-	-	-	-	-	-	2,391,403	-	-
8106	Transfer to RDA Debt	627,268	2,184,931	2,604,143	-	-	-	-	-	-	627,268	2,184,931	2,604,143
8111	Transfer to CIP Fund	-	1,241,404	815,687	-	-	-	-	-	-	-	1,241,404	815,687
8112	Transfer to Endeavor Hall	-	-	-	-	-	-	-	-	-	-	-	-
8114	Transfer to Dev Impact Fund	-	-	-	-	-	-	-	-	-	-	-	-
		-	-	-	-	-	-	-	-	-	-	-	-
	Total Expenses	4,132,409	4,583,157	4,641,131	481,186	994,826	555,222	2,361,840	2,264,715	2,605,143	4,616,495	5,577,983	5,196,353
	Revenues	4,507,183	4,384,351	4,149,938	1,323,370	1,260,230	1,147,634	2,438,384	2,177,196	2,605,143	5,830,553	7,821,778	5,297,572
	Annual Balance (Shortfall)	374,774	(198,806)	(491,193)	842,183	265,404	592,412	76,544	(87,519)	-	1,216,958	66,598	101,219
	Ending Fund Balance	689,999	491,193	(0)	4,504,332	4,769,736	5,362,148	1,244,302	1,156,784	1,156,784			

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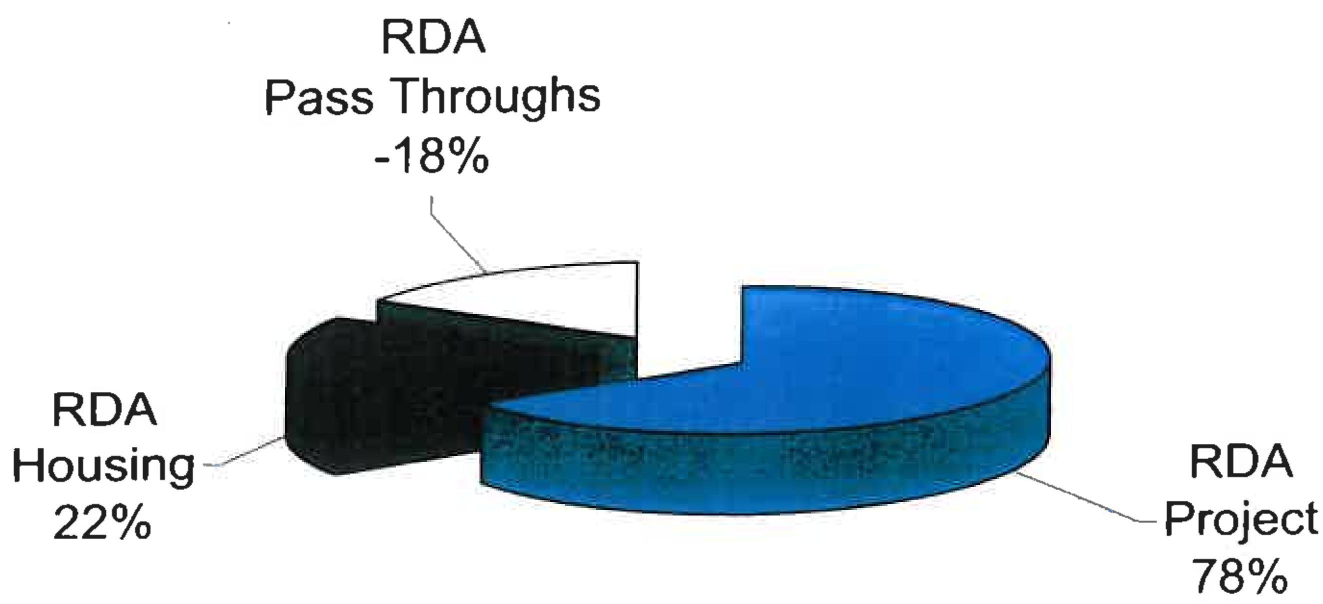
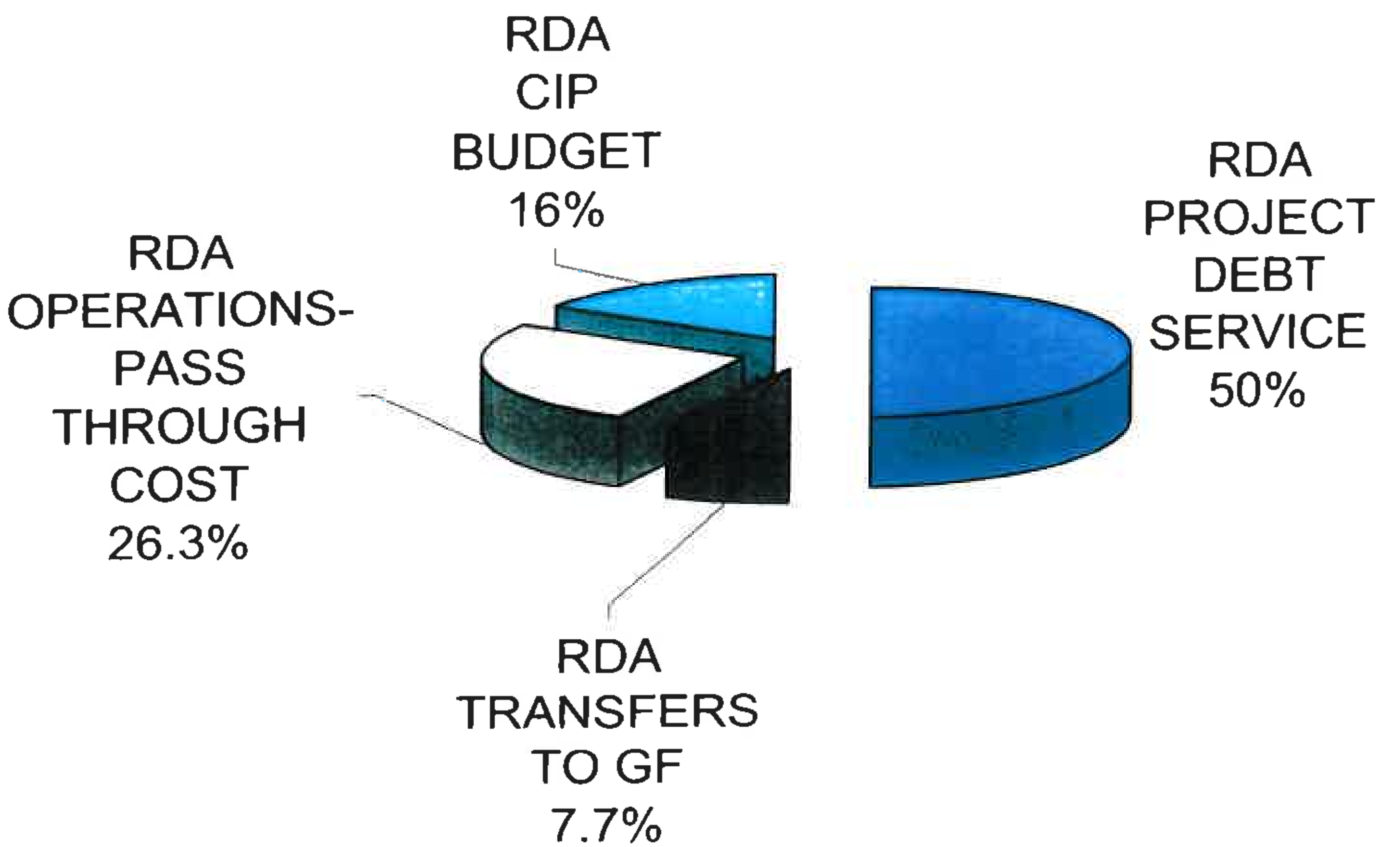
Clayton Redevelopment Agency Program Revenues 2009-10



CLAYTON REDEVELOPMENT AGENCY PROGRAM COSTS 2009-10



Agenda Date: 6-30-09
Agenda Item: 5a RDA

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE CHAIRMAN AND BOARD MEMBERS

FROM: COMMUNITY DEVELOPMENT DIRECTOR

DATE: JUNE 30, 2009

SUBJECT: 272 STRANAHAN CIRCLE – EXTENSION OF LEASE (AFFORDABLE HOUSING PROGRAM)

RECOMMENDATION

Deny the request and authorize the chairman to transmit written communication to the owner to comply with the terms of the occupancy requirements of the Resale Restriction Agreement.

BACKGROUND

Staff has reviewed Mr. Kenneth Smith's letter of May 18, 2009 (See Attached) to Clayton Redevelopment Agency Chairperson David Shuey and Board member Hank Stratford. Mr. Smith is requesting a 12-month extension of the Clayton Redevelopment Agency's February 5, 2008 conditional approval to lease out the residence he owns at 272 Stranahan Circle. The period allowed by the Agency to lease out this property expired on April 30, 2009. This property is a single-family residence and is one of the residential units in the Agency's Affordable Housing Program. This residence is subject to the provisions of the attached "Resale Restriction Agreement and Option to Purchase." This Agreement was entered into by Mr. Smith with the Clayton Redevelopment Agency on December 2, 1996 and recorded on December 10, 1996. An important purpose of this Agreement and the Agency's Affordable Housing Program as it pertains to this property is stated on page 3 under Section I. of this Agreement:

"I. The purpose of this Agreement is to place resale controls on the residence, provide eligibility requirements for subsequent purchasers, and reserve to the Agency an option to purchase the residence."

Fundamentally, the intent of the subject Resale Restriction Agreement as well as the Agency's Affordable Housing Program as it pertains to this property is to enable home ownership to eligible low and/or moderate income households. This particular Resale Restriction Agreement pertains to moderate-income households.

Under Section 3 of the subject Agreement, it is specified that "the owner must reside in the residence for 10 months of each calendar year, although the Agency may grant a temporary waiver for good cause." And, under Section 4, it is stated that the owner shall not lease the residence for more than 2 months without the written consent of the Agency." The Agency did grant a temporary waiver to Mr. Smith to lease the subject property, but this waiver expired on April 30, 2009. It was necessary for the Agency attorney, Ms. Karen Tiedemann, to notify (See attached) Mr. Smith several months after the waiver was approved to obtain a signed copy of the lease and assure compliance with the lease conditions. Further, Mr. Smith submitted his request for lease extension, which was received on June 8, 2009 by Agency staff, after receiving notification of lease expiration (See Attached) from the Agency Executive Director.

Mr. Smith has purchased a separate residence and resides in that residence. The residence at 272 Stranahan has become a secondary investment property. While Mr. Smith was given permission by the Agency to lease the property to an eligible moderate income household for a period ending on April 30, 2009, the extension of that arrangement appears to be beyond "temporary" and is substantially counter to an important purpose of the Agency's Affordable Housing Program pertaining to this property – "enabling home ownership" to moderate income households.

CONCLUSION

It would not appear appropriate to extend the circumstance of allowing Mr. Smith to lease this property at 272 Stranahan Circle. It would appear in the Agency's and Program's interest to require that the provisions of the governing Resale Restriction Agreement be enforced. Either Mr. Smith should move back into the residence at 272 Stranahan Circle and adhere to the occupancy requirement to reside in the home a minimum of 10 months in a calendar year or the Agency should exercise its default right to purchase and resell the home to a qualifying moderate income household. The sales price for the residence would be fair market value, as stated in Section 13 of the subject Agreement.

Attachments:

1. May 18, 2009 Letter from Kenneth F. Smith to Agency Chairperson David Shuey and Board member Hank Stratford
2. Resale Restriction Agreement And Option to Purchase
3. March 3, 2009 Letter to Kenneth F. Smith from Karen M. Tiedemann
4. May 8, 2000 Letter to Kenneth F. Smith from Gary A. Napper

Kenneth F. Smith
250 Stranahan Circle
Clayton, Ca. 94517
PH# (925) 672-6535

Received
JUN 08 2009
City of Clayton

May 18, 2009

Hank Stratford & Chairman David Shuey
Chairman Clayton Redevelopment Agency
City of Clayton
6000 Heritage Trail
Clayton, Ca. 94517

Dear Hank & David:

This letter is in response to the expiration of the current "Conditioned Permission to Lease" applicable to my residence located at 272 Stranahan Circle, Clayton. I am seeking permission to continue the conditional lease agreement and extend the lease for another twelve months to Mr. Christopher Schultz. I am again willing to accept the previous terms as stated in the "Conditioned Permission to Lease" at this time. The lease time periods I am seeking authorization for are from May 1, 2009 to May 1, 2010. To clarify, it is my intention is to lease the residence for a twelve month time period based on approval.

As previously stated Christopher Schultz is a single father of a nine year old daughter named Madison. Chris has previously owned his own home for a few years but suffered a huge financial loss due to the recent real estate crash that seems to be affecting people all across the country. Chris was financing his home with an adjustable rate mortgage and needed to refinance based on the terms of the agreement. Due to the dramatic drop in home values Chris was unable to refinance his home and currently has lost his home to foreclosure. I once again am in a position to help Chris and his daughter due to the fact that the market has not recovered and therefore I still would be currently unable to sell my home. Due to his circumstances, and my willingness to lease to Chris for a cost less than market value, as well as for a cost less than my current mortgage payment, I am again in a position that would allow me to continue to help my friend and get as close to meeting the Redevelopment Agency requirements as possible.

My current monthly mortgage payment on this property to include Principle, Interest, and Property Tax is still $2,311.02. I can provide a recent copy of the Mortgage Statement for you and the Redevelopment Agency to review and verify if needed. The amount I have agreed to continue to receive for leasing the residence to my friend Chris has not changed and is $2,000.00 per month. The $2,000.00 dollars per month is less than my current mortgage payment and is also less then the rental fair market value for other comparable homes in the area. I have included a copy of the lease/rental agreement (unsigned) along with this document in order for you and the Redevelopment Agency to review and verify. The lease/rental agreement also contains income information listed for Mr. Schultz. I will provide a copy of the signed lease/rental agreement at your request.

My friend Chris has changed jobs and currently works for "City Contact Optometry". Chris gets paid a bi-monthly salary per month with up to 5% of his annual salary in commission. Chris believes that his income will remain substantially the same during the 2009 & 2010 time periods applicable to the extended lease/rental agreement. It should be noted that the amount of the lease/rental agreement, as stated in the lease/rental agreement per month, does not exceed thirty percent (30%) of Chris's current income as projected monthly and stated in his employer signed Letter of Employment (see attached).

Finally, I would like to thank you and the Clayton Redevelopment Agency for you consideration in this matter and for your already stated Lease Consideration regarding the property located at 272 Stranahan Circle. My current work situation at Lawrence Livermore National Laboratory is still sketchy and unclear at best with changes taking place every day and a proposal for subcontracting Security (where I currently work) on the table. I hope to be able to provide for a friend and family in need, and I hope that my willingness to lease the property at a cost that is substantially lower than current market value meets your requirements. Please respond back to me with any comments or concerns as soon as possible.

Thank You

Kenneth F. Smith x

Katherine Morioka, OD

Vincent Penza, OD

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- Diabetic problems
- Retinal disorders
- Double vision
- Corneal problems
- Pre/postoperative care for refractive surgery
- LASIK assessment & comanagement

Diagnosis & treatment for common eye problems...

- Dry eyes
- Eye infections
- Eye injuries
- Removal of foreign bodies
- Allergies
- Pink eye
- Blepharitis
- Excessive tearing
- Styes & abrasions

The caring & convenience you deserve...

- Friendly, helpful staff
- Comfortable family atmosphere
- After-hours care for eye emergencies

May 29, 2009

To Whom It May Concern:

Chris Schultz is a current employee of our office. Mr. Schultz makes an annual salary of $ 67.800

Chris is also eligible to earn quarterly a bonus not to exceed 5% of his annual salary.

Vince Penza, O.D.
415 291-8560

530 Bush Street, Suite 101
San Francisco, CA 94108

(415) 291-8560

Fax: 291-8573
(Two blocks north of Union Square, between Stockton & Grant)

RESIDENTIAL LEASE AGREEMENT - CALIFORNIA

Parties:
This Agreement is entered into between Chris J Schultz SS#567-77-2838 (hereinafter referred to as "Tenant") and Paternal Child ("Tenant") and Kenneth F. Smith (hereinafter referred to as "Landlord"). Each Tenant is jointly and severally liable for the payment of rent and performance of all other terms of this Agreement. A judgment entered against one Tenant shall be no bar to an action against other Tenants.

Premises:
WITNESSETH: That in consideration of the representations made in the application filed by the Tenant with the Landlord, and the rent reserved herein and the covenants herein contained, the Landlord rents to Tenant, and Tenant rents from Landlord, for residential purposes only, the premises situated in Contra Costa County, California and located at: 272 Stranahan Circle, Clayton, California 94517 ("the premises"), together with the following furnishings and appliances: Dishwasher, Microwave, and Gas Stove/Oven subject to the terms and conditions in this Agreement.

Term:
The term of this Lease is for a time period of Twelve Months, commencing on the 1st day of May, 2009 and expiring on the 1st day of May, 2010, unless renewed or extended pursuant to the terms herein.

Payment of Rent:
The total rent for the term of this agreement is Twenty Four Thousand Dollars ($24,000.00), payable at a rate of Two Thousand Dollars ($2,000.00) per month in advance, the first installment to be made on the first day of May, 2009 and a like sum on the Tenth day of every month thereafter, without setoff, deduction, or demand, except when that day falls on a weekend or a legal holiday, in which case rent is due on the next business day. Payment shall be made to the person and at the address the Landlord shall designate in writing. Rental is to be paid in cash, money order, cashier's check and/or certified check, or, at the option of the Landlord, in any other fashion. Rent shall not be considered paid until actual receipt thereof. Tenant placing rent monies in the mail is not sufficient for rent to be considered paid.

Rent shall be made payable to Kenneth F Smith and mailed or delivered to the following address: 250 Stranahan Circle, Clayton, California 94517. Rent may be delivered personally between the hours of 8:00 AM and 8:00 PM on the following days: Monday-Sunday.

Prorated first month's rent:
The prorated rent from the commencement of this Lease to the first day of the following month is $00.00, which amount shall be paid at the execution of this Lease.

Rent Increases:
In the event of a rent increase, Tenant shall be notified pursuant to applicable state laws and/or statutes.

Returned Check and Stop Payment:
In each instance that a check offered by Tenant to Landlord for any amount due under this Agreement or in payment of rent is returned for lack of sufficient funds, a "stop payment" or any other reason, a service charge of Two Hundred Dollars $200.00 will be assessed.

Late Charges:
If Tenant fails to pay the rent in full before the end of the Fifth day after it's due, Tenant will be assessed a late charge of Two Hundred Dollars $200.00. Landlord reserves and in no way waives the right to insist on payment of the rent in full on the date it is due.

Tenant Examination and Acceptance of Premises:
The Tenant acknowledges that he has examined the leased premises and his acceptance of this agreement is conclusive evidence that said premises are in good and satisfactory order and repair unless otherwise specified herein; and the Tenant agrees that no representations as to the condition of the premises have been made and that no agreement has been made to redecorate, repair or improve the premises unless hereinafter set forth specifically in writing. The Landlord will deliver the leased premises and all common areas in a habitable condition, pursuant to applicable State law. Tenant takes premises in it's AS-IS condition. Tenant agrees not to damage the premises through any act or omission, and to be responsible for any damages sustained through the acts or omissions of Tenant, Tenant's family or Tenant's invitees, licensees, and/or guests. If such damages are incurred, Tenant is required to pay for any resulting repairs at the same time and in addition to the next month's rent payment, with consequences for nonpayment identical to those for nonpayment of rent described herein.

Occupancy and Use:
The premises are to be used only as a private residence for Tenant(s) listed as parties of this Agreement and the following minor children whose names and ages appear below, unless otherwise authorized by Landlord.

Name: Madison Schultz

The premises shall be occupied by no more than Three (3) persons, including children. The premises shall not be used for any purpose other than a private residence without the prior written consent of the Landlord.

Disturbances and Violation of Laws:
Tenant, guests and invitees of either tenant or guests shall not use the premises for any unlawful purpose and shall comply fully with all applicable federal, state and local laws and ordinances, including laws prohibiting the use, possession or sale of illegal drugs. Nor shall Tenant, guests and invitees of either tenant or guests use the premises in a manner offensive to others. Nor shall Tenant, guests and invitees of either tenant or guests create a nuisance by annoying, disturbing, inconveniencing or interfering with the quiet enjoyment of any other tenant or nearby resident. Tenant agrees to immediately inform Landlord and the appropriate authorities upon obtaining actual knowledge of any illegal acts on or upon the leased premises.

Security Deposit and Return Thereof:
Upon execution of this lease, Tenant will deposit with Landlord the sum of Two Thousand Dollars ($2,000.00), which is not in excess of an amount equal to one month rent the amount of which may be increased by one-half month's rent for Tenant's use of a waterbed on the premises, which is to be held as collateral security and applied to the compensation of Landlord for Tenant's default in the payment of rent, the repair of damages to the premises, exclusive of ordinary wear and tear, caused by Tenant or by a guest or licensee of Tenant, the cleaning of the premises upon termination of the tenancy, to remedy future defaults by Tenant in any obligation under this Lease to restore, replace, or return personal property or appurtenances, exclusive of ordinary wear and tear, or other expenses suffered by Landlord as a result of a breach of any covenant of the Lease. Tenant may not utilize the security deposit as rent nor shall he deduct same from the last month's rent nor require the Landlord to indemnify itself from said sum of money or any part thereof with respect to any particular violation or default of Tenant. In the event that any part of the said security deposit shall have been utilized by Landlord in accordance with the terms hereof or applicable law, the Tenant shall, upon the delivery notice of same, immediately deposit with the Landlord the amount so applied by Landlord so that the Landlord shall have the full deposit on hand at all times during the term of this lease and any renewal thereof or holding over. In the event of the sale of the property upon which this premises is situated or the transfer or assignment by the Landlord of this Lease, the Landlord shall have the right to transfer said security deposit to the transferee and Landlord shall be considered released from all liability for the return of the security deposit after notifying Tenant by personal delivery or by first-class mail, postage prepaid, of the transfer, of any claims made against the security, of the amount of the security deposit transferred, and of the name(s), address and telephone number of the transferee, and Tenant shall look solely to the new Landlord for the return of his security deposit. It is agreed that the foregoing shall apply to every transfer or assignment made on the security deposit to a new Landlord.

Within three weeks after the tenant has vacated the premises, the landlord shall furnish the tenant, by personal delivery or by first-class mail, postage prepaid, a copy of an itemized statement indicating the basis for, and the amount of, any security received and the disposition of the security and shall return any remaining portion of the security to the tenant.

Application for Lease:
Tenant acknowledges that the statements and representations made in the signed application for said premises are true, that they are deemed a part of this Lease, and the falsity of any of them shall constitute a breach hereof.

Vehicle Parking:
No automobile, truck, motorcycle, trailers or other such vehicles shall be parked on the property without current license plates and said vehicles must be in operating condition. Such vehicles may be parked in driveways or other designated parking area, if provided, or in the street.

Possession at Commencement of Term:
Tenant shall not be entitled to possession of the premises designated for lease until the security deposit and first month's rent (or prorated portion thereof), less any applicable promotional discount, is paid in full and the premises designated for lease is vacated by the prior tenant. If Landlord is unable to deliver possession of the premises to Tenant on or before the commencement of the term of this Lease due to another person occupying the premises, Tenant's rights of possession hereunder shall be postponed until said premises are vacated by such other person, and rent due hereunder shall be abated at the rate of one-thirtieth (1/30) of a monthly installment for each

day that possession is postponed. Tenant expressly agrees that Landlord shall not be liable for damages to Tenant in the event Tenant, for any reason whatsoever, is unable to enter and occupy the premises.

Insurance:
Landlord shall not be liable to Tenant, Tenant's family or Tenant's invitees, licensees, and/or guests for damages not caused by Landlord or Landlord's agents. Landlord will not compensate Tenant or anyone else for damages caused by any other source whatsoever, or by Acts of God, and Tenant is therefore strongly encouraged to independently purchase insurance to protect Tenant, Tenant's family, Tenant's invitees, licensees, and/or guests, and all personal property on the leased premises and/or in any common areas from any and all damages.

Waterbeds:
If Tenant wishes to utilize a waterbed on the premises, Landlord, in accordance to Landlord's rights under California Civil Codes, shall permit Tenant the use of said waterbed under the following conditions:

1. Tenant's security deposit shall be increased by an amount equal to one-half month's rent ($1,000.00). Tenant shall remit this amount prior to the installation of the waterbed.

2. Tenant shall furnish to the Landlord, prior to installation, a valid waterbed insurance policy or certificate of insurance for property damage. The policy shall be issued by a company licensed to do business in California and possessing a Best's Insurance Report rating of "B" or higher. The insurance policy shall be maintained in full force and effect until the bedding is permanently removed from the rental premises. The policy shall be written for no less than one hundred thousand dollars ($100,000) of coverage. The policy shall cover, up to the limits of the policy, replacement value of all property damage, including loss of use, incurred by the rental property owner or other caused by or arising out of the ownership, maintenance, use, or removal of the waterbed on the rental premises only, except for any damage caused intentionally or at the direction of the insured, or for any damage caused by or resulting from fire. Landlord may require Tenant to produce evidence of insurance at any time. The carrier shall give Landlord notice of cancellation or non-renewal 10 days prior to this action.

3. The bedding shall conform to the pounds-per-square foot weight limitation and placement as dictated by the floor load capacity of the residential structure. The weight shall be distributed on a pedestal or frame which is substantially the dimensions of the mattress itself.

4. Tenant shall install, maintain and remove the bedding, including, but not limited to, the mattress and frame, according to standard methods of installation, maintenance, and removal as prescribed by the manufacturer, retailer, or state law, whichever provides the higher degree of safety. Tenant shall notify the Landlord in writing of the intent to install, remove, or move the waterbed. The notice shall be delivered 24 hours prior to the installation, removal, or movement. Landlord may be present at the time of installation, removal, or movement at Landlord's option. If the bedding is installed or moved by any person other than Tenant, Tenant shall deliver to Landlord a written installation receipt stating the installer's name, address, and business affiliation where appropriate.

5. Any new bedding installation shall conform to Landlord's reasonable structural specifications for placement within the rental property and shall be consistent with floor capacity of the rental dwelling unit.

6. Landlord shall have the right to inspect the bedding installation upon completion, and periodically thereafter, to insure its conformity with the standards stated herein. If installation or maintenance is not in conformity, Landlord may serve Tenant with a written notice of breach of this Lease. If Landlord serves Tenant with a written notice of breach regarding the bedding installation, Tenant shall be required, within three (3) days after said notice, either to bring the installation into conformity with those standards or to remove the bedding, unless there is an immediate danger to the structure, in which case there shall be immediate corrective action.

Utilities:
Tenant will be responsible and pay for the following utilities, including all required deposits (check those that apply):
☒ Gas ☒ Water ☒ Electric ☒ Refuse Collection
☒ Telephone ☒ Cable TV

Landlord will be responsible and pay for the following utilities, including all required deposits (check those that apply):
☐ Gas ☐ Water ☐ Electric ☐ Refuse Collection
☐ Telephone ☐ Cable TV

Tenant shall be responsible for contacting and arranging for any utility service not provided by the Landlord, and for any utilities not listed above. Tenant shall be responsible for having same utilities disconnected on the day Tenant delivers the leased premises back unto Landlord upon termination or expiration of this Lease.

Alterations and Repairs by Tenant:
Unless authorized by law, Tenant will not, without Landlord's prior written consent, alter, re-key or install any locks to the premises or install or alter any burglar alarm system. Tenant will not remodel or make any structural changes, alterations or additions to the premises, will not paper, paint or decorate, nor install, attach, remove or exchange appliances or equipment such as air conditioning, heating, refrigerating or cooking units, radio or television antennae; nor drive nails or other devices into the walls or woodwork (a reasonable number of picture hangers excepted), nor refinish or shellac wood floors, nor change the existing locks of the premises, without the prior written permission of the Landlord or his Agent. Any of the above-described work shall become part of the dwelling.

Assignment of Agreement and Subletting:
Tenant will not sublet the premises or any portion thereof, or assign this Lease without the prior written consent of Landlord. It is hereby understood and agreed that the consent by Landlord to an assignment or sublease by Tenant shall not constitute consent to future assignments or subleases and in all events Tenant shall remain fully liable for all obligations of Tenant hereunder.

Landlord's Responsibilities and Duties:
Landlord shall maintain:

a. Effective waterproofing and weather protection of roof and exterior walls, including unbroken windows and doors.

b. Plumbing or gas facilities which conformed to applicable law in effect at the time of installation, maintained in good working order.

c. A water supply approved under applicable law, which is under the control of Tenant, capable of producing hot and cold running water, or a system which is under the control of Landlord, which produces hot and cold running water, furnished to appropriate fixtures, and connected to a sewage disposal system approved under applicable law.

d. Heating facilities which conformed to the applicable law at the time of installation, maintained in good working order.

e. Electrical lighting, with wiring and electrical equipment which conformed to the applicable law at the time of installation, maintained in good working order.

f. Building, grounds and appurtenances at the time of the commencement of this Lease in every part clean, sanitary, and free from all accumulations of debris, filth, rubbish, garbage, rodents and vermin, and all areas under control of Landlord kept in every part clean, sanitary, and free from all accumulations of debris, filth, rubbish, garbage, rodents, and vermin.

g. An adequate number of appropriate receptacles for garbage and rubbish, in clean condition and good repair at the time of the commencement of this Lease, with Landlord providing appropriate serviceable receptacles thereafter, and being responsible for the clean condition and good repair of such receptacles under Landlord's control.

h. Floors, stairways, and railings maintained in good repair.

i. Install and maintain an operable dead bolt lock on each main swinging entry door of a dwelling unit. The dead bolt lock shall be installed in conformance with the manufacturer's specifications and shall comply with applicable state and local codes including, but not limited to, those provisions relating to fire and life safety and accessibility for the disabled. When in the locked position, the bolt shall extend a minimum of 13/16 of an inch in length beyond the strike edge of the door and protrude into the doorjamb. In the event an existing door(s) cannot be equipped with dead bolt locks, the door the door shall be equipped with a metal strap affixed horizontally across the midsection of the door with a dead bolt which extends 13/16 of an inch in length beyond the strike edge of the door and protrudes into the doorjamb. However, this shall not apply to horizontal sliding doors.

j. With the exception of louvered windows, casement windows, and all windows more than 12 feet vertically or six feet horizontally from the ground, a roof, or any other platform, install and maintain operable window security or locking devices for windows that are designed to be opened.

But Landlord shall have no duty to maintain any of the above if the noncompliance is the fault of the Tenant.

Tenant's Responsibilities and Duties:
Tenant covenants:

a. To keep that part of the premises which he occupies and uses clean and sanitary as the condition of the premises permits.

b. To dispose from his dwelling unit of all rubbish, garbage and other waste, in a clean and sanitary manner.

c. To properly use and operate all electrical, gas and plumbing fixtures and keep them as clean and sanitary as their condition permits.

d. Not to permit any person on the premises, with his permission, to willfully or wantonly destroy, deface, damage, impair or remove any part of the structure or dwelling unit or the facilities, equipment, or appurtenances thereto, nor himself do any such thing.

e. To occupy the premises as his abode, utilizing portions thereof for living, sleeping, cooking or dining purposes only which were respectively designed or intended to be used for such occupancy.

f. To notify Landlord or the owner when Tenant becomes aware of an inoperable dead bolt lock or window security or locking device in the premises.

Tenant agrees that any violation of these provisions shall be considered a breach of this Lease.

Pets:
No pet, animal, bird or other pet will be kept on the premises, even temporarily, without written permission from Landlord or Agent. If written permission is granted, the Tenant agrees to pay the cost of having the dwelling de-fleaed and de-ticked by a professional exterminator at the termination of occupancy. Tenant expressly agrees and understands that Landlord's permission may be conditional upon an additional deposit to be paid prior to the pet being kept on the leased premises.

Quiet Enjoyment:
Landlord agrees that Tenant, keeping and performing the covenants herein contained on the part of the Tenant to be kept and performed, shall at all times during the existence of this lease, renewals or extensions peaceably and quietly, have, hold, and enjoy the leased premises, without suit, trouble or hindrance from Landlord, or any person claiming under Landlord.

Surrender of Premises:
Tenant will, upon termination of this Lease, surrender the premises and all fixtures and equipment of Landlord therein in good, clean and operating condition, ordinary wear and tear to be excepted. Tenant shall, at time of vacating premises, clean said premises including stove and refrigerator and remove trash from the premises. Upon vacating the premises Tenant shall deliver all keys thereto to the Landlord or his Agent within twenty-four (24) hours after vacating. Failure to comply will be cause to charge Tenant for changing locks.

Landlord's Right to Access and Inspection:
In addition to the rights provided by law, in the event of an emergency, to make repairs or improvements or to show the premises to prospective buyers or tenants or to conduct an annual inspection or to address a safety or maintenance problem or to remove any alterations, additions, fixtures, and any other objects which may be affixed or erected in violation of the terms of this Lease, Landlord or Landlord's duly authorized agents may enter the premises. Except in cases of emergency, Tenant's abandonment of the premises, court order or where it is impractical to do so, Landlord shall give Tenant twenty-four (24) hours notice before entering. Furthermore, Landlord retains a Landlord's Lien on all personal property placed upon the premises to secure the payment of rent and any damages to the leased premises.

Termination of Lease - Hold Over:
Either Landlord or Tenant may terminate this lease at the expiration of said Lease or any extension thereof by giving the other thirty (30) days written notice prior to the due date. Since ***time is of the essence*** in <u>all</u> matters of this Lease, and especially with respect to the issue of renewal, **if Tenant shall hold over after the expiration of the term of this Lease, Tenant shall, in the absence of any written agreement to the contrary, be a tenant from month to month, as defined by applicable California law, at the monthly rate in effect during the last month**

of the expiring term plus $200.00, the resultant rent being Landlord's present rental fee for month to month tenancies. All other terms and provisions of this Lease shall remain in full force and effect.

In the event Tenant becomes a month-to-month tenant in the manner described above, Tenant shall be required to provide Landlord, in advance, thirty (30) days written notice of Tenant's intention to surrender the Premises. Landlord, at Landlord's discretion, at any time during a month-to-month tenancy, may terminate the month-to-month tenancy or lease by serving Tenant with a written notice of termination, or by any other means allowed by law. Upon termination, Tenant shall vacate the premises and deliver same unto Landlord on or before the expiration of the period of notice.

Extended Absences by Tenant and Notice Thereof:
Tenant will notify Landlord in advance if Tenant will be away from the premises for Thirty (30) or more consecutive days. During such absence, Landlord may enter the premises at times reasonably necessary to maintain the property and inspect for needed repairs. If such absences are customary and frequent, the expected frequency and duration of absence should be summarized here:
Tenent to provide summarized absence information to Landlord within a reasonable time period of no longer than Thirty Days (30) after lease inception or on a case by case basis no longer than Two Weeks (14 Days) prior to an extended absence of Thirty (30) or more consecutive days.

Abandonment:
Abandonment shall be defined as when the rent has been due and unpaid for at least fourteen (14) consecutive days and Landlord reasonably believes that Tenant has abandoned the premises. In such event, Tenant will be considered in default of this Lease and Landlord shall have the right to terminate this lease by personally delivering to Tenant or sending by first class mail, a notice of belief of abandonment. Fifteen (15) days after the notice is served personally or, if mailed, not less than eighteen (18) days after the notice is deposited in the mail, this Lease will terminate, unless Tenant notifies Landlord, in writing, prior to the date of termination, that Tenant intends to continue occupying the premises and Tenant remits, in full, all past due rent.

Property Damage - Destruction of Property:
If the premises are rendered totally unfit for occupancy by fire, act of God, act of rioters or public enemies, or accident, the term of this Lease shall immediately cease upon the payment of rent apportioned to the day of such happening. If, however, the premises are only partially destroyed or damaged and Landlord decides to repair the same, such repairs shall be made by Landlord without unreasonable delay, and there shall be abatement in rent in proportion to the relationship the damaged portion of the leased premises bears to the whole of said premises. Tenant, Tenant's guests and invitees of either Tenant or Tenant's guests will not engage in any activity or action that may cause severe property damage.

Hold Harmless:
To the fullest extent permitted by law, Tenant hereby agrees that Landlord and his Agent will be held free and harmless from any and all loss, claim or damage by reason of any accident, injury, or damage to any person or property occurring on or about the leased premises, unless such accident, injury, or damage shall be caused by the negligence of the Landlord, its agents, servants and/or employees.

Disclaimer of Security Warranties:
Landlord, Landlord's agents or employees make no warranties, guaranties or representations regarding the security of the Premises, common areas, or the apartment community, and any such warranties and representations, whether expressed or implied, are hereby disclaimed. Tenant hereby agrees and acknowledges that Tenant and occupant(s) shall have the exclusive responsibility of protecting the Premises, Tenant(s), occupant(s) and Tenant's guests from crime, fire, and other danger. Landlord shall not provide and shall have no duty to provide any security devices to Tenant or the apartment community with the exception of those required by applicable law. Tenant shall look solely to the Public Police Force and other forms of Public Safety for protection. Tenant agrees and acknowledges that protection against criminal action is not within the power of Landlord, Landlord's agents or employees, and though Landlord, from time to time, may provide crime deterrent services, those services cannot be relied upon by Tenant and shall not constitute a waiver of, or in any manner modify, the above agreement. Upon Tenant's reasonable request, Landlord shall consider permitting Tenant to install fire safety and/or crime deterrent devices, provided such devices do not damage the Premises, create danger, and Tenant provides Landlord with duplicate keys and alarm codes enabling Landlord to access Premises.

Default / Breach by Tenant:
In the event of any default hereunder on the part of the Tenant, his family, servant, guests, invitees, or should the Tenant occupy the subject premises in violation of any lawful rule, regulation or ordinance issued or promulgated

by the Landlord or any rental authority, then and in any of said events the Landlord shall have the right to terminate this lease by giving the Tenant personally or by leaving at the leased premises a thirty (30) day written notice of termination and this Lease shall terminate upon the expiration of thirty (30) days from the delivery of such notice if the default is not remedied within a reasonable time not in excess of thirty (30) days and the Landlord, at the expiration of said thirty (30) day notice or any shorter period conferred under or by operation of law, shall thereupon be entitled to immediate possession of said premises and may avail himself of any remedy provided by law for the restitution of possession and the recovery of delinquent rent. If this Lease is terminated, Landlord shall return all prepaid and unearned rent, and any amount of the security deposit recoverable by the Tenant.

However, in the event the rent has not been paid for a period of five days after the date due, nonpayment of rent, Landlord shall not be required to deliver thirty (30) days notice as provided above but may serve Tenant with a three (3) day written notice of termination whereupon the Tenant must pay the unpaid rent in full or surrender the premises by the expiration of the three (3) day notice period. Furthermore, for any substantial violation of this Lease or applicable law materially affecting health and safety, Landlord may serve Tenant with a three (3) day written notice of termination whereupon the Tenant must cure the default by the expiration of the three (3) day notice period or surrender the premises. Upon Landlord's termination of this Lease, Tenant expressly agrees and understands that the entire remaining balance of unpaid rent for the remaining term of this Lease shall ACCELERATE, whereby the entire sum shall become immediately due, payable, and collectible. Landlord may hold the portion of Tenant's security deposit remaining after reasonable cleaning and repairs as a partial offset to satisfaction of the accelerated rent.

Nothing contained herein shall serve to limit Landlord's remedies regarding Tenant's use of a waterbed.

Remedies - Cumulative:
The remedies and rights contained in and conveyed by this Lease are cumulative, and are not exclusive of other rights, remedies and benefits allowed by law.

Notice of Injuries on Premises:
In the event of any significant injury or damage to Tenant, Tenant's family, or Tenant's invitees, licensees, and/or guests, or any personal property, suffered in the leased premises or in any common area, written notice of same shall be provided by Tenant to Landlord at the address designated for delivery of notices (identical to address for payment of rent) as soon as possible but not later than five (5) days of said injury or damage. Failure to provide such notice shall constitute a breach of this Lease.

Waiver:
Any waiver of a default hereunder shall not be deemed a waiver of this agreement or of any subsequent default. Acquiescence in a default shall not operate as a waiver of such default, even though such acquiescence continues for an extended period of time.

Grounds for Termination of Tenancy:
The failure of Tenant, guests and invitees of either tenant or guests to comply with any term of this Lease is grounds for termination of the tenancy, with appropriate notice to Tenant and procedures as required by law.

Court Costs and Attorneys Fees:
In the event that the Landlord shall find it necessary to expend any monies in legally enforcing any provisions of this lease, including the collection of rent or other charges due hereunder, Tenant agrees to pay a reasonable attorney's fee and all expenses and costs incurred thereby, to the greatest extent allowed by applicable law.

Agents and Authority to Receive Legal Papers:
Any notice which either party may or is required to give, shall be in writing and may be given by mailing the same, by certified mail, and shall be deemed sufficiently served upon Tenant if and when deposited in the mail addressed to the leased premises, or addressed to Tenant's last known post office address, or hand delivered, or placed in Tenant's mailbox to Tenant at the premises. If Tenant is more than one person, then notice to one shall be sufficient as notice to all. The Landlord, any person managing the premises and anyone designated by the Landlord as agent are authorized to accept service of process and receive other notices and demands, which may be delivered to:

☒ The Landlord, Kenneth F. Smith, at the following address:
250 Stranahan Circle, Clayton, California 94517
Telephone: (925) 672-6535

☐ The Manager, , at the following address:

Telephone:

☒ Carrie Smith, at the following address:
2283 Yellowstone Drive, Martinez, California 94520
Telephone: (925) 827-1841

Time:
Time is of the essence in all matters of this agreement.

Subordination:
Tenant agrees to accept the premises subject to and subordinate to any existing or future mortgage or other lien, and Landlord reserves the right to subject premises to same. Tenant agrees to and hereby irrevocably grants Landlord power of attorney for Tenant for the sole purpose of executing and delivering in the name of the Tenant any documents related to the Landlord's right to subject the premises to a mortgage or other lien.

Eminent Domain:
If the premises or any part thereof or any estate therein, or any other part of the building materially affecting Tenant's use of the premise, shall be taken by eminent domain, this lease shall terminate on the date when title vests pursuant to such taking. The rent shall be apportioned as of the termination date, and any rent paid for the period beyond that date shall be repaid to Tenant. Tenant shall not be entitled to any part of the award for such taking or any payment in lieu thereof.

Database of Registered Sex Offenders:
Landlord provides Tenant the following disclosure concerning registered sex offenders:

> "Notice: The California Department of Justice, sheriff's departments, police departments serving jurisdictions of 200,000 or more and many other local law enforcement authorities maintain for public access a database of the locations of persons required to register pursuant to paragraph (1) of subdivision (a) of Section 290.4 of the Penal Code. The database is updated on a quarterly basis and a source of information about the presence of these individuals in any neighborhood. The Department of Justice also maintains a Sex Offender Identification Line through which inquiries about individuals may be made. This is a '900' telephone service. Callers must have specific information about individuals they are checking. Information regarding neighborhoods is not available through the '900' telephone service."

Paragraph Headings:
The headings of particular paragraphs and subparagraphs are inserted only for convenience and are not part of this Agreement and are not to act as a limitation on the scope of the particular paragraph to which the heading refers.

Binding on Heirs and Assigns
This Lease shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, executors, administrators, successors and assigns.

Entire Agreement:
This document and any Attachments constitute the final and entire Agreement between the parties hereto, and no promises or representations, other than those contained here and those implied by law, have been made by Landlord or Tenant. Neither Landlord nor Tenant shall be bound by any terms, conditions, statements, warranties or representations, oral or written, not herein contained unless made in writing and signed by both Landlord and Tenant.

Governing Law:
This Lease shall be governed by the laws of the state of California.

Severability:
The provisions of this Lease are severable and in the event any provision, clause, sentence, section or part thereof is held to be invalid, illegal, unconstitutional, inapplicable or unenforceable to any person or circumstances, such invalidity, illegality, unconstitutionality, inapplicability or unenforceability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, parts of the lease or their application to Tenant or other persons or circumstances. It is understood and agreed that the terms, conditions and covenants of this Lease would have been made by both parties if such invalid, illegal, unconstitutional, inapplicable or unenforceable provision, sentence, clause, section or part had not been included therein to the extent that portion of this agreement may be invalid by striking of certain words or phrases, such words or phrases shall be deemed to be stricken and the remainder of the provisions and the remainder of the other portions of this Lease agreement shall remain in full force and effect. It is further agreed that this Lease may be executed in counterparts, each of which when considered together shall constitute the original contract.

Additional Provisions:
Approval of this residential lease agreement for occupancy of the listed property is conditional and must be authorized by the City of Clayton Redevelopement Agency.

Tenant acknowledges receipt of an executed copy of this Lease.

Landlord/Agent's signature: K. Smith
Title: ______________
Date: 6-1-09
Address: 350 Stranahan Cir
Clayton CA
Phone: 672-6535

Witness to Landlord's Signature: ______________
Print name: Chris Schultz Date: 6/1/09

Notice to Tenant: As stated in this Lease, if you hold over after the expiration of the term of this Lease, you shall, in the absence of any written agreement **to the contrary, be a tenant from month to month at the monthly rate in effect during the** last **month** of the expiring term **plus $ 200.00 Dollars.**

Tenant's signature: ______________
Print name: Chris Schultz Date: 6/1/09

Witness to Tenant's signature: K. Smith
Print name: Ken Smith Date: 6-1-09

RENTAL APPLICATION

Separate Application Required for Each Applicant

****

THIS SECTION FOR LANDLORD USE ONLY

Rental Property Address: 272 Stranahan Circle, Clayton, California, 94517

Term of Rental: [ ] month to month [X] lease from May 1st, 2009 to May 1st, 2010

Tenant Financial Obligation Prior to Occupancy		CONTACT CHECKLIST
First Month's Rent:	$ 2,000.00	Current Landlord Contacted - Timely Remittance
Security Deposit:	$ 2,000.00	[X] Yes [ ] No
Pet Deposit:	$	Current Employer Verified:
Application Fee:	$	[X] Yes [ ] No
Credit Report Fee:	$	Credit Report Determination:
Other (specify):	$	[ ] Yes [X] No
		Income Verified (pay stub, employer, etc.)
TOTAL:	$ 4,000.00	[X] Yes [ ] No

****

DESIRED DATE OF MOVE-IN: 05 / 01 / 2009

DESIRED LEASE TERM (check one): [X] 12 months [ ] 6 months [X] Other (Specify): With Approval of Clayton Redevelopment Agency

UNIT TYPE: [ ] 1 BR [ ] 2 BR [X] 3 BR [ ] Other (Specify): ____________

APPLICANT INFORMATION:

Name (full legal name): Christopher Schultz
Social Security Number: 567-77-2838 DOB: 06/30/68
Home Phone: (925) 639-202 Work Phone: (925) 639-2020
Driver's License / ID Number: C4569148 State: California

NAME OF OCCUPANTS AND RELATIONSHIP TO APPLICANT:

Name: Madison Relationship: Daughter
Name: Relationship:
Name: Relationship:

APPLICANT / OCCUPANT VEHICLE(S):

Make: Acura Model: MDX Year: 2001 Tag#: N/A
Make: Model: Year: Tag#:
Make: Model: Year: Tag#:

EMPLOYMENT HISTORY:

Current Employer:
Name and Address: City Contact Optometry
Phone: (415) 291-8560 Supervisor: Vince Penza
Length of Employment: Begin 4/27/2009 Still employed? (check one) X yes no

Current Employer
Name and Address:
Phone: Supervisor:
Length of Employment: Begin Still employed? (check one) X yes no

RENTAL HISTORY:

Current Address: N/A
Dates Lived at This Address: From to
Reason for leaving:
Landlord/Manager: Landlord/Manager's Phone:

Previous Address:
Dates Lived at This Address: From to
Reason for leaving:
Landlord/Manager: Landlord/Manager's Phone:

INCOME:

Gross Monthly Employment Income #1 before Deductions: $67,800.00
Gross Annual Bonus Income #2 before Deductions $ 5% Percent of Gross Annual Income

TOTAL GROSS MONTHLY INCOME: $67,800.00 Plus Bonus

CREDIT and FINANCIAL INFORMATION:

Bank and Financial Accounts
Checking:
Institution Name Branch Acct #

Savings:
Institution Name Branch Acct #

Credit Accounts
Credit Card: Type N/A Amt Owed $N/A Monthly Payment $N/A
Credit Card: Type N/A Amt Owed $N/A Monthly Payment $N/A

Vehicle Loan: Type of Vehicle: N/A Monthly Payment $N/A
Vehicle Loan: Type of Vehicle: N/A Monthly Payment $N/A

Other: Type N/A Creditor N/A Monthly Payment $N/A

MISCELLANEOUS: (check appropriate answer)

Do you have pets? yes X no If so, describe
NOTE: There may be additional fees and/or deposits required for pets housed on premises.
In addition, specific rules and regulations regarding pets may apply.
Do you smoke? yes X no
Do you plan to have water filled furniture on the rental property? yes X no If yes, detail below.
Have you ever been evicted? yes X no If yes, explain below.
Have you ever been convicted of a felony? yes X no If yes, explain below.
Have you ever filed for bankruptcy? yes X no If yes, explain below.
Explanation:

APPLICANT PERSONAL REFERENCES:

Name: Nancy Schultz Relationship: Mother
Address: 51 Forest Hills Court Phone: (925) 938-4153
Known this reference how long? 41 years

Name: Relationship:
Address: Phone:
Known this reference how long?

APPLICANT EMERGENCY CONTACT INFORMATION:

Contact in Emergency (Name): Nancy Schultz Relationship: Mother
Emergency Contact Address: 51 Forest Hills Court Phone: (925) 938-4153

I hereby certify and affirm that all information provided above is true and correct. I fully understand that my lease or rental agreement may be terminated if I have made any false, misleading or incomplete statement(s) in this application. I hereby authorize verification of all information provided in this application, including financial and credit information, via credit bureaus and/or contact with current and previous employers, current and previous landlords and personal references.

APPLICANT

6/1/09
DATE

27

RECORDING REQUESTED PURSUANT TO GOVERNMENT CODE SECTION 27383

When Recorded Mail To:

DEC 10 1996

Clayton Redevelopment Agency
1007 Oak Street
Clayton, CA 94517
Attn: ______________________

96 229522

RECORDED AT REQUEST OF
FINANCIAL TITLE COMPANY

DEC 10 1996

AT 8 O'CLOCK A M.
CONTRA COSTA COUNTY RECORDS
STEPHEN L. WEIR
COUNTY RECORDER
FEE $ Off

RESALE RESTRICTION AGREEMENT
AND OPTION TO PURCHASE

Owner: Kenneth F. Smith, Jr.

Residence: 272 Stranahan Circle
Clayton, CA 94517

This Resale Restriction Agreement and Option to Purchase (the "Agreement") is entered into as of this 2nd day of December, 1996, by and between the Redevelopment Agency of the City of Clayton (the "Agency") and Kenneth F. Smith, Jr., a single man (the "Owner").

RECITALS

A. The Agency has determined that it would be desirable to stimulate the purchase of homes by moderate income homebuyers (the "Homes"); and

B. In order to further its plan to assist in the purchase of homes by moderate income households, the Agency has developed a second mortgage program (the "Moderate Income Homebuyer Program" designed to assist qualified purchasers (defined as those households with a combined income between one hundred percent and one hundred twenty percent of Median Income adjusted for actual household size) by financing the gap between the market rate purchase price of the home and the amount affordable to moderate income households;

C. The Homes will be financed by one or more fully amortized loans from conventional mortgage lenders to each of the qualified purchasers (the "Lenders") which will be secured by a deed(s) of trust recorded on the homes;

D. The financing of the Homes will also be assisted by the Agency which is providing a deferred loan towards the purchase of each home;

E. The Agency wishes to establish resale controls to protect its financial interest in the residences and to provide for the continued availability of the residences to moderate income households; and

F. The Owner has qualified for Agency financing under the Moderate Income Homebuyer Program with the Owner's combined household income at or below one hundred twenty percent (120%) of Median Income, adjusted for actual household size (the "Owner's Income Level");

G. In order to protect its financial interest and its program of providing housing for moderate income households, the

Agency has required the Owner to execute a promissory note ("Note") in its favor in addition to this Agreement;

H. This Agreement and the Note shall be secured by a deed of trust in a second lien position (the "Deed of Trust") subordinate to the lien of that certain deed of trust dated November 27, 1996, executed by the Owner in favor of Norwest Mortgage, Inc., as beneficiary (the "First Lender"), and recorded in the County of Contra Costa on 12-10, 1996, and assigned Recorder's Serial No. 96-229579 (the "First Lender's Deed of Trust"), securing a loan made by the First Lender to the Owner (the "First Lender's Loan"), and is likewise subordinate to any deed of trust or mortgage made by or held by an institutional lender or investor which is given in connection with any refinancing of the First Lender's Loan, provided the loan amount of such refinancing does not exceed the then outstanding balance (plus refinancing and closing costs) of the existing senior loan; and

I. The purpose of this Agreement is to place resale controls on the residence, provide eligibility requirements for subsequent purchasers, and reserve to the Agency an option to purchase the residence.

NOW, THEREFORE, in consideration of the benefits received by the Owner and the Agency, the Owner and the Agency agree, as follows:

1. DEFINITIONS

The following terms are specially defined for this Agreement and their definitions can be found in the sections indicated below:

A. "Agency" - First sentence of the Agreement on page 1

B. "Agreement" - First sentence of the Agreement on page 1

C. "CHFA" - Section 21

D. "Deed of Trust" - Recital H

E. "Eligible Purchaser" - Section 12B

F. "Eligible Transfer" - Section 12A

G. "Fair Market Value" - Section 8

H. "First Lender" - Recital H

I. "First Lender's Deed of Trust" - Recital H

J. "First Lender's Loan" - Recital H

K. "FNMA" - Section 21

L. "Homes" - Recital A

M. "HUD" - Section 13A

N. "Increased Base Price" - Section 13A

O. "Lenders" - Recital C

P. "Median Income" - Section 13A

Q. "Moderate Income Homebuyer Program" - Recital B

R. "Note" - Recital G

S. "Option" - Section 7

T. "Owner" - First sentence of the Agreement on Page 1

U. "Owner's Income Level" - Recital F

V. "Proposed Purchaser" - Section 11

W. "Residence" - Section 2

X. "Sales Price" - Section 13

Y. "Sellable Condition" - Section 13B

Z. "Transfer" - Section 5

AA. "VA" - Section 21

2. DESCRIPTION OF PROPERTY

This Agreement concerns the real property commonly known as 272 Stranahan Circle, Clayton, California 94517, which is more fully described in Exhibit A attached hereto and incorporated herein by reference (the "Residence").

3. OWNER CERTIFICATIONS

The Owner certifies that (a) the financial and other information previously provided in order to qualify to purchase the Residence is true and correct as of the date first written above, and (b) the Owner shall occupy the Residence as the Owner's principal place of residence. The Owner shall be considered as occupying the Residence if the Owner is living in the unit for at least ten (10) months out of each calendar year. The Agency may grant a temporary waiver of this occupancy requirement for good cause in its sole discretion. If the Owner holds previously-owned residential property, Exhibit B has been attached hereto and is hereby incorporated herein, pursuant to which Owner makes certain agreements regarding the sale of such previously-owned residential property.

4. LEASING OF RESIDENCE

The Owner shall not lease the Residence for more than two (2) months without the written consent of the Agency during any twelve (12) month period and shall not lease the Residence without providing the Agency with a copy of the lease. Any lease in violation of this Agreement is prohibited.

5. SALE RESTRICTIONS

Any Transfer of the Residence will be subject to the provisions of this Agreement. "Transfer" means any sale, assignment or transfer, voluntary or involuntary, of any interest in the Residence, including, but not limited to, a fee simple interest, a joint tenancy interest, a life estate, a leasehold interest (other than a lease permitted pursuant to Section 4 above), or an interest evidenced by a land contract by which possession of the Residence is transferred and Owner retains title. Any Transfer without satisfaction of the provisions of this Agreement is prohibited. Transfers to a previously qualified co-owner by gift, devise or inheritance or to a surviving spouse, shall not be considered a Transfer for the purposes of this Agreement.

6. NOTICE OF INTENDED TRANSFER

In the event the Owner intends to Transfer or vacate the Residence, the Owner shall promptly notify the Agency in writing of such intent. The written notice shall be given in accordance with Section 25 of this Agreement at least ninety (90) days prior to the actual date of the Transfer or vacation of the Residence. Said notice from the Owner shall be sent by certified mail, return receipt requested. Following receipt of such notice, the Agency may notify prospective eligible purchasers of the Residence that the Residence is available for purchase, or the Agency may purchase the Residence.

7. AGENCY PURCHASE OPTION

The Owner agrees that the Agency shall have the option to purchase the Residence (the "Option") for an amount equal to the lesser of the Fair Market Value of the Residence or the offered sales price in the manner set forth in this Agreement. If the Agency decides to exercise its Option to purchase the Residence, it shall, within thirty (30) days of receipt of the notice specified in Section 6 above, notify the Owner in accordance with Section 25 of this Agreement that it chooses to exercise the Option. If the Agency exercises the option to purchase, it shall purchase the Residence within ninety (90) days of the date it receives the notice specified in Section 6 above at the Sales Price calculated pursuant to the formula set out in Section 10. The Agency may, instead of purchasing the Residence itself, assign its right to purchase the Residence to a person who meets the criteria established by the Agency or to a governmental agency or nonprofit organization which is devoted to developing affordable housing.

8. FAIR MARKET VALUE

If it is necessary to determine the fair market value of the Residence (the "Fair Market Value"), it shall be determined by a real estate appraiser. The appraisal shall be made by an independent residential appraiser selected by the Owner, from a list of appraisers provided by the Agency. Each appraiser on the Agency's list shall have been previously approved by the Federal National Mortgage Association or the Federal Housing Administration and placed on their list of approved single family housing appraisers. If possible, the appraisal shall be based upon the sales prices of comparable properties sold in the market area during the preceding three-month period. The cost of the appraisal shall be shared equally by the Agency and the Owner. In the event that the Owner has made capital improvements to the Residence which have increased the value of the Residence or if damage or deferred maintenance has occurred while the Owner owned the Residence which has decreased the value of the Residence, the appraisal shall specifically ascribe a value to these adjustment factors and state what the fair market value of the Residence would be without such adjustments. Nothing in this section shall preclude the Owner and the Agency from establishing the Fair Market Value of the Residence by mutual agreement in lieu of an appraisal pursuant to this section.

9. REPAYMENT OF AGENCY NOTE UPON TRANSFER BY OWNER

If the Agency exercises its Option to purchase the Residence, the outstanding amount of principal and interest due under the Note shall be paid to the Agency in the form of a credit against the purchase price to be paid by the Agency to the Owner. If a Transfer of the Residence occurs and the Agency elects not to exercise its Option to purchase the Residence, the Owner shall pay all principal and interest due under the Agency Note. Thereafter, this Agreement shall terminate and have no further effect.

10. OWNER'S REQUEST TO FORGIVE NOTE

At the Owner's request, the Agency will forgive repayment by the Owner of the principal and interest on the Note if the Owner transfers the Residence to an Eligible Purchaser in a transaction that meets the Eligible Transfer requirements of Section 12, and the Owner assigns to the Eligible Purchaser and the Eligible Purchaser assumes from the Owner all obligations existing under the Note and Resale Agreement. The Agency will forgive the principal and interest on the Note only after the execution of a new note and new resale restriction agreement by the Eligible Purchaser pursuant to Section 12. Any forgiveness extended by the Agency to the Owner pursuant to this Section shall apply only to the Owner and only to the particular Transfer transaction relating to such Eligible Purchaser, and shall not automatically apply to any subsequent owner.

11. TRANSFER BY OWNER

In the event the Agency does not exercise its option to purchase pursuant to Section 7 above, the Owner may sell the Residence to a person of the Owner's choosing (the "Proposed Purchaser") on the terms set forth in this Section.

A. TRANSFER TO INELIGIBLE PURCHASERS: If the Owner Transfers the Residence in a transaction that does not meet the Eligible Transfer requirements of Section 12 below, the Owner shall first pay (i) all of the principal and interest due to the First Lender, and (ii) to the Agency all principal and interest on the Note. The maximum amount that the Owner may receive for the Transfer shall be limited by the maximum Sales Price as defined in Section 13. Thereafter this Agreement shall terminate and have no further effect.

B. TRANSFER TO ELIGIBLE PURCHASER: If the Owner Transfers the Residence in a transaction that meets the Eligible Transfer requirements of Section 12, the Agency shall waive payment on the Note owed it by the Owner. Such waiver however shall be only for that specific transaction and the obligation for the Note payments shall be assumed by the Eligible Purchaser pursuant to Section 12A. v. and vi. The maximum amount that the Owner may receive for the Transfer shall be limited by the maximum Sales Price as defined in Section 13.

12. ELIGIBLE TRANSFER

A Transfer that meets the requirements set forth in this Section shall qualify as an approved Transfer to an Eligible Purchaser ("Eligible Transfer"):

A. DISCLOSURES AND SUBMITTALS: the Owner and the Proposed Purchaser shall provide the following information to Agency:

i. The name, address and telephone number in writing of the Proposed Purchaser.

ii. A signed financial statement of the Proposed Purchaser in a form acceptable to the Agency and any other supporting documentation requested by the Agency. The financial information shall be used by the Agency to determine the income eligibility of the Proposed Purchaser.

iii. The proposed sales contract and all other related documents which shall set forth the terms of the sale of the Residence. Said documents shall include the following terms:

(a) The sales price; and

(b) The price to be paid by the Proposed Purchaser for the Owner's personal property, if any, and for the services of the Owner, if any.

iv. A written certification, from the Owner and the Proposed Purchaser in a form acceptable to the Agency that the sale shall be closed in accordance with the terms of the sales contract and other documents submitted to and approved by the Agency. The certification shall also provide that the Proposed Purchaser or any other party has not paid and will not pay to the Owner, and the Owner has not received and will not receive from the Proposed Purchaser or any other party, money or other consideration in addition to what is set forth in the sales contract and documents submitted to the Agency including personal property. The written certification shall also include a provision that in the event a Transfer is made in violation of the terms of this Agreement or false or misleading statements are made in any documents or certification submitted to the Agency, the Agency shall have the right to file an action at law or in equity to make the parties terminate and/or rescind the sale contract and/or declare the sale void, notwithstanding the fact that the sale may have closed and become final as between the Owner and the Proposed Purchaser. In any event, any costs, liabilities or obligations incurred by Owner and/or the Proposed Purchaser for the return of any moneys paid or received in violation hereunder or for any costs and legal expenses, shall be borne by Owner and/or the Proposed Purchaser and they shall hold the Agency and its designee harmless and reimburse their expenses, legal fees and costs for any action they reasonably take in good faith in enforcing the terms of this Agreement.

v. An executed resale restriction agreement and option to purchase from the Proposed Purchaser with substantially the same provisions as this Agreement. The recordation of the resale restriction agreement and option to purchase shall be a condition of the Agency's approval, or its designee, of the proposed sale. The Agency may require the Proposed Purchaser to pay a reasonable fee to the Agency and reimburse it for out of pocket costs to cover the costs of administering its rights and obligations under this Agreement.

vi. An executed deed of trust and a promissory note from the Proposed Purchaser with the same terms as the terms of the Note executed by the Owner in favor of the Agency except that the principal amount of the new note shall equal the principal amount plus accrued interest owed the Agency by the Owner under the Note.

vii. Upon the close of the proposed sale, certified copies of the recorded deed of trust, a copy of the recorded resale restriction agreement and option to purchase, a copy of the final sales contract, settlement statement, escrow instructions, and any other document which the Agency may reasonably request.

B. ELIGIBILITY OF PURCHASER: A purchaser who meets the following requirements shall be an Eligible Purchaser:

i. Each purchaser shall certify that he or she will occupy the Residence as his or her principal residence.

ii. The combined income for all household members of the purchaser shall not exceed the Owner's Income Level.

13. DETERMINATION OF SALES PRICE

The maximum sales price (the "Sales Price") that the Owner shall receive for any type of Transfer of the Residence during the first ten (10) years of the term of this Agreement (the "Initial Term") shall be the Increased Base Price (as adjusted) plus the amount of the Note and the accrued interest, or the Fair Market Value, whichever is less. Following expiration of the Initial Term, and for the remaining term of this Agreement thereafter, the Sales Price shall be the Fair Market Value, determined in accordance with Section 8 above.

A. INCREASED BASE PRICE: The Increased Base Price of the Residence means the original principal amount of the First Lender's Loan to the Owner, of ONE HUNDRED SIXTY-NINE THOUSAND ONE HUNDRED FIFTY AND NO/100 ($169,150.00) ////////($//////), and the original amount or value of the Owner's down payment, increased by the percentage of increase in the Median Income. The increase shall be computed from the date of the original purchase of the Residence by the Owner to the date of receipt of notice to sell by the Agency or its assignee required by Section 6. "Median Income" shall refer to the median yearly income, adjusted for a household size of four, in the Oakland Primary Metropolitan Statistical Area as published by the United States Department of Housing and Urban Development ("HUD"), or, in the event such income determination is no longer published by HUD, or has not been updated for a period of at least eighteen (18) months, the Agency may use or develop such other reasonable method as it may choose in order to determine the median yearly income in Contra Costa County.

B. ADJUSTED INCREASED BASE PRICE: The Increased Base Price shall also be increased by the value of any substantial structural or permanent fixed improvements which cannot be removed without substantial damage to the Residence or substantial or total loss of value of said improvements. No such adjustment shall be made except for improvements: i) made or installed by the Owner; and ii) for which a building permit has been received or the Agency has otherwise approved the improvement. The value of such improvements by which the Sales Price shall be adjusted shall be the appraised market value of the improvements when considered as additions or fixtures to the Residence (i.e., the amount by which said improvements enhance the market value of the Residence at the time of sale.) The adjustment to the Increased Base Price for such improvements shall be limited to increase in value to the Residence as a result of the improvements and not the cost of construction of the improvements to the Residence. The Increased Base Price shall be decreased by an amount necessary to repair any violations of applicable building, plumbing, electric, fire or housing codes or any other provisions of the Contra Costa County Building Code, as well as any other repairs needed to put the Residence into a "sellable condition." Items necessary to put a Residence into sellable condition shall be determined by the Agency, and may include cleaning, painting and making needed structural, mechanical, electrical, plumbing and fixed appliance repairs and other deferred maintenance repairs.

14. DEFAULTS AND REMEDIES

Upon a violation of any of the provisions of this Agreement by the Owner or the Proposed Purchaser, the Agency may give written notice to the Owner specifying the nature of the violation. If the violation is not corrected to the satisfaction of the Agency within a reasonable period of time, not longer than thirty (30) days after the date the notice is mailed, or within such further time as the Agency determines is necessary to correct the violation, the Agency may declare a default under this Agreement. Upon the declaration of a default or if the Owner or the Proposed Purchaser makes any misrepresentation in connection with receiving any benefits under this Agreement, the Agency may: (a) declare all amounts due under the Note immediately due and payable without further demand and may invoke the power of sale under the Deed of Trust; (b) apply to a court of competent jurisdiction for specific performance of this Agreement, for an injunction prohibiting a proposed sale or transfer in violation of this Agreement, for a declaration that a transfer in violation of this Agreement is void, or for any such other relief at law or in equity as may be appropriate.

15. NOTICE OF DEFAULT AND FORECLOSURE

A request for notice of default and any notice of sale under any deed of trust or mortgage with power of sale encumbering the Residence shall be recorded by the Agency in the Office of the Recorder of the County of Contra Costa for the benefit of the Agency. The Agency may declare a default under this Agreement upon receipt of any notice given to the Agency pursuant to Civil Code Section 2924b, and may exercise its rights as provided in Section 14 and 16.

In the event of default and foreclosure, the Agency shall have the same right as the Owner to cure defaults and redeem the Residence prior to the foreclosure sale. Nothing herein shall be construed as creating any obligation of the Agency to cure any such default, nor shall this right to cure and redeem operate to extend any time limitations in the default provisions of the underlying deed of trust or mortgage.

If the Agency failed to file the request for notice of default, the Agency's right to purchase the Residence shall commence from the date the notice of default is given by the Agency to the Owner.

16. PURCHASE OPTION UPON DEFAULT

A. PURCHASE OPTION: Notwithstanding, and in addition to, the remedies provided the Agency in Section 14, the Owner hereby grants to the Agency, the option to purchase the Residence effective thirty (30) days after the Agency has given the Owner notice of the declaration of a default and the Owner has failed to cure the default. Said option to purchase is given in consideration of the economic benefits received by the Owner resulting from ownership of the Residence made possible by the financial assistance of the Agency in developing the Residence.

B. EXERCISE OF OPTION: The option to repurchase may be exercised upon a default under this Agreement or upon default under any promissory note, deed of trust or any other lien, including a judgment lien, recorded against the Residence. The Agency shall have thirty (30) days after a default is declared to notify the Owner and the First Lender of its decision to exercise its option to purchase. Not later than ninety (90) days after the notice is given in accordance with Section 25 below to exercise its option, the Agency shall purchase the Residence for the Sales Price set forth in Section 13.

17. NONLIABILITY OF THE AGENCY

In no event shall the Agency become in any way liable or obligated to the Owner or any successor-in-interest to the Owner by reason of its option to purchase under Sections 7 and 16 nor shall the Agency be in any way obligated or liable to the Owner or any successor-in-interest to the Owner for any failure to exercise its option to purchase.

18. RESTRICTIONS ON FORECLOSURE PROCEEDS

If a creditor acquires title to the Residence through a deed in lieu of foreclosure, a trustee's deed upon sale, or otherwise, the Owner shall not be entitled to the proceeds of sale to the extent that such proceeds otherwise payable to the Owner when added to the proceeds paid or credited to the creditor exceed the amount the Owner would have received by a sale in accordance with Section 13. The Owner shall instruct the holder of such excess proceeds to pay such proceeds to the Agency as repayment for, and in consideration of, the financial assistance provided in the development of the Residence.

19. BINDING ON SUCCESSOR AND ASSIGNS

This Agreement shall bind, and the benefit hereof shall inure to, the Owner, his or her heirs, legal representatives, executors, successors in interest and assigns, and to the Agency and its successors, until the earlier of (a) thirty (30) years from the execution of this Agreement, or (b) the date the Sales Price is paid to the Owner by the Agency, or (c) the date of a Transfer of the Residence to an Eligible Purchaser in accordance with Section 12 above.

20. SUPERIORITY OF AGREEMENT

The Owner covenants that he or she has not, and will not, execute any other agreement with provisions contradictory to or in opposition to the provisions hereof, and that, in any event, this Agreement is controlling as to the rights and obligations between and among the Owner, the Agency and their respective successors.

21. RIGHTS OF BENEFICIARIES UNDER DEEDS OF TRUSTS

This Agreement shall not diminish or affect the rights of the Agency under the Note and the Deed of Trust executed by the Owner in favor of the Agency in connection with the purchase by the Owner of the Residence.

Notwithstanding any other provisions to the contrary in this Agreement, any assumption of any note secured by a deed of trust on the Residence other than the Note shall be subject to the approval of the holder of the assumed Note.

Notwithstanding any other provision in this Agreement to the contrary, this Agreement shall not diminish or affect the rights of the California Housing Finance Agency ("CHFA"), HUD, the Federal National Mortgage Association ("FNMA"), or the Veterans Administration ("VA") under the First Lender's Deed of Trust or any subsequent First Lender deeds of trust hereafter recorded against the Residence.

Notwithstanding any other provisions in this Agreement to the contrary, all of the provisions of this Agreement shall terminate and have no further force and effect upon the occurrence of one of the following events:

A. Title is acquired by CHFA, HUD, FNMA, VA, the First Lender or another party upon foreclosure of a deed of trust to the First Lender or CHFA, or a deed of trust insured by HUD or guaranteed by VA.

B. Title is acquired by another party by a deed in lieu of foreclosure of the First Lender, CHFA, or FNMA deed of trust.

22. HUD FORBEARANCE RELIEF

Notwithstanding other provisions of this Agreement, the Option shall not be exercised by the Agency when a deed of trust insured by HUD is secured by the Residence, and

i. The Owner is undergoing consideration by HUD for assignment forbearance relief; or

ii. The Owner is undergoing consideration for relief under HUD's Temporary Mortgage Assistance Payment (TMAP) program.

23. INVALID PROVISIONS

If any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, then such provision or provisions shall be deemed severable from the remaining provisions contained in this Agreement, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

24. CONTROLLING LAW

The terms of this Agreement shall be interpreted under the laws of the State of California.

25. NOTICES

All notices required herein shall be sent by certified mail, return receipt requested or express delivery service with a delivery receipt and shall be deemed to be effective as of the date received or the date delivery was refused as indicated on the return receipt as follows:

To the Owner:

At the address of the Residence.

To the Agency:

Clayton Redevelopment Agency
1007 Oak Street
Clayton, CA 94517
Attn: ______________________

The parties may subsequently change addresses by providing written notice of the change in address to the other parties in accordance with this Section 25.

26. INTERPRETATION OF AGREEMENT

The terms of this Agreement shall be interpreted so as to avoid speculation on the Residence and to insure to the extent possible that its sales price and mortgage payment remain affordable to persons and families of moderate income.

27. EXHIBITS

Any exhibits referred to in this Agreement are incorporated in this Agreement by such reference.

IN WITNESS WHEREOF, the parties have executed this Agreement on or as of the date first written above.

AGENCY: City of Clayton

By: Executed in counterpart

Title: Tom Steele, Executive Director
(Type Name and Title)

OWNER:

KENNETH F. SMITH JR

Kenneth F. Smith, Jr.
(Type Name)

City of Clayton

On ____________________ before me, Frances Douglas, City Clerk for the City of Clayton, personally appeared ______________________________ personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal. (seal)

Signature ______________________________

667041.P50
12/02/94

27. EXHIBITS

Any exhibits referred to in this Agreement are incorporated in this Agreement by such reference.

IN WITNESS WHEREOF, the parties have executed this Agreement on or as of the date first written above.

AGENCY: City of Clayton

By: Tom Steele

Title: Tom Steele, Executive Director
(Type Name and Title)

OWNER:

Executed in counterpart

Kenneth F. Smith, Jr.
(Type Name)

State of California
County of Contra Costa

City of Clayton

On 12-3-96 before me, Frances Douglas, City Clerk for the City of Clayton, personally appeared Tom Steele personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Frances Douglas

(seal)

96 229522

ORDER NO: 7887037

"EXHIBIT - A"
LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF CONTRA COSTA, CITY OF CLAYTON, AND IS DESCRIBED AS FOLLOWS:

LOT 37, AS SHOWN ON SUBDIVISION 7887, FILED DECEMBER 20, 1994, IN BOOK 377 OF MAPS, AT PAGES 1 THRU 9, CONTRA COSTA COUNTY RECORDS.

ASSESSOR'S PARCEL NO.: 119-620-037-0

FINANCIAL
TITLE COMPANY

96 229522

CALIFORNIA

ALL-PURPOSE

ACKNOWLEDGEMENT

STATE OF CALIFORNIA)

COUNTY OF Contra Costa)

On December 2, 1996 before me, K. Penick ,
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared, **Kenneth F. Smith, Jr.**

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

OFFICIAL SEAL - 1057430
K. PENICK
NOTARY PUBLIC - CALIF.
COUNTY OF CONTRA COSTA
My Comm. Exp. June 16, 1999
NCR 1

NOTARY PUBLIC SIGNATURE (SEAL)

OPTIONAL INFORMATION

TITLE OR TYPE OF DOCUMENT ______

DATE OF DOCUMENT ______ NUMBER OF PAGES ______

SIGNER(S) OTHER THAN NAMED ABOVE ______

END OF DOCUMENT

goldfarb
lipman
attorneys

1300 Clay Street, Ninth Floor
Oakland, California 94612
510 836-6336

Received

MAR 12 2009

City of Clayton

March 3, 2009

via certified mail, return requested

Kenneth F. Smith
250 Stranahan Circle
Clayton, Ca 94517

Re: Conditional Lease Approval for 272 Stranahan Circle, Clayton

Dear Mr. Smith:

On April 18, 2008 the Chairman of the Clayton Redevelopment Agency Board informed you that its Board of Directors had conditionally approved your lease of the home located at 272 Stranahan Circle to Mr. Schultz provided that you complied with certain conditions. Those conditions included a requirement in the lease that the lease be for no longer than 12 months, that the tenant's household income could not exceed $80,500 during the term of the lease, that you provide the Agency with a signed copy of the lease and that you agree to comply with these conditions by signing a copy of the letter sent on April 18, 2008. To date the Agency has never received a response from you to the April 18, 2008 letter. Additionally, the Agency has never received a signed copy of the lease with Mr. Schultz evidencing these requirements.

As you know, the Agency only approved the leasing of the home as an accommodation to you and in accordance with the terms of your resale restriction. Your failure to provide the Agency with the required information regarding the leasing of the home despite the fact that it is clear that the home is currently leased is a violation of the resale restriction agreement you entered into with the Agency. In accordance with the terms of the Resale Restriction, the Agency may exercise any of its remedies for default if you fail to comply with the conditions the Agency set for the leasing of the home. Remedies available to the Agency include the Agency exercise of its option to purchase the home at its current fair market value as determined by an appraiser.

The Agency has made every effort to accommodate your request to lease the property for a one year period, however, your continued failure to meet the Agency's conditions to the lease, will leave the Agency with no choice but to pursue all remedies including exercise of the purchase option if the Agency does not receive all of the

Facsimile
510 836-1035
San Francisco
415 788-6336
Los Angeles
213 627-6336
San Diego
619 239-6336
Goldfarb & Lipman LLP

required documentation within ten business days of the date of this letter. For your convenience I am attaching a copy of the Agency's letter to you dated April 18, 2008 to remind you of the required documentation.

Sincerely,

KAREN M. TIEDEMANN

KMT:kmt

cc: Mayor and City Council
City Manager

667\01\656792.1

CITY OF CLAYTON

Founded 1857... Incorporated 1964

Community Development (925) 673-7340
Engineering (925) 672-9700

6000 Heritage Trail • Clayton, California 94517-1250
Telephone (925) 673-7300 Fax (925) 672-4917

City Council
Gregory J. Manning, *Mayor*
Julie K. Pierce, *Vice Mayor*
David T. Shuey
Hank Stratford
William R. Walcutt

April 18, 2008

Kenneth F. Smith, Jr.
272 Stranahan Circle
Clayton, CA 94517

Re: Conditional Lease and Proposed Lessee
272 Stranahan Circle, Clayton, CA

Dear Mr. Smith

We acknowledge receipt of your latest letter on April 7, 2008 concerning additional information and clarifications to your proposal to lease your real property at 272 Stranahan Circle to Mr. Christopher Schultz and his one (1) daughter (hereafter "Lessee").

Based on those representations and the declared content therein, the Clayton Redevelopment Agency is prepared to grant conditional approval for you to lease this real property to Mr. Schultz as a Moderate Income Household with the following added and augmented stipulations:

A. The Lessee's household income cannot exceed $80,500.00 at any time during the ensuing twelve (12) months of the lease, or the lease and occupancy shall be terminated;

B. The Lessor (Smith) shall provide the Agency with a signed copy of the full Lease Agreement between the Lessor and Lessee within five (5) calendar days of its execution;

C. The signed Lease Agreement shall include language that the term of the Lease automatically expires in twelve (12) months from the date of the Lease, that the Lease cannot be renewed or extended without advance written approval of the Clayton Redevelopment Agency, and that any proposed Lease thereafter necessitates this Lessee or any other proposed lessee to re-qualify as a Moderate Income Household per current Contra Costa County income limitations; and

D. The Lessor's written signed agreement with Conditions No. 3, No. 6 and No. 7 listed in the Agency's letter to the Lessor dated February 8, 2008.

Upon receipt of the required documents and demonstration of compliance therein, the Agency's approval to lease this affordable housing real property will then officially be granted.

Please remember to sign each document and letter that you supply and submit to the Agency as your last communication was unsigned and is unacceptable without an original signature. Should questions arise regarding the Agency's permission and requirements for leasing of this real property, please contact me once again.

Sincerely,

Hank Stratford
Chairman, Clayton Redevelopment Agency

cc: RDA Executive Director

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7001 2510 0009 0278 8284

Postage	$ 1.42
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 5.32

Postmark Here

BYRON RUMFORD STA OAKLAND USPS MAR 4

Sent To Kenneth F. Smith

Street, Apt. No.; or PO Box No. 250 Stranahan Circle

City, State, ZIP+4 Clayton, CA 94517

PS Form 3800, January 2001 — See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kenneth F. Smith
250 Stranahan Circle
Clayton, CA 94517

2. Ar
(T

PS F

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Lori Smith ☐ Agent ☐ Addressee

B. Received by (Printed Name) Lori Smith

C. Date of Delivery 3/3/09

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

102595-02-M-1540

CITY OF CLAYTON

Founded 1857... Incorporated 1964

City Council
Julie K. Pierce, *Mayor*
Hank Stratford, *Vice Mayor*
Howard Geller
Joseph A. Medrano
David T. Shuey

Community Development (925) 673-7340
Engineering (925) 363-7433

6000 Heritage Trail • Clayton, California 94517-1250
Telephone (925) 673-7300 Fax (925) 672-4917

08 May 2009

Kenneth F. Smith, Jr.
250 Stranahan Circle
Clayton, CA 94517

Re: 272 Stranahan Circle, Clayton, CA

Dear Mr. Smith:

At your request and by action of the Board of Directors of the Clayton Redevelopment Agency on 05 February 2008, the Board approved the conditional lease of the home located at 272 Stranahan Circle for a period of time not to exceed twelve (12) months. Copies of the Agency's February 2008 and April 2008 letters to you are enclosed which specifically outlined the Agency's stipulated conditions authorizing lease of this affordable housing real property.

A review of the "Residential Lease Agreement – California" executed with your Tenant at 272 Stranahan Circle notes the term of the lease, as permitted by the Agency, was for a time period of twelve months expiring on 30 April 2009, *unless renewed or extended pursuant to the terms herein and based on approval from the City of Clayton Redevelopment Agency* [emphasis added). Section 4 – Leasing of Residence in the recorded Resale Restriction Agreement and Option to Purchase still in effect on the property contains further restrictions concerning the lease of this real property.

As of the date of this letter, the Agency has received no written communication or copy of a limited-duration lease regarding further use or lease of this affordable home. Therefore, absent any future discretionary action by the Board of Directors regarding lease of the property, the Agency expects the owner of this real property shall not lease the residence for more than two (2) months without the written consent of the Agency *during any twelve (12) month period* [emphasis added]. To do so otherwise is prohibited by the Conditions of the Resale Restriction Agreement and constitutes a default under the Resale and Restriction Agreement and Option to Purchase recorded on the property on 10 December 1996.

Sincerely,

Gary A. Napper
City Manager
Executive Director, Clayton Redevelopment Agency

Enclosures: 1. February 2008 Agency letter [2 pp.]
2. April 2008 Agency letter [2 pp.]
3. <u>Term</u> of Residential Lease Agreement [1 pg.]
4. Section 4 of Resale Restriction Agreement [1 pg.]

cc: Chairman and Board Members, Clayton Redevelopment Agency
Legal Counsel

Received

MAR 13 2009

City of Clayton

RESIDENTIAL LEASE AGREEMENT - CALIFORNIA

Parties:
This Agreement is entered into between Chris J Schultz SS#567-77-2838 (hereinafter referred to as "Tenant") and Paternal Child ("Tenant") and Kenneth F. Smith (hereinafter referred to as "Landlord"). Each Tenant is jointly and severally liable for the payment of rent and performance of all other terms of this Agreement. A judgment entered against one Tenant shall be no bar to an action against other Tenants.

Premises:
WITNESSETH: That in consideration of the representations made in the application filed by the Tenant with the Landlord, and the rent reserved herein and the covenants herein contained, the Landlord rents to Tenant, and Tenant rents from Landlord, for residential purposes only, the premises situated in Contra Costa County, California and located at: 272 Stranahan Circle, Clayton . California 94517 ("the premises"), together with the following furnishings and appliances: Dishwasher subject to the terms and conditions in this Agreement.

Term:
The term of this Lease is for a time period of Twelve Months, commencing on the 1st day of May, 2008 and expiring on the 30th day of April, 2009, unless renewed or extended pursuant to the terms herein and based on approval from the City of Clayton Redevelopment Agency.

Payment of Rent:
The total rent for the term of this agreement is Twenty Four Thousand Dollars ($24,000.00), payable at a rate of Two Thousand Dollars ($2,000.00) per month in advance, the first installment to be made on the first day of May, 2008 and a like sum on the Fifth day of every month thereafter, without setoff, deduction, or demand, except when that day falls on a weekend or a legal holiday, in which case rent is due on the next business day. Payment shall be made to the person and at the address the Landlord shall designate in writing. Rental is to be paid in cash, money order, cashier's check and/or certified check, or, at the option of the Landlord, in any other fashion. Rent shall not be considered paid until actual receipt thereof. Tenant placing rent monies in the mail is not sufficient for rent to be considered paid.

Rent shall be made payable to Kenneth F Smith and mailed or delivered to the following address: 250 Stranahan Circle, Clayton, California 94517. Rent may be delivered personally between the hours of 8:00 AM and 8:00 PM on the following days: Monday-Sunday.

Prorated first month's rent:
The prorated rent from the commencement of this Lease to the first day of the following month is $00.00, which amount shall be paid at the execution of this Lease.

Rent Increases:
In the event of a rent increase, Tenant shall be notified pursuant to applicable state laws and/or statutes.

Returned Check and Stop Payment:
In each instance that a check offered by Tenant to Landlord for any amount due under this Agreement or in payment of rent is returned for lack of sufficient funds, a "stop payment" or any other reason, a service charge of Two Hundred Dollars $200.00 will be assessed.

Late Charges:
If Tenant fails to pay the rent in full before the end of the Fifth day after it's due, Tenant will be assessed a late charge of Two Hundred Dollars $200.00. Landlord reserves and in no way waives the right to insist on payment of the rent in full on the date it is due.

Tenant Examination and Acceptance of Premises:
The Tenant acknowledges that he has examined the leased premises and his acceptance of this agreement is conclusive evidence that said premises are in good and satisfactory order and repair unless otherwise specified herein; and the Tenant agrees that no representations as to the condition of the premises have been made and that no agreement has been made to redecorate, repair or improve the premises unless hereinafter set forth specifically in writing. The Landlord will deliver the leased premises and all common areas in a habitable condition, pursuant to applicable State law. Tenant takes premises in it's AS-IS condition. Tenant agrees not to damage the premises through any act or omission, and to be responsible for any damages sustained through the acts or omissions of Tenant, Tenant's family or Tenant's invitees, licensees, and/or guests. If such damages are incurred, Tenant is required to pay for any resulting repairs at the same time and in addition to the next month's rent payment, with consequences for nonpayment identical to those for nonpayment of rent described herein.

4. LEASING OF RESIDENCE

The Owner shall not lease the Residence for more than two (2) months without the written consent of the Agency during any twelve (12) month period and shall not lease the Residence without providing the Agency with a copy of the lease. Any lease in violation of this Agreement is prohibited.

5. SALE RESTRICTIONS

Any Transfer of the Residence will be subject to the provisions of this Agreement. "Transfer" means any sale, assignment or transfer, voluntary or involuntary, of any interest in the Residence, including, but not limited to, a fee simple interest, a joint tenancy interest, a life estate, a leasehold interest (other than a lease permitted pursuant to Section 4 above), or an interest evidenced by a land contract by which possession of the Residence is transferred and Owner retains title. Any Transfer without satisfaction of the provisions of this Agreement is prohibited. Transfers to a previously qualified co-owner by gift, devise or inheritance or to a surviving spouse, shall not be considered a Transfer for the purposes of this Agreement.

6. NOTICE OF INTENDED TRANSFER

In the event the Owner intends to Transfer or vacate the Residence, the Owner shall promptly notify the Agency in writing of such intent. The written notice shall be given in accordance with Section 25 of this Agreement at least ninety (90) days prior