



AGENDA

REGULAR MEETING

CLAYTON CITY COUNCIL

TUESDAY, September 21, 2010
7:00 p.m.

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

Mayor: Hank Stratford
Vice Mayor: David T. Shuey

Council Members
Howard Geller
Joseph A. Medrano
Julie K. Pierce

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

*** CITY COUNCIL ***
September 21, 2010

7:00 P.M.

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

2. **CLOSED SESSION** – None.

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

4. **CONSENT CALENDAR**

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

(a) **Information Only**

1. Status Report: Use of alternative membrane interlayer (paving reinforcement fabric) proposed for the upcoming Rubberized Asphalt Concrete (RAC) Repaving Project on old Marsh Creek Road (CIP No. 10416). ([View Here](#))

(b) Approve the minutes of the regular meeting of September 7, 2010. ([View Here](#))

(c) Approve Financial Demands and Obligations of the City. ([View Here](#))

5. **RECOGNITIONS AND PRESENTATIONS**

(a) Proclamation declaring the week of October 2010 as “Domestic Violence Awareness Month” in the city of Clayton. ([View Here](#))

(b) Certificate of Recognition to David and Sharon Osteen in celebration of the 30th Anniversary of their Clayton Valley Pumpkin Farm and Christmas Trees in Clayton. ([View Here](#))

6. **REPORTS**

(a) Planning Commission – No meeting held.

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

(c) City Manager/Staff

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

(e) Other – Introduction of candidates for City Council elected office.

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 when each item is considered by the City Council.

8. PUBLIC HEARINGS

- (a) Consider recommendations by Chief of Police for use of \$73,855.49 in unexpended Supplemental Law Enforcement Services Fund (SLESF, or COPS Grant monies) for the City's share (\$58,710) of the infrastructure for the 2-county radio interoperability system (EBRCSA), \$5,000 for replacement of ten (10) police officer ballistic vests, and the balance of \$10,145.49 for law enforcement salaries; and allocation of FY 2010-11 COPS Grant amount of \$100,000 to law enforcement compensation. ([View Here](#))
(Police Chief)

Staff recommendation: **1)** Receive the Staff report; **2)** Open the Public Hearing and receive public testimony; **3)** Close the Public Hearing; **4)** Adopt the Resolution approving the expenditure of SLESF/COPS Grant monies as recommended.

9. ACTION ITEMS

- (a) Consider a Resolution supporting the implementation of a character initiative entitled "Do The Right Thing" in the Clayton community and establishing the scope of the City's involvement. ([View Here](#))
(Mayor Stratford)

Staff recommendation: That Council consider adoption of the Resolution.

- (b) Consider adoption of Ordinance No. 429 amending Title 17 of the *Clayton Municipal Code* to supersede and replace the existing "Water Conserving Landscape Guidelines" with "Landscape Water Conservation Standards" to implement SB 1881, the Water Conservation in Landscaping Act of 2006 [Second Reading and Adoption] ([View Here](#))
(Community Development Director)

Staff recommendation: **1)** Receive the Staff report; **2)** Receive public comments; **3)** Adopt a motion to have the City Clerk read Ordinance No. 429 by title and number only and waive further reading; and **4)** Following the City Clerk's reading, approve a motion to adopt Ordinance No. 429.

- (c) Consider a Resolution supporting the voters' passage of Proposition 22, "*The Local Taxpayer, Public Safety and Transportation Act of 2010*", on the November 2, 2010 California ballot. ([View Here](#))
(City Clerk)

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

- (d) Request to discuss the merits of allowing gated residential communities for existing residential subdivisions or neighborhoods within the city of Clayton.
(Councilmember Medrano) ([View Here](#))

Staff recommendation: That Council provide policy direction to staff on this subject.

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

11. ADJOURNMENT– the next regularly scheduled meeting will be on October 5, 2010.

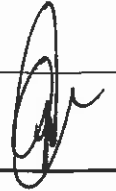
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Agenda Date: 9-21-10
Agenda Item: 4a

STAFF REPORT

INFORMATION ONLY

Approved: 

Gary A. Napper
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: SEPTEMBER 21, 2010

SUBJECT: USE OF ALTERNATIVE UNDERLAYMENT IN COMBINATION WITH RUBBERIZED ASPHALT CONCRETE (RAC) FOR THE OLD MARSH CREEK ROAD OVERLAY PROJECT (CIP No. 10416)

As part of the discussion at the Council's September 7th meeting regarding the award of a construction contract to MCK Services, Inc. for the combined Old Marsh Creek Road Overlay Project (CIP No. 10416) and the 2010 Pavement Rehabilitation Project (CIP No. 10409), Staff presented the possibility of using RAC, which had been included as an alternate bid item, on the Old Marsh Creek Road Project.

Generally, when overlaying existing pavement that has exhibited preliminary signs of failing (e.g., pavement cracking), a pavement reinforcing fabric is laid over the existing pavement prior to placement of a new hot mix asphalt (HMA). While the fabric does not significantly "reinforce" the new asphalt, it does act as a vapor barrier which prevents any water from getting into the subgrade through the old pavement cracks. If water was allowed to flow through the cracks, the subgrade would soften and the pavement would continue to fail thereby negating additional pavement life anticipated by the overlay.

RAC is laid down at a significantly higher temperature than HMA. Standard pavement reinforcing fabrics cannot stand up to these higher temperatures and tend to melt. Therefore, when Caltrans first prepared specifications for RAC, they recommended, and provided specifications for, the installation of a rubberized "Stress Absorbing Membrane Interlayer" (SAMI-R) prior to the placement of the RAC when constructing a pavement overlay.

With the above in mind, we added two alternate bids items. One for the increased cost of the RAC material and one for the installation of SAMI-R. The extra cost of the RAC material was partially offset by the ability to use less material (2" of HMA versus 1.2" of RAC) and the net increase of approximately \$29,000 is well within the available project budget. However, the

Date: September 21, 2010

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cost of the SAMI-R (\$116,194), even when offset by the elimination of the pavement reinforcing fabric (\$23,200), was significantly higher than the available funding.

When we discussed this with the contractor, we were informed that another product, "Trupave", was available for use under the RAC for overlay projects and that the additional cost may be feasible with the available funding. The Council expressed its desire to use RAC if at all possible with the existing funding, but expressed concern about the viability of the product and whether it had been approved for use by Caltrans.

Staff's investigation found that, in June of 2009, Caltrans had modified Section 88 of their Standard Specifications which related to engineering fabrics. The section was re-titled "Geosynthetics" and a subsection was added for Pavement Interlayers. This subsection included the old Pavement Reinforcement Fabric specifications (now called "Paving Fabric") and added specifications for a "Paving Mat". The Paving Mat differed from Paving Fabric in that it could not stretch more than 5% (as opposed to an allowable 50% for Paving Fabric) and it must have a melting point of at least 400°F (as opposed to 325°F for the Paving Fabric). These requirements make this material ideal as underlayment for RAC. We have verified that the proposed material, Trupave, meets or exceeds the specified requirements for Paving Mat. Further, we were informed that Caltrans is currently using this same material for its overlay work on Highway 4 in East County.

The contractor has proposed a net increase of approximately \$40,000 in cost for the supply and placement of the Trupave material as compared to the pavement reinforcing fabric. Staff is still evaluating the appropriateness of the requested increase, but even if it is found to be justified, we will be able to complete the project well within the approved budget.

The Council also directed the addition of wording to the Legal Relations and Responsibilities exhibit attached to the contract and questioned the meaning/clarity of the last sentence in Section 3 of the Contract relating to the substitution of securities in lieu of the City withholding retention funds from all progress payments. We have made the changes as requested and have attached a copy of the final contract.

Attachment: Contract (7 pp.)

CITY OF CLAYTON
CALIFORNIA

CITY CONTRACT NO.

OLD MARSH CREEK ROAD OVERLAY PROJECT (CIP #10416)
AND
2010 PAVEMENT REHABILITATION PROJECT (CIP #10409)

THIS CONTRACT, made and entered, into this ____ day of _____, 2010, between the CITY OF CLAYTON (hereinafter called "City"), and MCK SERVICES, INC. (hereinafter called "Contractor").

WITNESSETH

WHEREAS, the City has awarded a contract to Contractor for performing the work hereinafter mentioned in accordance with the Contractor's sealed proposal therefore;

NOW, THEREFORE, IT IS AGREED, as follows:

1. **Scope of Work:** The Contractor shall perform all the work, and furnish all the labor, materials, equipment, and all the utility and transportation services required to complete all of the public improvements portion of the improvements more particularly described in those certain specification and proposal forms, "OLD MARSH CREEK ROAD OVERLAY PROJECT (CIP #10416) AND 2010 PAVEMENT REHABILITATION PROJECT (CIP #10409)", dated August, 2010.

2. **Time of Performance and Liquidated Damages:** The Contractor shall begin work as stated in Section G-4 of these specifications and shall diligently prosecute the same to completion before the expiration of the working days as stated in the specifications.

The City has determined, that in the event the Contractor does not complete the work within the time limit so specified or within such further time as said City shall have authorized, the Contractor shall pay to the City liquidated damages in the amount of **FIVE HUNDRED DOLLARS (\$500.00)** per day for each and every calendar day's delay in finishing the work beyond the completion and liquidated damages are set forth in the specification and contract documents, which provisions are hereby referred to and incorporated herein by this reference.

3. **Payments:** Payments under this Contract shall be for those public improvements set forth in the project plans, these special provisions and all the Standard Specifications and Standard Plans. Based upon the unit prices set forth in the Contractor's proposal and Exhibit A attached hereto, the estimated price of this Contract is **\$1,341,245.00**. Payments will be made by the City to the Contractor for the work performed, including all labor, material, equipment, and utility and transportation services, to complete said public improvements, at the times and in a manner provided in the specifications, and at the unit prices stated in Contractor's proposal. For all moneys to be withheld by the City, the Contractor may, at his request and expense, substitute securities, equivalent to the amount to be withheld, in the form and manner and subject to the conditions provided in Section 22300 of the Public Contract Code.

4. **Component Parts:** This Contract shall consist of the following documents, each of which is on file in the office of the City Clerk and all of which are incorporated herein and made a part hereof by this reference thereto:

- a. This Contract
- b. Notice Inviting Sealed Proposals
- c. Contractor's Proposal
- d. Faithful Performance Bond
- e. Labor and Material (Payment) Bond
- f. General Conditions
- g. Special Provisions
- h. Standard Specifications
- i. Standard Plans
- j. Plans and Detailed Drawings

5. **Wage Scale:** The City has obtained from the Director of Department of Industrial Relations the general prevailing rate of per diem wages and the general prevailing rate for holidays and overtime work for each craft, classification or type of workman required to execute this Contract. A copy of said prevailing rate of per diem wages is on file in the office of the City Engineer, to which reference is hereby made for further particulars. The prevailing rate of per diem wages will be made available to any interested party upon request, and a copy thereof shall be posted by the Contractor at the job site. The Contractor shall comply with the provisions of Article 2, Chapter 1, Part 7, Division 2 (commencing with Section 1770) of the California Labor Code, and particularly Sections 1775 and 1776 thereof.

6. **Hours of Labor:** The Contractor shall forfeit, as penalty to the City, Fifty dollars (\$50.00) for each worker employed in the execution of the Contract by him or by any subcontractor, for each calendar day during which any worker is required or permitted to labor more than eight (8) hours in any one calendar day and forty (40) hours in any one calendar week, if the Contractor is in violation of the provisions of Article 3, Chapter 1, Part 7, Division 2 (commencing with Section 1810) of Labor Code.

7. **Apprentices:** The Contractor shall be responsible for compliance with provisions of Labor Code Section 1777.5 for all apprenticeable occupations. In accordance with the provisions of said Section 1777.5, and in accordance with the rules and procedures of the California Apprenticeship Council, properly indentured apprentices shall be employed in the prosecution of the work. The ratio of apprentices to journeymen who shall be employed in the respective crafts or trades may be the ratio stipulated in the contract under which the apprenticeship committee operates, but in no event shall the ratio be less than one apprentice for each five journeymen, except as otherwise provided pursuant to said Section 1777.5. Willful failure by the Contractor to comply with said Section 1777.5 shall result in his being denied the right to bid on a public works contract for a period of one year from the date the determination of noncompliance is made by the Administrator of Apprenticeship and the imposition of civil penalties, as more particularly set forth in Section 1777.7 of said Labor Code.

Information relative to the number of apprentice standards, wage schedules, and other requirements shall be obtained from the Director of the Department of Industrial Relations, ex officio the

Administrator of Apprenticeship, San Francisco, California, or from the division of Apprenticeship Standards and its branch offices.

8. **Labor Discrimination:** Attention is directed to Section 1735 of said Labor Code, which reads as follows:

“No discrimination shall be made in the employment of persons upon public works because of the race, religious creed, color, national origin or ancestry, physical handicap, medical condition, marital status or sex of each persons, except as provided in Section 12940 of the Government Code, and section is subject to all the penalties imposed for a violation of this chapter.”

9. **Worker's Compensation Insurance:** In accordance with the provisions of Article 5, Chapter 1, Part 7, Division 2 (commencing with Section 1860) and Chapter 4, Part 1, Division 4 (commencing with Section 3700 of said Labor Code), the Contractor is required to secure the payment of compensation to his employees and shall for that purpose obtain and keep in effect adequate Worker's Compensation Insurance.

By execution hereof, the undersigned Contractor certifies that he is aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of that Code, and performance of the work of this contract.

10. **Ineligible Contractors:** Contractor is expressly prohibited from employing any “ineligible subcontractors” (as defined in Labor Code Section 1777.1) on the project described herein.

11. **Attorneys' Fees:** In the event that the City is required to bring legal action against Contractor related to this agreement, the City, if determined to be the prevailing party, shall be entitled to recover its attorney's fees from Contractor.

IN WITNESS WHEREOF, the parties have caused these presents to be executed by their respective officers, thereunto duly authorized, all as of the day and year first above written.

CITY OF CLAYTON

MCK SERVICES, INC.

By: _____
Mayor

By: _____

By: _____
"Contractor"

Attest: _____
City Clerk

Street Address

Approved as to Form & Procedure

City, ZIP Code

Mailing Address (if different)

City Attorney

P.O. Box

City, ZIP Code

Contact Person

Telephone Number

Federal Tax I.D. Number

EXHIBIT A
CONTRACTOR BID PRICES

<u>OLD MARSH CREEK ROAD OVERLAY PROJECT</u>					
<u>Item #</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total</u>
1	Mobilization	1	LS	\$29,423.00	\$29,423.00
2	Project Sign	2	EA	2,100.00	4,200.00
3	Traffic Control System	1	LS	24,813.32	24,813.32
4	Street Base Repair	500	SF	3.75	1,875.00
5	2" AC Overlay including grinding and fabric	211,262	SF	0.99	209,149.38
6	Pedestrian Ramp Modifications	42	EA	700.00	29,400.00
7	Replace Traffic Signal Loop	6	EA	400.00	2,400.00
8	Adjust Water Valve Can	6	EA	225.00	1,350.00
9	Adjust Monument Can	5	EA	225.00	1,125.00
10	Adjust Manhole Cover	6	EA	425.00	2,550.00
11	Adjust Misc. Utility Cover	2	EA	425.00	850.00
12	12" White Line (Thermoplastic)	539	LF	2.40	1,293.00
13	Detail 30	205	LF	2.00	410.00
14	Detail 33	990	LF	1.60	1,584.00
15	Detail 38C	1,151	LF	1.00	1,151.00
16	Detail 39	7,553	LF	0.75	5,664.75
17	Detail 39A	954	LF	0.70	667.80
18	Type IV Arrow	26	EA	60.00	1,560.00
19	Type VII Arrow	2	EA	108.00	216.00
20	"BIKE LANE" Marking	24	EA	60.00	1,440.00
21	"SIGNAL AHEAD" Marking	1	EA	250.00	250.00
22	"STOP" Marking	8	EA	88.00	704.00
23	"TRAIL XING" Marking	4	EA	250.00	1,000.00
24	Blue Reflective Markers	5	EA	15.00	75.00
OLD MARSH CREEK ROAD OVERLAY TOTAL					\$323,151.85

2010 PAVEMENT REHABILITATION PROJECT					
<u>Item #</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total</u>
1	Street Base Repair	2,300	SF	\$3.75	\$8,625.00
2	Leveling Course	100	TON	90.00	9,000.00
3	Thin Overlay	707,140	SF	0.82	579,854.80
4	Pavement Reconstruction	213,385	SF	1.45	309,408.25
5	Adjust Water Valve Can	130	EA	225.00	29,250.00
6	Adjust Monument Can	119	EA	225.00	26,775.00
7	Adjust Manhole Cover	92	EA	425.00	39,100.00
8	Adjust SSCO Cover	13	EA	425.00	5,525.00
9	Adjust Round Utility Cover	2	EA	425.00	850.00
10	12" White Line (Thermoplastic)	781	LF	2.50	1,952.50
11	Detail 4	4,889	LF	0.40	1,955.60
12	Detail 10	50	LF	1.00	50.00
13	Detail 23	2,246	LF	1.00	2,246.00
14	"AHEAD" Marking	1	EA	148.00	148.00
15	"STOP" Marking	26	LF	88.00	2,288.00
16	Blue Reflective Markers	51	EA	15.00	765.00
17	Green Reflective Markers	3	EA	100.00	300.00
2010 PAVEMENT REHABILITATION TOTAL					\$1,018,093.15
GRAND TOTAL					\$1,341,245.00

LEGAL RELATIONS AND RESPONSIBILITIES

Nothing in the provisions of this agreement is intended to create duties or obligations to or rights in third parties not parties to this contract or affect the legal liability of either party to the contract by imposing any standard of care different from the standard of care imposed by law.

It is understood and agreed that neither the City of Clayton ("City") nor any officer or employee is responsible for any damage or liability occurring by reason of anything done or omitted to be done by MCK Services, Inc. (Contractor") under or in connection with any work, authority or jurisdiction delegated to the Contractor under this agreement. It is understood and agreed that pursuant to Government Code Section 895.4 Contractor shall defend, indemnify and save harmless the City, its officers and employees from all claims, suits or actions of every name, kind and description brought for or in account of injuries to or death of any person or damage to property resulting from anything done or omitted to be done by the Contractor under or in connection with any work, authority or jurisdiction delegated to the Contractor under this agreement.

The Contractor waives any and all rights to any type of express and implied indemnity and defense against the City, its officers and employees arising from any work, authority or jurisdiction delegated to the Contractor under this agreement.

Executed on _____, 2010

MCK SERVICES, INC.

By _____

TITLE

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL
TUESDAY, September 7, 2010

Agenda Date: 9-21-10

Agenda Item: 4b

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Stratford in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Stratford, Vice Mayor Shuey, Councilmembers Geller, Medrano and Pierce. Staff present: City Manager Gary Napper, City Attorney Dan Adams, Community Development Director David Woltering, Assistant to the City Manager Laura Hoffmeister, and City Clerk Laci Jackson.
2. **CLOSED SESSION** – None.
3. **PLEDGE OF ALLEGIANCE** – led by Mayor Stratford.
4. **CONSENT CALENDAR-** It was moved by Councilmember Pierce, seconded by Councilmember Medrano to approve the Consent Calendar as submitted (Passed; 5-0 vote).
 - (a) Approved the minutes of the regular meeting of July 20, 2010.
 - (b) Approved Financial Demands and Obligations of the City.
 - (c) Authorized the City Clerk to complete and transmit the 2010 Local Biennial Notice to the Fair Political Practices Commission indicating no amendments are required to Clayton's Conflict of Interest Code.
 - (d) Adopted Resolution 36-2010 approving specific project and operational encumbrances from the FY 09-10 Budget and amending the FY 10-11 City Budget accordingly.
 - (e) Approved City co-sponsorship and flat fee donation of \$168 from the Clayton Woman's Club for use of Hoyer Hall (Library Community Meeting Room) for its Annual Craft Sale on November 20 & 21, 2010.
5. **RECOGNITIONS AND PRESENTATIONS**
 - (a) Mayor Stratford read aloud the Proclamation declaring the week of September 17 - 23, 2010 as "U.S. Constitution Week" in the city of Clayton.
 - (b) Mayor Stratford presented the Proclamation declaring the week of September 19-25, 2010 as "Fall Prevention Awareness Week" in the city of Clayton to Emily Hopkins of the Fall Prevention Coalition. She stated on September 25th the coalition will be holding a fundraiser in Ellinwood (Pleasant Hill) to raise money to help prevent injuries, and fund educational support and home safety repairs.

- (c) Introduction of new Contra Costa Fire Protection District Fire Chief Daryl Louder

County Supervisor Susan Bonilla introduced Chief Louder and stated the County is very pleased he has joined the department. She stated he comes from Virginia and brings new kind of leadership. She noted the District is facing very challenging times but will continue to provide excellent service, including improved communication and notification to elected officials.

Chief Louder thanked Supervisor Bonilla for the introduction and stated he is looking forward to working with the cities within the District.

6. REPORTS

- (a) Planning Commission- Commissioner Ted Meriam reported on the August 24th meeting of the Planning Commission. The Commission approved a Home Occupation Permit for a small cooking school in a residential neighborhood. The Commission also moved Ordinance No. 429 (Water Landscaping Ordinance) forward for City Council approval.

Mayor Stratford stated he, Vice Mayor Shuey and Ted Meriam and Jim Diaz were running for the two City Council seats in the November 2010 election. In accordance with Council policy, he invited Mr. Meriam to now speak since he was already at the podium.

Ted Meriam stated he is running for City Council and anyone looking for information can visit www.tedmeriam.com or call 388-6011.

- (b) Trails and Landscaping Committee- Committee member Jake Pauline stated the Committee received written status about the median island noses, Marsh Creek Road, Clayton Fountain, and the Adopt-a-Trail program. The Committee also received response from the Maintenance Department regarding a resident who inquired about cutting the weeds on the trails three times a year. Staff found it would not be cost effective to do the weed cutting more than twice a year. The Committee discussed Councilmember Geller's suggestion to use donated wood chips from local tree trimmers. The Committee followed the advice of Maintenance staff, and did not support the use of a free woodchips program because of the lack of space to secure the chips, and the likelihood of disease. He stated the Committee's Annual Report for 2009 will be ready in October or November.
- (c) The City Manager reported there are big things happening in town with the anticipation of a fairly large neighborhood street pavement project (\$1.3 million) and the installation of a small tot lot in Lydia Lane Park.
- (d) City Council

Councilmember Geller attended the Mayors' Conference in Danville and stated the final Concert in The Grove is set for September 11th and will include a color guard. He also stated the concerts continue to bring in donations which will help fund next years series. Mayor Stratford thanked Councilmembers Geller and Pierce for collecting the donations.

Councilmember Medrano stated the Passport 2 Communities' golf tournament will be held Monday, September 27th at Oakhurst Country Club and he attended the Mayors' Conference.

Councilmember Pierce attended the ABAG Regional Planning Committee meeting, the Mayors' Conferences in Walnut Creek and Danville, the groundbreaking of the fourth bore of the Caldecott Tunnel, and the Lydia Lane Park tot lot neighborhood meeting. She was also a judge for the CBCA rib cook-off/ membership drive and contacted 511 Contra Costa about providing bike racks for different public facilities of the City.

Mayor Stratford attended the Mayors' Conferences in Walnut Creek and Danville and was introduced to the new Chief of the Danville Police Department, Steve Simpkins, who is a Clayton resident. He also cooked in the Mayors' Healthy Food Cook-off and attended the Trails and Landscaping Committee meeting.

(e) Other

Mayor Stratford invited City Council candidate Jim Diaz forward to speak.

Jim Diaz stated he is running for City Council. He is a 30 year member of the community, and he has very involved working with the CBCA, the Concerts in the Grove, Oktoberfest and the Art and Wine Festival. He stated he is looking forward to this race in November.

Mayor Stratford noted he and Vice Mayor Shuey are also candidates for reelection to Council.

7. PUBLIC COMMENT ON NON-AGENDA ITEMS

Linda Hudak stated she is still concerned about the character trait banners and would like to know when the program will be approved the City Council. Mayor Stratford stated the issue will be brought forward to the City Council at its September 21, 2010 meeting.

John Trammell, stated he is still concerned with the banners but suggested the librarian pull together lists of books that show the character straits and remind citizens of the Golden Rule.

8. PUBLIC HEARINGS – None.

9. ACTION ITEMS

- (a) Consider the award of contract to MCK Services in the amount of \$1,341,295.00 for performance of the 2010 Neighborhood Street Repavement Project & old Marsh Creek Road Repavement Project (CIPs No. 10409 & 10416)

The City Engineer presented the staff report and explained the two alternate bid options. He stated one project is for rehabilitation of old Marsh Creek Road and the second is for overlays to residential streets. The project specifications asked for an alternative bid for the use of rubberized asphalt concrete (RAC). The alternate bid results show that the cost savings for RAC would only be realized on the old Marsh Creek Road part of the project.

The City Engineer recommended the City Council approve the Resolution with RAC on old Marsh Creek Road.

Councilmember Geller questioned MCK's experience with installing RAC as well as Caltrans experience with the product. The City Engineer explained that MCK has completed several RAC projects and is currently constructing a RAC overlay of Highway 4 in East County. The City Engineer stated RAC is ideal for old Marsh Creek Road because of its length and width which will allow for a minimum number of paving joints as opposed to cul-de-sacs.

Councilmember Medrano asked where the funding for these projects comes from? The City Engineer stated gas taxes the Measure J funds can only be used on transportation projects, and the Measure J monies for the for the old Marsh Creek road overlay.

Councilmember Pierce stated she is a proponent of using RAC. However, she questions the adequacy of the fabric proposed for underlayment instead of the rubberized chip seal (SAMI-R). She suggested an independent person check the specifications and durability of the alternate underlay before executing the contract.

The City Manager recommended the street Falcon Place be eliminated from the list for this pavement project in order to retain sufficient money for litigation in the Oakhurst Geologic Hazard Abatement District (GHAD).

Vice Mayor Shuey asked that in the last paragraph of the contract the words "or defense" be added.

Councilmember Pierce asked for the final sentence on page 1 of 7 be modified to make better sense. She also noted the streets slated for repaving in the Oakhurst Subdivision are only on the list due to funding by GHAD; without the GHAD money, their condition would not be low enough to warrant inclusion in the regular neighborhood street project.

It was moved by Vice Mayor Shuey, seconded by Councilmember Pierce to adopt Resolution 37-2010 awarding the competitive bid contract to MCK Services in the amount of \$1,341,245.00, eliminate Falcon Place, and this action is contingent on the adequacy of specifications of the alternative underlying fabric with 3rd party review and acceptance, and bring that item back as an Information item (Passed; 5-0 vote).

- (b) Consider the award of contract to Miracle Playsystems, Inc. (Alamo, CA) in the amount of \$44,133.69 for the purchase and installation of a new small tot lot with resilient play surface in Lydia Lane Park using developer impact mitigation monies [CIP No. 10336 – Phase II].

The Assistant to the City Manager presented the staff report. She stated the sub-committee of the City Council (Councilmember Geller and Pierce) along with 15 neighbors, met at Lydia Lane Park to discuss the possibility of installing a small tot lot in the park. The feedback from the residents present was positive and they suggested a bench be installed near the play area. The new tot lot will be visible from the parking lot, buffered from the neighbors and will include vandalism deterrents. The purchase and installation of the equipment will be procured through the previously-bid State CMAS listing and the contract will be executed directly with the contractor.

Councilmember Pierce stated the meeting was very successful and the residents seem to be happy with the tot lot as an addition to the park.

No public comments were received.

It was moved by Councilmember Pierce, seconded by Councilmember Geller to adopt Resolution 38-2010 and to send a note to neighbors notifying them of the action (Passed; 5-0 vote).

- (c) Consider a Resolution establishing new fees and adjusting existing fees in the City Master Fee Schedule for certain user-benefit City services and rental of City facilities and parks in FY 2010-11.

The Assistant to the City Manager presented the staff report and outlined the proposed changes to the Fee schedule. For the Community Development Department she outlined some of the fee changes. She stated the Administrative Use Permit for Fences would move to a flat rate fee of \$150. Construction and Demolition Compliance will continue to collect the \$2,000 deposit but will also collect a \$130 fee for the review of the documents (direct cost). Minor Storm Water Permit fees will be changed from \$75 to \$100, and standard Storm Water Permits from \$75 to \$125.

The Assistant to the City Manager reviewed the changes to the Police Department fees. She stated for non-residents wishing to have their fix-it tickets signed off the fee is moving to \$20 which is consistent with other cities. Lastly, she stated an additional fee of \$35 for late payments of parking citations has been added to the fee schedule. These fees are to be collected from the cited party by the vendor.

She also outlined the fees for schedule changes to Endeavor Hall and the Sports Fields as follows:

Endeavor Hall Reservation rental change of time (same date): \$35 (less than 30 days prior to the event)

Endeavor Hall Reservation date change: \$45 (less than 90 days prior to the event)

Sports Field Rental change of time: \$ 35 (less than 7 calendar days prior to use date)

Sports Field Rental date change: \$45 (less than 7 calendar days prior to use date)

Field Rental cancellation: No refund (less than 14 calendar days prior to use)

Finally, she noted the Business License Renewal Fee has an actual cost of \$40 per license therefore it is suggested the fee move from \$10 to \$25 to help offset the actual cost. The City Manager added that unless identified in the staff report and resolution the remaining City fees do not change.

The Council discussed the Business License Renewal Fee and Councilmember Pierce stated she would like to see all businesses pay the business licenses tax regardless of whether or not they are making \$5,000 or less. It was noted the business license is a tax and its schedule cannot be altered without voter approval (Prop. 218).

Councilmember Shuey stated the adult field users seem to cause more wear and tear on the fields, though he did note those user groups are cleaning up after themselves much better.

The City Manager stated the adult soccer league is a consistent user and last year the adult fees were raised substantially in comparison to the youth fees. The Assistant to the City Manager also stated the adult soccer league did reduce the hours and their schedule based on the economic downturn and possibly the increased fees.

It was moved by Councilmember Pierce, seconded by Councilmember Geller to adopt Resolution 39-2010 setting City fee rates for FY 2010-11 (Passed; 5-0 vote).

- (d) Consider Ordinance No. 429 amending Title 17 of the *Clayton Municipal Code* to supersede and replace the existing "Water Conserving Landscape Guidelines" with "Landscape Water Conservation Standards" to implement SB 1881, the Water Conservation in Landscaping Act of 2006 [Introduction and First Reading]

The Community Development Director presented the staff report. He stated the State of California adopted the Water and Landscaping Act of 2009 which set requirements and thresholds for developer, public, and homeowner landscape projects. The Planning Commission and staff reviewed the Department of Water Resources Ordinance and believe it needed to be modified to fit the City of Clayton. The goal of the Ordinance is the use best practices to conserve water when establishing or redesigning landscaping. Some of the changes include allowing City staff to review City projects for compliance. The Ordinance also encourages people to do water audits through the Water District to help reduce overrun and waste.

The Community Development Director stated for projects of 5,000 sq/ft or more of rehabilitated or new landscaping, a homeowner would be required to use this program for the design, installation, maintenance and auditing.

No public comments were received.

It was moved by Councilmember Medrano, seconded by Councilmember Pierce to have the City Clerk read Ordinance No. 429 by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 429 by title and number only.

It was moved by Councilmember Medrano, seconded by Councilmember Pierce to approve Ordinance No. 429 for Introduction (Passed; 5-0 vote).

- (e) Consideration of a status report on City objectives related to a variety of proposed environmental protection programs and Green Building Codes.

Assistant to the City Manager presented the staff report outlining many of the "green" programs staff has been monitoring, researching and implementing:

- Recycling/Waste Reduction
- Commercial Recycling
- Plastic Grocery Bags
- Prohibition of polystyrene aka "Styrofoam" to go food containers
- Landscape Water Conservation
- Water Quality enhancements (newer/updated stormwater regulations)
- Bay Basin Plan Amendments
- Stream and Wetland and Riparian Corridor Policy
- Green Building
- Solar Energy and Energy Retrofit
- ABAG Residential solar assessment and energy retrofit program [PACE] and Residential Solar Leasing
- Status of consideration of use of Solar Panels city facilities
- City building interior and other energy efficiency items
- AB32/SB375
- Local Climate Action Plan
- Greenhouse Gas Guidelines

The Council asked that a mandatory recycling program for commercial businesses be discussed with the next Solid Waste and Recycling franchise extension.

By consensus the City Council determined key items, such as elimination of plastic grocery bags and Styrofoam containers, must be addressed by Statewide action; therefore, they decided to continue to have staff monitor the issues.

- (f) Consideration of a Resolution committing the City's participation in and financial obligations thereof to the East Bay Regional Communications System Authority (EBRCSA) for a two county radio interoperability system to enhance inter-public safety and emergency response communications in disasters or civil emergencies.

The City Manager presented the staff report. He stated this agenda item was discussed at the last Mayors' Conference. He stated because of the tragic events (9/11; Hurricane Katrina), agencies realized there is a critical need for interoperability for emergency response. Contra Costa and Alameda Counties came together to coordinate a program which will allow for all agencies to talk to each other on the same radio system. The cost of the infrastructure is being divided by the number of radios needed in each jurisdiction. The City of Clayton verified a need for 38 radios. The agreed to be involved in the program but now needs to either a) be part of a bond issuance of \$17 million, of which Clayton's share would be \$107,046 paid over 15 years; or b) pay outright for the infrastructure share in the amount of \$58,710. Unexpended COPS grant money can be used for this purpose though the City will still incur approximately \$13,000 in annual operations and maintenance expenses beginning in 2013. By buying out the cost of the infrastructure now the City will save \$48,336 in principal and interest payments.

The City Council discussed the number of radios needed. The City Manager stated he and the Police Chief discussed the number of radios needed and their recommendation is 38 in order to cover field personnel and the Emergency Operations Center. It was also noted the portable radios need periodic recharging so additional radios are necessary.

It was moved by Councilmember Pierce, seconded by Councilmember Medrano to adopt Resolution 40-2010 committing the City's participation in and financial obligation thereof to the East Bay Regional Communication System Authority (EBRCSA) (Passed; 5-0 vote).

- (g) Consideration of City Council position and voting instructions on the six (6) proposed General Resolutions at the 2010 Annual Conference of the League of CA Cities.

The City Manager outlined the six (6) Resolutions and provided recommendations on each of them.

1. Administrative Services Policies (League by-law amendment) - Support
2. Community Services Policies (Let's Move campaign) - Support
3. Multiple Policy Committees Review (Resolution opposing the Board of Directors' decision to defer action on AB 32 and SB 375 and to adopt the Board-appointed Task Force recommendations) - Support
4. Multiple Policy Committees' Review (responsible banking) - Oppose
5. Revenue and Taxation Policies (unfunded state mandates) - Support
6. Transportation, Communication & Public Works Policy Committee (enhancing public safety while driving a motor vehicle) - Support

The City Council gave corresponding direction to its voting delegate (Councilmember Pierce) in concurrence with the City Manager's recommendation.

10. **COUNCIL ITEMS**- None.

11. **ADJOURNMENT**- On call by Mayor Stratford the meeting adjourned at 10:18 p.m.

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Hank Stratford, Mayor



Agenda Date: 09/21/10

Agenda Item: 4c

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: MERRY PELLETIER, FINANCE MANAGER
DATE: SEPTEMBER 21, 2010
SUBJECT: OBLIGATION SUMMARY

RECOMMENDATION Approve the following obligations.

<u>RUN DATE</u>	<u>OBLIGATION NUMBERS</u>	<u>TOTALS</u>
09/17/10	17561 – 17597	\$137,314.35

Invoice Distribution Report

- o Amounts spent by "Line Item"
- o A grand total is shown on the last page

Attachments:

Invoice Distribution Report 09/17/10 (7 pages)

Run date: 09/17/2010 @ 11:48
 Bus date: 09/17/2010

City of Clayton
 Invoice Distribution Report

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-2206-00.0.0-000 - PERS Liability			
17562 Retirement PPE 9/5/10	201 CalPERS		
	7 PD Survivor Benefit 9/5/10	Inv	10.23
A101-2206-00.0.0-000 - PERS Liability	*** Account total ***		10.23
A101-7220-01.0.0-000 - PERS Retirement			
17562 Retirement PPE 9/5/10	201 CalPERS		
	1 Legislative 9/5/10	Inv	412.97
A101-7220-01.0.0-000 - PERS Retirement	*** Account total ***		412.97
A101-7220-02.0.0-000 - PERS Retirement			
17562 Retirement PPE 9/5/10	201 CalPERS		
	2 Admin 9/5/10	Inv	3,982.75
A101-7220-02.0.0-000 - PERS Retirement	*** Account total ***		3,982.75
A101-7220-03.0.0-000 - PERS Retirement			
17562 Retirement PPE 9/5/10	201 CalPERS		
	3 PW 9/5/10	Inv	2,311.05
A101-7220-03.0.0-000 - PERS Retirement	*** Account total ***		2,311.05
A101-7220-04.0.0-000 - PERS Retirement			
17562 Retirement PPE 9/5/10	201 CalPERS		
	4 Planning 9/5/10	Inv	1,174.00
A101-7220-04.0.0-000 - PERS Retirement	*** Account total ***		1,174.00
A101-7220-06.0.0-000 - PERS Retirement			
17562 Retirement PPE 9/5/10	201 CalPERS		
	5 Police 9/5/10	Inv	12,075.96
A101-7220-06.0.0-000 - PERS Retirement	*** Account total ***		12,075.96
A101-7246-01.0.0-000 - Benefit Insurance			
17570 Dental Premium 10/10	540 Health Care Dental Trust		
	6 Cc Geller 10/10	Inv	47.73
A101-7246-01.0.0-000 - Benefit Insurance	*** Account total ***		47.73
A101-7246-02.0.0-000 - Benefit Insurance			
17570 Dental Premium 10/10	540 Health Care Dental Trust		
	1 Admin Dental 10/10	Inv	498.76
A101-7246-02.0.0-000 - Benefit Insurance	*** Account total ***		498.76
A101-7246-03.0.0-000 - Benefit Insurance			
17570 Dental Premium 10/10	540 Health Care Dental Trust		
	2 PW Dental 10/10	Inv	578.92
A101-7246-03.0.0-000 - Benefit Insurance	*** Account total ***		578.92
A101-7246-04.0.0-000 - Benefit Insurance			
17570 Dental Premium 10/10	540 Health Care Dental Trust		
	3 Planning Dental 10/10	Inv	223.02
A101-7246-04.0.0-000 - Benefit Insurance	*** Account total ***		223.02

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City of Clayton
 Invoice Distribution Report

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-7246-06.0.0-000 - Benefit Insurance			
17570 Dental Premium 10/10	540 Health Care Dental Trust		
	4 Police Dept Dental 10/10	Inv	988.20
A101-7246-06.0.0-000 - Benefit Insurance	*** Account total ***		988.20
A101-7311-06.0.0-000 - General Supplies			
17590 PD Uniform - Eby 8/10	2528 Concord Uniforms		
	1 PD Uniform - Eby 8/10	Inv	1,059.67
A101-7311-06.0.0-000 - General Supplies	*** Account total ***		1,059.67
A101-7331-05.0.0-000 - Rentals/Leases			
17572 Admin Copier Copies 8/10	2371 Konica Minolta Bus Sol-Copies		
	1 Adm Copier Copies 8/10	Inv	429.98
A101-7331-05.0.0-000 - Rentals/Leases	*** Account total ***		429.98
A101-7332-02.0.0-000 - Telecommunications			
17564 Admin ISDN Line 10/10	1573 Verizon Business		
	1 Admin ISDN Line 10/10	Inv	213.82
17566 Long Distance 8/10	1779 Access One		
	1 City Hall Svc 8/10	Inv	5.76
17567 Local Phone Svc 8/10B	1243 AT&T/ CalNet 2		
	2 CH Local Phone 8/10B	Inv	212.06
17584 PW & Adm Cell Phones 8/10	2110 Sprint Comm (PW & ADM)		
	2 Adm Cell Phones 8/10	Inv	105.94
A101-7332-02.0.0-000 - Telecommunications	*** Account total ***		537.58
A101-7332-03.0.0-000 - Telephone			
17566 Long Distance 8/10	1779 Access One		
	2 PW Svc 8/10	Inv	5.33
17584 PW & Adm Cell Phones 8/10	2110 Sprint Comm (PW & ADM)		
	1 PW Cell Phones 8/10	Inv	233.72
A101-7332-03.0.0-000 - Telephone	*** Account total ***		239.05
A101-7332-04.0.0-000 - Telephone			
17566 Long Distance 8/10	1779 Access One		
	3 Planning Svc 8/10	Inv	11.23
A101-7332-04.0.0-000 - Telephone	*** Account total ***		11.23
A101-7332-06.0.0-000 - Telephone			
17566 Long Distance 8/10	1779 Access One		
	5 Police Dept Svc 8/10	Inv	19.93
17567 Local Phone Svc 8/10B	1243 AT&T/ CalNet 2		
	7 PD Local Phone 8/10B	Inv	91.15
A101-7332-06.0.0-000 - Telephone	*** Account total ***		111.08
A101-7332-07.0.0-000 - Telephone			
17566 Long Distance 8/10	1779 Access One		
	4 Library Svc 8/10	Inv	.98
17567 Local Phone Svc 8/10B	1243 AT&T/ CalNet 2		
	4 Library Local Phone 8/10B	Inv	154.54
A101-7332-07.0.0-000 - Telephone	*** Account total ***		155.52

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City of Clayton
 Invoice Distribution Report

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-7335-03.0.0-000 - Gas & Electricity			
17568 Service 8/10 (Small Master)	113 PG&E		
	1 City Hall Svc 8/10	Inv	2,442.13
17569 Service 8/10 (Ind)	113 PG&E		
	5 Oak St. 8/10	Inv	9.47
A101-7335-03.0.0-000 - Gas & Electricity	*** Account total ***		2,451.60
A101-7338-03.0.0-000 - Water Services			
17585 City Water Usage 7-8/10	67 Contra Costa Water Dist.		
	1 City Hall 7-8/10	Inv	475.11
	2 PW Bldg 7-8/10	Inv	1,799.26
	7 El Molino Park 7-8/10	Inv	1,303.85
	8 Stranahan Park 7-8/10	Inv	965.24
	12 Oak Street 7-8/10	Inv	99.97
A101-7338-03.0.0-000 - Water Services	*** Account total ***		4,643.43
A101-7338-07.0.0-000 - Water Services			
17585 City Water Usage 7-8/10	67 Contra Costa Water Dist.		
	3 Library 7-8/10	Inv	249.91
A101-7338-07.0.0-000 - Water Services	*** Account total ***		249.91
A101-7338-09.0.0-000 - Water Services			
17585 City Water Usage 7-8/10	67 Contra Costa Water Dist.		
	5 Community Park 7-8/10	Inv	31,566.69
A101-7338-09.0.0-000 - Water Services	*** Account total ***		31,566.69
A101-7341-03.0.0-000 - Buildings/Grounds Maintenance			
17563 Monthly Svc 8/10	170 Western Exterminator		
	1 City Hall Ext Svc 8/10	Inv	90.50
17594 CH Fire Insp & Svc 9/10	2468 Cintas Fire Protection		
	1 CH Fire Insp & Svc 9/10	Inv	942.54
A101-7341-03.0.0-000 - Buildings/Grounds Maintenance	*** Account total ***		1,033.04
A101-7341-07.0.0-000 - Buildings/Grounds Maintenance			
17563 Monthly Svc 8/10	170 Western Exterminator		
	2 Library Ext Svc 8/10	Inv	93.50
17596 Libr Fire Insp & Svc 9/10	2468 Cintas Fire Protection		
	1 Libr Fire Insp & Svc 9/10	Inv	633.98
A101-7341-07.0.0-000 - Buildings/Grounds Maintenance	*** Account total ***		727.48
A101-7343-06.0.0-000 - Vehicle Maintenance			
17578 PD Vehicle Maintenance 8/10	42 City of Concord		
	1 PD Vehicle Mtn 8/10	Inv	330.16
A101-7343-06.0.0-000 - Vehicle Maintenance	*** Account total ***		330.16
A101-7411-08.0.0-000 - Professional Services Retainer			
17561 Eng Svc 8/28/10-9/10/10	116 PERMCO, Inc.		
	1 Eng Svc 8/28/10-9/10/10	Inv	2,744.50
A101-7411-08.0.0-000 - Professional Services Retainer	*** Account total ***		2,744.50

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-7412-08.0.0-000 - Engineering/Inspection Service 17561 Eng Svc 8/28/10-9/10/10	116 PERMCO, Inc. 3 Minor EP #9250	Inv	249.00
A101-7412-08.0.0-000 - Engineering/Inspection Service	*** Account total ***		249.00
A101-7415-02.0.0-000 - Computer Services 17581 New Mini-Svr for FE 8/10	1905 Undercover Computers 1 New Mini-Svr for FE 8/10	Inv	600.00
A101-7415-02.0.0-000 - Computer Services	*** Account total ***		600.00
A101-7419-01.0.0-000 - Other Professional Services 17571 Video City Council Mtg 9/7/10	1467 LarryLogic Productions 1 Video CC Mtg 9/7/10	Inv	360.00
A101-7419-01.0.0-000 - Other Professional Services	*** Account total ***		360.00
A101-7419-02.0.0-000 - Other Professional Services 17592 State Controllers Rpt 9/10	2234 Thales Consulting Inc 1 State Controllers Rpt 9/10	Inv	1,500.00
A101-7419-02.0.0-000 - Other Professional Services	*** Account total ***		1,500.00
A101-7419-05.0.0-000 - Other Professional Services 17582 FSA Acct Admin 8/10	2500 Employee Benefit Specialists. 1 FSA Acct Admin 8/10	Inv	100.00
A101-7419-05.0.0-000 - Other Professional Services	*** Account total ***		100.00
A101-7419-06.0.0-000 - Other Professional Services 17579 PD-Crossing Guard WE 8/28/10	1538 All City Management Services. 1 PD-Crossing Guard WE 8/28/10	Inv	139.50
A101-7419-06.0.0-000 - Other Professional Services	*** Account total ***		139.50
A101-7419-09.0.0-000 - Other Professional Services 17563 Monthly Svc 8/10	170 Western Exterminator 3 Park-Ext Svc 8/10	Inv	40.50
A101-7419-09.0.0-000 - Other Professional Services	*** Account total ***		40.50
A101-7424-06.0.0-000 - Dispatch Services 17577 PD Dispatch Svcs 9/10	42 City of Concord 1 PD Dispatch Svcs 9/10	Inv	13,173.00
A101-7424-06.0.0-000 - Dispatch Services	*** Account total ***		13,173.00
A101-7425-06.0.0-000 - Crime Lab 17580 PD-Crime Lab 7/10	641 CCC Office of the Sheriff-Coro 1 PD Crime Lab 7/10	Inv	680.00
A101-7425-06.0.0-000 - Crime Lab	*** Account total ***		680.00
A201-7335-00.0.0-000 - Gas & Electricity 17568 Service 8/10 (Small Master)	113 PG&E 5 Traffic Sgn & St Lt 8/10	Inv	201.23
A201-7335-00.0.0-000 - Gas & Electricity	*** Account total ***		201.23

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A210-7335-00.0.0-000 - Gas & Electricity			
17568 Service 8/10 (Small Master)	113 PG&E		
	2 Clock Service 8/10	Inv	81.52
	3 Outdoor Lt Service 8/10	Inv	107.27
	4 Irrigation Service 8/10	Inv	383.75
17569 Service 8/10 (Ind)	113 PG&E		
	4 Irrigation Svc 8/10	Inv	167.15
A210-7335-00.0.0-000 - Gas & Electricity	*** Account total ***		739.69
A210-7338-00.0.0-000 - Water Services			
17585 City Water Usage 7-8/10	67 Contra Costa Water Dist.		
	6 El Molino Park 7-8/10	Inv	325.96
	11 City Irrigation 7-8/10	Inv	9,138.75
A210-7338-00.0.0-000 - Water Services	*** Account total ***		9,464.71
A210-7342-00.0.0-000 - Machinery/Equip Maintenance			
17588 PW Equip Maint 8/10	62 Concord Garden Equipment		
	1 PW Equip Maint 8/10	Inv	133.19
A210-7342-00.0.0-000 - Machinery/Equip Maintenance	*** Account total ***		133.19
A210-7419-00.0.0-000 - Other Professional Services			
17573 OH Waterfall Mtn 9/10	2266 Rock N Waterfall Co		
	1 OH Waterfall Mtn 9/10	Inv	650.00
A210-7419-00.0.0-000 - Other Professional Services	*** Account total ***		650.00
A211-7335-00.0.0-000 - Gas & Electricity			
17569 Service 8/10 (Ind)	113 PG&E		
	3 Grove Park Svc 8/10	Inv	78.06
A211-7335-00.0.0-000 - Gas & Electricity	*** Account total ***		78.06
A211-7338-00.0.0-000 - Water Services			
17585 City Water Usage 7-8/10	67 Contra Costa Water Dist.		
	13 Grove Park 7-8/10	Inv	388.07
A211-7338-00.0.0-000 - Water Services	*** Account total ***		388.07
A216-7412-00.0.0-000 - Engineering/Inspection Service			
17561 Eng Svc 8/28/10-9/10/10	116 PERMCO, Inc.		
	2 SW Insp #9251	Inv	259.88
	4 SW Insp #9238	Inv	3,002.44
A216-7412-00.0.0-000 - Engineering/Inspection Service	*** Account total ***		3,262.32
A216-7419-00.0.0-000 - Other Professional Services			
17574 PW Wash Rack Mtn 8/10	2604 Sprayer Sales Co		
	1 PW Wash Rack Mtn 8/10	Inv	225.00
17575 PW Wash Rack Mtn + Part 7/10	2604 Sprayer Sales Co		
	1 PW Wash Rack Mtn + Part 7/10	Inv	466.99
A216-7419-00.0.0-000 - Other Professional Services	*** Account total ***		691.99
A230-7220-00.0.0-813 - PERS Retirement-COPS			
17562 Retirement PPE 9/5/10	201 CalPERS		
	6 PD Grant 9/5/10	Inv	879.03
A230-7220-00.0.0-813 - PERS Retirement-COPS	*** Account total ***		879.03

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City of Clayton
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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A230-7246-00.0.0-000 - Benefit Insurance 17570 Dental Premium 10/10	540 Health Care Dental Trust 5 PD Grant Dental 10/10	Inv	132.88
A230-7246-00.0.0-000 - Benefit Insurance	*** Account total ***		132.88
A230-7485-00.0.0-000 - Capital Equipment-Cleep Grant 17583 PD Router Maintenance 9/10	42 City of Concord 1 PD Router Maint 9/10	Inv	112.00
A230-7485-00.0.0-000 - Capital Equipment-Cleep Grant	*** Account total ***		112.00
A301-7419-00.0.0-000 - Other Professional Services 17593 RDA Existing Cond Anly 9/10	2429 Seifel Consulting Inc. 1 RDA Existing Cond Anly 9/10	Inv	3,310.67
A301-7419-00.0.0-000 - Other Professional Services	*** Account total ***		3,310.67
A302-7520-00.0.0-003 - 208 Stranahan L/M House(Chang) 17569 Service 8/10 (Ind)	113 PG&E 6 LMI 208 Stran 8/10	Inv	14.37
17585 City Water Usage 7-8/10	67 Contra Costa Water Dist. 14 LMI 208 Stran 7-8/10	Inv	72.15
A302-7520-00.0.0-003 - 208 Stranahan L/M House(Chang)	*** Account total ***		86.52
A302-7520-00.0.0-009 - 278 Stranahan Cir LMI House 17569 Service 8/10 (Ind)	113 PG&E 7 LMI 278 Stran 8/10	Inv	10.64
17576 Yard Rpr-Stranahan Cir 9/10	2188 Pargett Landscape & Lghtg 1 Yard Rpr-Stranahan Cir 9/10	Inv	1,275.00
17585 City Water Usage 7-8/10	67 Contra Costa Water Dist. 15 LMI 278 Stran 7-8/10	Inv	73.10
A302-7520-00.0.0-009 - 278 Stranahan Cir LMI House	*** Account total ***		1,358.74
A303-7520-00.0.0-117 - Pavement Rehab 2010-11(10409) 17561 Eng Svc 8/28/10-9/10/10	116 PERMCO, Inc. 5 Eng Svc #9254	Inv	2,473.56
A303-7520-00.0.0-117 - Pavement Rehab 2010-11(10409)	*** Account total ***		2,473.56
A502-7485-00.0.0-000 - Capital Equipment 17597 PD 2011 Vehicle 8/10	2685 Diablo Ford 1 PD 2011 Vehicle 8/10	Inv	23,029.91
A502-7485-00.0.0-000 - Capital Equipment	*** Account total ***		23,029.91
A601-2739-00.0.0-000 - Clayton Community Library Foun 17565 Library Volunteer 9/10	1160 Arlene H. Kikkawa-Nielsen 1 Library Volunteer 9/10	Inv	820.00
A601-2739-00.0.0-000 - Clayton Community Library Foun	*** Account total ***		820.00
A601-2741-00.0.0-566 - Creekside Ter VIZf/x Consult 17591 Creekside Terr Env Docs 9/10	2541 VIZf/x 1 Creekside Terr Env Docs 9/10	Inv	1,620.00
A601-2741-00.0.0-566 - Creekside Ter VIZf/x Consult	*** Account total ***		1,620.00

Run date: 09/17/2010 @ 11:48
 Bus date: 09/17/2010

City of Clayton
 Invoice Distribution Report

OTDIST.L02 Page 7

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A601-2744-00.0.0-516 - Guttry SWP 21-09 17561 Eng Svc 8/28/10-9/10/10	116 PERMCO, Inc. 7 Eng Svc #9252	Inv	20.75
A601-2744-00.0.0-516 - Guttry SWP 21-09	*** Account total ***		20.75
A601-2744-00.0.0-518 - Weisendanger SWP 17561 Eng Svc 8/28/10-9/10/10	116 PERMCO, Inc. 8 Eng Svc #9252	Inv	20.75
A601-2744-00.0.0-518 - Weisendanger SWP	*** Account total ***		20.75
A601-2744-00.0.0-569 - Omeara SWP 01-10 17561 Eng Svc 8/28/10-9/10/10	116 PERMCO, Inc. 9 Eng Svc #9252	Inv	20.75
A601-2744-00.0.0-569 - Omeara SWP 01-10	*** Account total ***		20.75
A601-2744-00.0.0-577 - Gerald Mole SWP 07-10 17561 Eng Svc 8/28/10-9/10/10	116 PERMCO, Inc. 10 Eng Svc #9252	Inv	20.75
A601-2744-00.0.0-577 - Gerald Mole SWP 07-10	*** Account total ***		20.75
A601-2744-00.0.0-588 - R Valasquez SWP 09-10 17561 Eng Svc 8/28/10-9/10/10	116 PERMCO, Inc. 11 Eng Svc #9252	Inv	20.75
A601-2744-00.0.0-588 - R Valasquez SWP 09-10	*** Account total ***		20.75
A601-2746-00.0.0-129 - Diablo Pt Grading Inspections 17561 Eng Svc 8/28/10-9/10/10	116 PERMCO, Inc. 6 Eng Svc #9253	Inv	375.00
A601-2746-00.0.0-129 - Diablo Pt Grading Inspections	*** Account total ***		375.00
A702-7338-00.0.0-000 - Water Services 17585 City Water Usage 7-8/10	67 Contra Costa Water Dist. 4 End Hall 7-8/10	Inv	145.26
A702-7338-00.0.0-000 - Water Services	*** Account total ***		145.26
A702-7341-00.0.0-000 - Buildings/Grounds Maintenance 17563 Monthly Svc 8/10	170 Western Exterminator 4 End Hall Ext Svc 8/10	Inv	87.00
17589 EH Repair 8/10	509 CR Fireline Inc 1 EH Repair 8/10	Inv	163.65
17595 EH Fire Insp & Svc 9/10	2468 Cintas Fire Protection 1 EH Fire Insp & Svc 9/10	Inv	218.33
A702-7341-00.0.0-000 - Buildings/Grounds Maintenance	*** Account total ***		468.98
A702-7346-00.0.0-000 - HVAC Mtn & Repairs 17586 EH HVAC Repair 9/10	2626 Marken Mechanical Services Inc 1 EH HVAC Repair 9/10	Inv	857.28
17587 EH HVAC Repair 9/10	2626 Marken Mechanical Services Inc 1 EH HVAC Repair 9/10	Inv	495.00
A702-7346-00.0.0-000 - HVAC Mtn & Repairs	*** Account total ***		1,352.28
* Report total *	*** Total ***		137,314.35

DECLARING

OCTOBER 2010

Agenda Date: 9-21-10

Agenda Item: 5a

DOMESTIC VIOLENCE AWARENESS MONTH

WHEREAS, violence against women and children continues to become more prevalent as a social problem due to the imbalance of power in gender and age; and

WHEREAS, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial, and societal barriers and are supported by societal indifference; and

WHEREAS, over 30 years ago, **STAND! For Families Free of Domestic Violence** realized that domestic violence was an issue in Contra Costa County and vowed to reduce violent occurrences; and

WHEREAS, **STAND! For Families Free of Domestic Violence** has been striving to educate and bring awareness to this problem by working with community and faith based organizations, and schools, serving 2,500 clients annually; and

WHEREAS, **STAND! For Families Free of Domestic Violence** is a multi-service agency providing: a 24 hour crisis line, emergency and transitional shelter, legal advocacy, children and teen programs, counseling, support groups, employment training, batterer's treatment program, and educational prevention programs; and

WHEREAS, **STAND! For Families Free of Domestic Violence** is the sole provider of comprehensive domestic violence service in Contra Costa County and is taking action to end violence in its communities.

NOW THEREFORE, I, Hank Stratford, Mayor, on behalf of the Clayton City Council, do hereby proclaim October 2010 as "Domestic Violence Awareness Month" and urge my fellow citizens to educate themselves as to preventative and awareness measures to reduce, report and eliminate domestic violence in our community.

Agenda Date: 9-21-10

Agenda Item: 5b

David and Sharon Osteen
Celebrating the 30th Anniversary
of their infamous and popular
Clayton Valley Pumpkin Farm and Christmas Trees
1980-2010



Agenda Date: 9-21-10

Agenda Item: 8a

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CHIEF DAN LAWRENCE

DATE: SEPTEMBER 21, 2010

SUBJECT: PUBLIC HEARING ON THE POLICE CHIEF'S PROPOSED EXPENDITURE OF SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS (SLESF) ON FRONT-LINE LAW ENFORCEMENT PERSONNEL AND LAW ENFORCEMENT CAPITAL EQUIPMENT IN THE AMOUNTS OF \$73,855.49 FROM PREVIOUS GRANT YEARS AND \$100,000 FOR FY 2010-2011.

RECOMMENDATION

Following the Public Hearing, it is recommended the City Council adopt the attached Resolution authorizing the expenditure of restricted use SLESF (COPS GRANT) monies to purchase front-line law enforcement equipment as noted, and to continue funding the existing eleventh (11th) sworn police officer position, the two (2) existing part-time police intern positions using this year's allocation.

BACKGROUND

For the fifteenth year, the California State Legislature has approved monies under the Citizens Option for Public Safety (COPS) Program. The State Legislature was able to continue the COPS program last year by raising the Vehicle License Fee (VLF) rate by 0.15%.

All monies received pursuant to this program are to be deposited into a separate Supplemental Law Enforcement Services Fund (SLESF). The purpose of the program is to provide funding to supplement "front-line municipal police services." The State Controller has been directed to allocate funds to counties and cities based on population; however, the minimum allocation is \$100,000 for each city every fiscal year. In the past, the City of Clayton has received the minimum of \$100,000 allocation each year due to its small size in total population.

The law establishing the SLESF requires the City Council to hold a public hearing each year to consider a recommendation from the Chief of Police for use of these restricted use funds. The request for expenditure of SLESF monies must be considered separately from the

City's regular budget process. In addition, SLESF funds must not be used to supplant funds allocated in the City's operating budget. As required by law, the City has set up a separate fund to receive revenue from the SLESF.

In each of the previous years, the City Council has authorized the Grant monies to fund one (1) sworn police officer position and two (2) part-time police intern positions. Due to various vacancies in these positions, unused monies have been utilized to purchase police equipment such as firearms, vehicle emergency equipment, and three Tazers, a less-than lethal weapon.

FUNDS AVAILABLE

For Fiscal Year 2010-2011 the COPS program remains funded by the continued 0.15% tax-increment from the VLF with revenue deposited into the State Local Safety and Protection Account (LSPA), which will be allocated to counties on a quarterly basis for distribution. The City of Clayton is scheduled to receive the minimum allocation amount of \$100,000 for FY 2010-2011.

When these funds are received they will be deposited into the separate SLESF account as described above. The SLESF account currently has a balance of \$73,855.49 of unexpended COPS grant funding originating from grant monies received from previous grant years. The reason for the unexpended COPS grant money is primarily due to sworn staff shortages from past years. The Law requires that unexpended COPS grant funds from previous grants years must be expended, or encumbered, by June 30, 2011 or returned to the State Controller's office. With the receipt of the FY 2010-2011 COPS grant money, the SLESF account will total \$173,855.49.

In order to comply with State Law and in lieu of returning the unexpended COPS grant funds to the State Controller's office, staff recommends the City Council approve the reuse of **\$73,855.49** of the unexpended grant monies to purchase front-line police capital equipment listed below:

- **\$58,710.00** for the City's prorated share to the East Bay Regional Communications System Authority's radio interoperability infrastructure.
- **\$5,000.00** to purchase ten officer 3A ballistic vests.
- **\$10,145.49** fund grant officer salary for first quarter of FY 2010-2011.
- **\$73,855.49 Total** unexpended grant monies.

EQUIPMENT UTILIZATION

The following paragraphs provide a brief description, explanation, and rational for the purchase of the recommended front-line capital equipment.

A. The City Council recently adopted a resolution confirming the City's participation in the East Bay Regional Communications Authority's (EBRCSA) project to provide a regional interoperability communications system for Alameda and Contra Costa counties and their

public safety/emergency services. The expenditure of **\$58,710.00** will be utilized to help satisfy Clayton's required infrastructure costs for participation in the two-county wide radio interoperability project. The Clayton Police Department contracts with the Concord Police Department for police radio communications, and as a result, both departments will be participating in the two-county radio interoperability project, which will soon be implemented.

B. Ten of the City's police department sworn officers (both paid and reserves) are either wearing outdated ballistic vests, or their ballistic vests are fast approaching expiration dates. Ballistic vests have a five year warranty and the manufacturer does not recommend the use of outdated ballistic vests for officer protection. One 3A ballistic vest costs approximately \$1,000 for a total of \$10,000. The US Department of Justice offers grant monies under the Bullet Proof Vest Partnership/Body Armor Safety Initiative program. This program will reimburse police departments for up to 50% of all ballistic vest purchases. As a result, our expenditure of **\$5,000.00** will cover half of the required costs and ensure that all Clayton officers are wearing current and up-to-date ballistic vests.

FRONT-LINE PERSONNEL

The Department is at full staff. The remaining balance of the unexpended grant monies from previous grant years, totaling **\$10,145.49**, will continue to fund the eleventh police officer position and two police services aides through June 30, 2011.

Staff further recommends the City Council continue funding the existing eleventh police officer position and the two existing police service aide positions with the COPS grant monies of \$100,000 designated for FY 2010-2011.

FISCAL IMPACT

The SLESF account for the COPS grant accumulated a total of \$73,855.49 of unexpended and unencumbered COPS Grant money during FY 2009-10. There will be no matching funds or additional cost to the City if the Chief's recommended plan to utilize the unexpended COPS grant monies is approved. The City Manager has reviewed the proposal and supports its recommendation. This state grant program also provides \$100,000 in COPS funding to the City of Clayton for FY 2010-2011. There are no matching funds required.

RESOLUTION NO. ____ 2010

**A RESOLUTION APPROVING THE CONTINUED FUNDING OF ONE SWORN
POLICE OFFICER AND TWO PART-TIME POLICE SERVICES AIDE POSITIONS
FROM THE COPS GRANT PROGRAM FUNDS RECEIVED FOR FISCAL YEAR 2010-
2011; AND AUTHORIZING THE EXPENDITURE OF COPS GRANT FUNDS
RETAINED FROM PREVIOUS GRANT YEARS ON FRONT-LINE LAW
ENFORCEMENT CAPITAL EQUIPMENT**

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

WHEREAS, the State of California passed legislation in 1996 appropriating funds for Citizens' Option for Public Safety (COPS) program; and

WHEREAS, the purpose of said monies is to augment front-line municipal police services; and

WHEREAS, the State of California allocated funds to continue the COPS program for the 2010-2011 fiscal year by continuing a 0.15% tax-increment from the Vehicle License Fee (VLF) and depositing the revenue into the State Local and Protection Account (LSPA) which will be allocated to counties on a quarterly basis; and

WHEREAS, the City's estimated COPS allocation for this fiscal year is \$100,000 and the Council wishes to continue participation in this program and receive the grants allocated for its use; and

WHEREAS, the funds received will be deposited into the Supplemental Law Enforcement Services Fund (SLESF), a restricted-use account for front-line municipal police services; and

WHEREAS, the Police Chief has requested in writing that grant monies be used to continue funding the one sworn police officer and two part-time police services aide positions of the police department with COPS funds for fiscal year 2010-2011; and

WHEREAS, some of the City's grant funds received during previous years have not been expended or encumbered, and if not expended by June 30, 2011 are required to be returned to the State Controller's Office; and

WHEREAS, the Police Chief has recommended in writing that \$58,710 in unexpended monies received from previous grant years be used to pay for the City's prorated share of the East Bay Regional Communications System Authority's radio communications interoperability infrastructure; and

WHEREAS, the Police Chief has requested in writing that an additional \$5,000 in unexpended monies received from previous grant years be used to replace ten officer 3A level ballistic vests; and

WHEREAS, the Clayton City Council held a duly noticed Public Hearing on the COPS grant program expenditure submittal of the Chief of Police at its regular public meeting of September 21, 2010; and

WHEREAS, after due consideration and public comments during said Public Hearing, the Clayton City Council has determined the request and recommendation of the Chief of Police does indeed address the front-line law enforcement needs of this community and its police department.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby approve the written recommendation of the Chief of Police to continue the program funding of one sworn police officer and two part-time police services aide positions through the City's allocation of State COPS grant funds in FY 2010-11, and does further authorize the one-time expenditure of \$58,710 to participate in the East Bay Regional Communications System Authority's radio communications interoperability system, \$5,000 on front-line law enforcement equipment for replacement ballistic vests, and the balance of \$10,145.49 in previous unused COPS grant monies on compensation for the 11th sworn police officer position and the two (2) police services aides in FY 2010-11.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 21st day of September 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Hank Stratford, Mayor

ATTEST:

Laci J. Jackson, City Clerk

**CONTRA COSTA COUNTY
SUPPLEMENTAL LAW ENFORCEMENT OVERSIGHT COMMITTEE**

Vacant – Chief of Police
David J. Twa – County Administrator
Warren E. Rupf – Sheriff-Coroner
Robert J. Kochly – District Attorney
Mark Grisham – Pittsburg City Manager

August 11, 2010

FAX: (925) 646-1353

Chief Dan Lawrence
Clayton Police Department
6000 Heritage Trail
Clayton, CA 94517

Dear Chief Lawrence:

The Supplemental Law Enforcement Oversight Committee (SLEOC) is requesting the following documents pertaining to Supplemental Law Enforcement Services Fund (SLESF) revenue no later than **Thursday, September 30, 2010**:

- **2009/10 Annual Expenditure Report.** The SLEOC will review all expenditure reports prior to submission to the State Controller's Office. Attached are an annual expenditure report template for 2009/10 and a copy of the annual expenditure report submitted for 2008/09.
- **2010/11 Expenditure Plan Proposal Resolution.** The SLEOC requires a certified copy of the Resolution outlining projects to be funded by each local SLESF allocation approved by the local governing board. Attached is a copy of the 2009/10 Resolution submitted by your jurisdiction.

Both items should be sent to the address below, with a copy sent via fax to 925-646-1353:

County Administrator's Office
Attn: SLESF Reporting
651 Pine Street, 10th Floor
Martinez, CA 94553

The estimated 2010/11 SLESF allocation for your jurisdiction is **\$100,000**. The SLESF program remains funded by a 0.15% tax-increment from Vehicle License Fee (VLF) revenue deposited into the State Local Safety and Protection Account (LSPA) and allocated to counties on a quarterly basis for distribution. The minimum funding allocation for local jurisdictions remains at \$100,000 as of this writing. Please direct any questions that you may have to my attention at 925-335-1036.

Best Regards,



Timothy Ewell
Senior Management Analyst
Encl.

Agenda Date: 9-21-10

RESOLUTION NO. – 2010

Agenda Item: 9a

**A RESOLUTION SUPPORTING THE IMPLEMENTATION OF
A CHARACTER INITIATIVE ENTITLED
“DO THE RIGHT THING” IN THE CLAYTON COMMUNITY**

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

WHEREAS, educators agree that people do not automatically develop good character and therefore conscientious efforts should be made by families, institutions and individuals to assist young people to develop the essential traits and characteristics that comprise good character, and by extension, good citizenship; and

WHEREAS, as part of their lifelong research on effective leadership, authors James Kouzes and Barry Posner surveyed more than 75,000 individuals across all sectors in the world to answer the question, “What do we look for and admire in leaders?”, and the clear and consistent first choice answer has been a character trait (“honesty”) in contrast to knowledge, skills or abilities; and

WHEREAS, representatives (both administrators and parent faculty club members) from Mt. Diablo Elementary, Diablo View Middle School and Clayton Valley High School, along with leadership from the Clayton Business and Community Association (CBCA), the Clayton Police Department and other community members have met on several occasions to discuss and formulate an initiative to encourage character development in the community; and

WHEREAS, the Clayton City Council and campus administrators of the local public schools for this community recognize that individuals are responsible for their actions and that daily decisions should be based on standards which become the basis for six (6) valued behaviors identified for a character initiative implemented in the Clayton community, namely **Responsibility, Respect, Kindness, Self-discipline, Integrity and Courage**; and

WHEREAS, these six (6) behavioral standards transcend cultural, religious, and socio-economic differences; and

WHEREAS, by following these six character traits in their daily lives, Clayton’s youth and citizens will contribute significantly to the current and future strength of the American society and our local community; and

WHEREAS, the Clayton City Council, in partnership with the campus administrators of the three local public schools primarily serving the Clayton community, and with the leadership of the CBCA, wishes to support the objectives of a character initiative, “Do The Right Thing”, to reemphasize the importance of our shared community values.

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

Section 1: The City Council of Clayton, California does herewith pledge its commitment to and support for a six trait character education initiative, entitled “Do The Right Thing”, for implementation in the Clayton community.

Section 2: The character initiative shall be conducted by and through a community-based steering committee comprised of campus administrators, business leaders, and community leaders. The steering committee may voluntarily include interested members of the Clayton City Council and/or its Chief of Police or his/her designee.

Section 3: The City Council does hereby approve and authorize two (2) character trait banners to be displayed at the City’s two main banner locations (i.e. on Oakhurst Drive and at the Oak Street exit off Clayton Road) for no more than one week each month during the year, to be funded through resources other than the City of Clayton.

Section 4: The City Council does hereby approve and authorize one program banner to be displayed on the exterior of the Clayton Community Library, to be funded through resources other than the City of Clayton.

Section 5: The City Council does hereby approve and authorize one program banner to be displayed in the City Council chambers during Council meetings, to be funded through resources other than the City of Clayton.

Section 6: The City Council does hereby approve and authorize the initiative name, “Do The Right Thing”, to be displayed on City police patrol vehicles, to be funded through resources other than the City of Clayton.

Section 7: The City Council does hereby approve and authorize the six character initiative traits with associated description to be included and posted on the City’s website.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Clayton, California at a regular public meeting thereof held on the 21st day of September 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CALIFORNIA

Hank Stratford, Mayor

ATTEST:

Laci J. Jackson, City Clerk

"DO THE RIGHT THING"

6 CHARACTER TRAITS

RESPONSIBILITY

August-September

Doing what I am supposed to do
Always doing my best
Being accountable for my actions

RESPECT

October

Using good manners, not bad language
Being considerate, honoring the feelings of others
Dealing peacefully with anger, insults and disagreements

KINDNESS

November- December

Being kind to myself, others & the environment
Helping others in need
Being forgiving

SELF-DISCIPLINE

January - February

Practicing self-control
Setting goals and working toward them
Striving for personal improvement

INTEGRITY

March - April

Being reliable: doing what I say I'll do
Telling the truth, even when it's not easy
Building a good reputation

COURAGE

May - July

Standing for what is right, even if I stand alone
Resisting negative peer pressure
Being true to myself

EXAMPLE OF

PLEASANTON'S

POLICE CAR

AND

PROGRAM BANNER



CITY OF PLEASANTON CIVIC CENTER



Integrity



COPIES OF

PAST COUNCIL REPORT

AND MINUTES

(e) ~~Other – None.~~

7. PUBLIC COMMENT ON NON-AGENDA ITEMS

Kari Galler, Clayton resident stated she was concerned and offended when she read about the city working with the school to build a community of character. She stated she did not want religion discussed as part of any program. She stated she did not believe it was the job of the City Council to instill values which should be handled by parents.

Mayor Stratford said he had been the only member of Council involved in meeting with the schools and stated the schools are enthused about driving a program forward because it fits with other things they were already working on. He stated there had been no discussion of religion at the meetings. He stated for the most part the program would be focused on things like responsibility, integrity, respect and similar character traits. He stated this subject would come to the Council on a future agenda.

Linda Hudak stated she had read about the character development program in two Clayton Pioneer editions but was not sure why the City Council was involved. She also wanted to know if there was a way to measure the program. Mayor Stratford responded the discussions to this point did not have a measurement factor, but he believed there is no harm in encouraging good character traits. He stated there have been issues with disrespectful youth at the parks and a program like this would give our police officers and the youth something to talk about. He stated the goal was to enhance the character of the community. Linda Hudak suggested a community slogan be discussed instead.

8. PUBLIC HEARINGS – None.

9. ACTION ITEMS

- (a) Discussion of existing agreement between the City and the Mt. Diablo Unified School District for construction and use of a gymnasium at Diablo View Middle School (May 2001), and the City's temporary suspension and prospective resurrection of community recreation programs offered at the site.

City Manager stated for the last several months staff and a Council sub-committee have been in discussions with the Mt. Diablo Unified School District (MDUSD) about the Clayton Community Gym. He stated in 2001 the City and MDUSD entered into a number of agreements that provided the City access to the gym during non-school hours (ie. afterschool and on the weekends). The Redevelopment Agency provided funding assistance for the gymnasium and the community raised donations to buy essential items for the gym. The City also severed off a portion of its Community Park for the gym to be built on, and donated title to the District.

In 2003 the City entered into an agreement with the Mt. Diablo Region YMCA to provide recreation services at the Gym. The City was excited to be involved with the YMCA in a joint venture since many recreation programs end up requiring City General Fund subsidies of upwards 80%. In March 2010 the YMCA suddenly pulled out of the gym and has since filed bankruptcy. With this vacancy there has been a void for public recreation programming and a cost associated with maintaining the "non-school" hours of the gym. Currently the Mt. Diablo School District is charging

Agenda Date: 7-6-10

Agenda Item: 9b

Date: July 6, 2010

Subject: "Do the Right Thing" – A community-wide character development program

Recommendation:

Discuss potential City involvement and role in a community-wide character development program.

Background:

Representatives (both administrators and parent faculty club members) from Mt. Diablo Elementary, Diablo View Middle School, and Clayton Valley High School along with CBCA leadership, Clayton Police Department, and other community members have met to discuss and formulate a plan to encourage character development in the community.

A good example of a community character development program is the city of Pleasanton's "Community of Character" which has been in existence for approximately 10 years. The program consists of 6 character traits that are each emphasized for a time period throughout the year. The program is supported by the city, the school district, and the business community. For more information on Pleasanton program visit its website – communityofcharacter.org or the Pleasanton city's website.

By focusing on 6 traits we can use a common language throughout the community. The students are seeing a consistent message at school and in the community.

The committee came up with the following traits:

Responsibility – August/September

- Doing what I am supposed to do
- Always doing my best
- Being accountable for my actions

Respect – October

- Using good manners, not bad language
- Being considerate, honoring the feelings of others
- Dealing peacefully with anger, insults and disagreements

Kindness – November/December

- Being kind to myself, others and the environment
- Helping others in need
- Being forgiving

Self-discipline – January/February

- Practicing self-control
- Setting goals and working toward them
- Striving for personal improvement

Integrity – March/April

- Being reliable: doing what I say I'll do
- Telling the truth, even when it's not easy
- Building a good reputation

Courage – May/June/July

- Standing for what is right, even if I stand alone
- Resisting negative peer pressure
- Being true to myself

The program is being called “Do the Right Thing”. The intent of the program is not to replace teaching of character in the home. The intent is to provide a consistent message throughout the community to assist not only our students but all of us to develop or strengthen good character.

The CBCA has expressed interest in being a part of the program. They are looking at funding promotional material and hosting the recognition of students or individuals that exemplify the traits. Pleasanton indicated that a key to their success was having the involvement and support of their Chamber of Commerce.

The Clayton Pioneer has expressed a willingness to highlight those students or individuals that have exemplified the current trait.

Possible City Involvement:

In light of the City's limited budget and limited human resources, the City's involvement could be the following:

1. Place banners at the City entry points for the first week of each month a trait is emphasized. (The City would not buy the banners, just display them.)
2. At each council meeting the current month's trait can be mentioned. A quote pertaining to the trait could be included in the agenda packet.
3. Council members, Planning Commission members, and Trails and Landscape Committee members could agree to exemplify the 6 traits.
4. Candidates for City Council could also agree to exemplify the traits
5. Key City employees could be evaluated each year on how they exemplified or promoted the 6 traits.
6. “Do the Right Thing” could be displayed on the police cars on each side of the trunk.

7. Recognize individuals that have exemplified good character with a certificate at a Council meeting.
8. Have at least one Council member be part of the on-going committee.
9. Have the police department represented on the committee – either the chief or other officer.

Summary:

The schools, the business community, and the City are the three essential components to making a successful community-wide character development program. With little cost or time commitment the City can play a key role in the success of “Do the Right Thing.”

ranked 5th in the county. He stated to reach optimum PCI the City would need to spend \$5.3 million on roads in the next few years. He outlined the options for the repavement and recommended the City Council start with the lowest PCI scored streets, those disturbed by sewer construction projects, and 8 streets in the Oakhurst Development. He stated the repavement cost for the Oakhurst streets could come from money dedicated from a lawsuit settlement. He stated he expects to go to bid in August on the project.

The City Manager stated this project would address some of the worst residential streets in town which is of importance to the residents who live on those streets

No public comments were received.

It was moved by Councilmember Medrano, seconded by Councilmember Pierce to approve the staff recommended neighborhood streets for inclusion in the Project following lowest-rated Pavement Condition Index (PCI), approve the allocations of \$55,000 from the Oakhurst Assessment District bond refund account and \$110,000 from the Presley lawsuit settlement proceeds (\$165,000 total) to CIP No. 10409, and instruct staff to advertise the project for bid (Passed; 5-0 vote).

- (b) Introduction and discussion of establishing a "Do The Right Thing" (character development) program in partnership with the Mt. Diablo Unified School District's elementary, middle and high schools serving students of the City of Clayton.

Mayor Stratford outlined his idea for the establishment of a community wide "Do The Right Thing" program. He stated a group of residents, school administrators, Police Department staff, Candace Bass, CBCA officers, and others have been meeting to discuss the types of traits the community could benefit from focusing on. The traits the groups chose to look at are: responsibility, respect, kindness, self-discipline, integrity, and courage. He stated the idea was to select traits that regardless of background make up a good citizen. He stated the City could support this program by placing banners on the entryway signs, have the City Council and candidates exemplify good character traits, have City staff evaluated based on the traits, put the logo on the trunks of the police cars, and get the Police Department involved during its regular patrol enforcement. He stated the City Council could also recognize individuals who exemplify good traits.

Vice Mayor Shuey stated he liked the idea of recognizing individuals. He stated he would like to see the CBCA and the schools do most of the outreach.

Councilmember Pierce stated she likes the idea and stated many adults could also benefit from good character reinforcement. She stated that in regard to evaluating City staff she would want to run that by the City Manager. She stated she liked the idea of a visual symbol and would like to see the logo on the Police cars. She is concerned about the banners and is afraid they might not be overlooked. She stated it is a good concept that needs finalization.

Councilmember Medrano stated he like the concept and agrees the City should support the program but likes the idea of CBCA and the schools doing most of the work. He stated the City should take more of a supportive role and it should be led by others.

The City Manager stated the motto could also be placed on City Maintenance vehicles, and any banners could be placed in other locations such as the library.

The Council took a 5 minute break at 9:33 p.m. and resumed the meeting at 9:38 p.m.

Councilmember Geller stated it is a great idea but he would rather see the banners in front of the library or other public buildings.

The Mayor asked if anyone in the audience had questions.

Robert Ikenberry stated he came to this meeting prepared to be skeptical of this proposal but stated the idea is something everyone can be supportive of because the character traits are important to the community. He also stated he liked the idea of recognizing people exemplifying the traits.

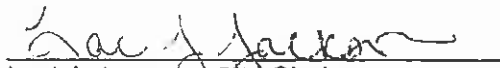
The City Manager stated City involvement in the initial phases seems high but that it would be run by another group of people eventually.

The Council suggested Mayor Stratford go back to his committee and finalize the program, get CBCA's buy in, and bring it back for adoption.

10. **COUNCIL ITEMS**- None.

11. **ADJOURNMENT**- On call by Mayor Stratford the meeting adjourned at 9:47 p.m.

Respectfully submitted,


Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL


Hank Stratford, Mayor

Councilmember Pierce attended a Joint Meeting of the ABAG Administration Committee and the Metropolitan Transportation Commission. She noted the Caldecott Tunnel groundbreaking will be August 9th at 10 a.m. and she will be attending the event.

Mayor Stratford attended the CERT Corp Council meeting and stated the next CERT class begins on September 15th. He also stated the labor agreements with the Police Officers Unit and the Miscellaneous employees adopted a Tier II retirement pension plan for new hires which will help contain costs moving forward.

- (e) Other – Mayor Stratford stated he, Vice Mayor Shuey and Ted Meriam had qualified to run for the two City Council seats in the November 2010 election. In accordance with Council policy, he invited Mr. Meriam forward to speak.

Ted Meriam stated as a Planning Commissioner he already works with the City Council and is running for the City Council in 2010.

7. PUBLIC COMMENT ON NON-AGENDA ITEMS

John Trammell, stated he is concerned with the banners that might be placed around the City indicating character traits. He stated he does not believe Clayton is lacking character and does not believe character trait banners are a good idea.

Jim Hudak, agreed with Mr. Trammell and believes banners are preachy and inappropriate. He stated he does not believe it is the role of the City to be involved in character building.

Linda Hudak stated she had a chance to talk with Mayor Stratford about the "Do the Right Thing" program and understands the Mayor's concerns. She stated she agrees with the Mayor and believes it is important to have an open discussion about ethics and demonstrate good character traits. She stated she does not agree that banners should be placed around town and does not believe this should be a City led endeavor.

The City Manager stated he spoke to the City Manager of Pleasanton and when their program started the City initiated the process and then a non-profit was formed that took over the effort and program.

Mayor Stratford stated the City did not develop a committee but that the group of people working on this project were the three area schools, the business community, and few City representatives.

The City Manager stated the direction from the City Council regarding this program was to have the Mayor meet with the committee, have them formalize the program and bring it back to the Council for adoption.

Ed Hartley stated first as the CBCA President he wanted to announce that on August 21st the CBCA is hosting its inaugural rib cook-off at the Clayton Club. This event will also serve as a membership drive and the competition is open to the public. He stated it will be a fun event, filled with rib tasting. He stated as a member of the "Do the Right Thing" committee the program was not intended to solve a problem but to emphasize important traits. He stated the program is not mandatory and would be school driven but the CBCA could be part of the recognition program for people going above and beyond in exemplifying these traits.

Councilmember Medrano stated when the Council discussed this issue a few weeks ago they agreed the City should not be leading the charge, but the idea was to get the schools and parents involved. He stated he, Mayor Stratford and Councilmember Pierce were part of the Challenge Day at the middle school last year and kids are dealing with more issues today than they were years ago. He stated the City should be supportive of the program and figure out a way to make the program work for the schools.

Councilmember Pierce agreed with Councilmember Medrano and stated as a participant in Challenge Day she was moved and struck by the large number of youth who appear from the outside to be doing just fine but who are really struggling, being bullied, or have self-esteem issues. She stated this program would allow for the community and schools to support and re-enforce what was being taught at home.

8. PUBLIC HEARINGS – None.

9. ACTION ITEMS

- (a) Designation of the City's Voting Delegate and Alternate to the League of California Cities 2010 Annual Conference to be held September 15 thru September 17, 2010 in San Diego, CA.

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

The Council discussion included: conference value at this time, topics being presented, important relationships forged at conferences, lack of attendance in past years, who would be available to attend, cost, and what items would be voted on.

It was moved by Councilmember Medrano, seconded by Mayor Stratford to approve the expenses of Councilmember Pierce to attend the Annual Conference, up to \$1,000 (Passed; 3-0-1 vote, Geller-abstained).

It was moved by Councilmember Medrano, seconded by Councilmember Geller to designate Councilmember Pierce as the City's Voting Delegate for the Annual Conference (Passed; 4-0 vote)

- (b) Council Member request to discuss certain landscape design and replanting improvements in the courtyard of Clayton City Hall.

Councilmember Geller stated when he comes into City Hall he notices there are two plots of land out front that are not landscaped well. He stated the area needs to be a little dressier and does not think adding a few plants would cost a lot of money. He would like to see the area cleaned up and dressed up.

Mayor Stratford stated he liked that fact that not everything was completely manicured and thought the area looked fine.

Councilmember Pierce stated she likes the minimalist landscaping in town, does not like when things are overdone. She stated this area was not on her priority list for improvements.

Councilmember Medrano suggested maybe the area could be improved by a Scout project or the Garden Club.

MAYOR'S COLUMN

PUBLICATIONS

ON THE

CHARACTER INITIATIVE

(Clayton Pioneer Article – Written 1/13/2010)

First of all, thank you to all who shared their wish lists and/or suggestions for Clayton. The ideas ranged from an aquatic park with slides and an indoor pool for winter use to a citywide fitness challenge. More activities for seniors was suggested along with a program to collect locally grown fruits and vegetables to give to the food bank. Another suggestion was to raise money for our local schools through a fundraiser similar to the Primo's Run for Education in Danville. Some of these suggestions could be implemented by volunteers willing to take the lead – hint, hint.

Several years ago, while I was stopped at the intersection of Cowell Road and Treat Blvd, a school bus slowly passed me as it made a left turn on to Treat. As the bus passed I heard something hit my back window followed by the sound of shattering glass. Knowing that the projectile came from the bus I began following it down Treat Blvd. As I was driving behind the bus I could see different heads pop up and look back to see if I was following it. I knew that the kids in the bus were aware of what had happened.

When we reached the elementary school, I got out and explained to the unknowing bus driver what had happened. One of the school administrators entered the bus and asked if the kid responsible would raise his or her hand and come forward. I was doubtful that we would get a ready confession, but to my surprise a small, trembling hand rose above the crowd. A young, visibly shaken boy came forward to take responsibility for his actions. I was so impressed by this boy's courage that this incident has stayed with me as an example of character in action.

We are fortunate to live in a community full of good people with good character. However, I believe we all can benefit, regardless of our age, by fostering good character traits.

The city of Pleasanton began working on their Community of Character program about 10 years ago. The program is in their schools, business community, and local government. I don't believe that since the program was started all of their kids have behaved appropriately and received good grades. Nor do I believe that there has been no divorce or contention at home and that all the neighbors get along. However, based on conversations with school administrators, a city council member, and other residents in town, Pleasanton has greatly benefited from having a character development program that stretches throughout its community.

The program is based on six character traits that organizers felt were essential for the development of a good, upstanding citizen. The traits chosen are: Responsibility, Compassion, Self-discipline, Honesty, Respect, and Integrity. Each trait is emphasized throughout the community for a period of time each year. The character traits are woven into the culture of the schools and are emphasized at each city council meeting. One of the key factors in the program's success has been the involvement of the Pleasanton Chamber of Commerce. For more information on Pleasanton's program you can visit: www.ci.pleasanton.ca.us/community/character and www.communityofcharacter.org.

Diablo View Middle School (DVMS) started a Character in Action program that allows the students to put into action good character traits. Robbie Parker, a columnist in this paper, has written about the program. After talking with the principal, vice principal, and one teacher there was a clear desire to extend the program throughout the community.

So why couldn't Clayton put together an organizing committee made up of representatives from our schools, parent groups, Clayton Business and Community Association (CBCA), the police department, city council, and any others as deemed appropriate and necessary? This committee could select which traits we wanted to develop and how they could be emphasized. A program would not require much money or other resources, but it would require a deliberate shift in focus.

I am interested in hearing your thoughts on a communitywide character program for Clayton. You can email me at hank_stratford@yahoo.com.

(Clayton Pioneer Article – Written 8/11/2010)

I recently received some criticism for the “Do the Right Thing” character development efforts. Some of the criticism was personal and some was regarding the program. Since the character trait for August and September is Responsibility I want to address the criticism and seek your input in a responsible manner.

A few members of the community feel that I have overstepped my role as mayor by participating in the development of a community-wide character development program. They have expressed that the notion of such a program is offensive and not needed.

I have struggled to understand why there might be opposition to a program that involves the schools, the business community, and the City. If the opposition centers around the concern that the program is religious based I can understand that concern since religious worship is very personal.

When the committee – comprised of school administrators and teachers, parent faculty club members, CBCA leadership, and community members – was discussing which traits and behaviors to encourage, the focus was on what makes up a good citizen or a good member of society.

The six chosen traits – Responsibility, Respect, Kindness, Self-discipline, Integrity, and Courage – were considered important for any individual, irrespective of religion.

One of the questions is what role, if any, should the City of Clayton play in the promotion of good character. I believe the responsibility of teaching and encouraging good character is centered squarely in the home. The schools, the business community, and the City can reinforce those teachings but do not have the primary responsibility.

Clayton could chose to be simply a silent supporter of “Do the Right Thing” and let the schools and possibly the CBCA do the community work. Or the City could take a proactive role by encouraging the City Council and the City staff to be role models of these traits. The City could allow the display of a banner showing the current character trait for the first week of each month.

Those individuals that expressed concerns about “Do the Right Thing” felt that banners with the current character trait were “offensive”, “tacky”, and “preachy”. Whereas I respect their concerns, I do not know a better way to unify the community around these traits without them being displayed for a short time each month.

A parent driving through town will be reminded that this month his/her child will be hearing about “Responsibility” at school. The parent may remember an example at work that relates to this trait and can take the opportunity to teach it at home.

Just to be clear, any involvement by the City will require the supporting vote of our City Council. My recommendation is that the City of Clayton support the program this first year and then re-evaluate its role. The fiscal impact and time impact on the City would be minimal.

Please let us know what you feel should be the role of the City, if any, in this program. You can email me at hank_stratford@yahoo.com.

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PUBLIC COMMENTS
AND
INPUT**



MT. DIABLO UNIFIED SCHOOL DISTRICT
DIABLO VIEW MIDDLE SCHOOL
300 Diablo View Lane
Clayton, California 94517
(925) 672-0898

Received

OFFICE OF THE
PRINCIPAL

September 17, 2010

SEP 17 2010

To the City Council of Clayton,

City of Clayton

Diablo View Middle School believes in the importance of creating a positive school environment where all students are able to learn in a safe and nurturing environment. Middle school is a time in a young person's life where he/she is searching to become more independent. This is a critical time where habits and attitudes can definitely shape and impact young adolescents lives. We believe we must support our students not only academically, but also socially and emotionally.

At Diablo View we believe that a strong character education program in school coupled with modeling at home and in the community provides the essential foundation for students to achieve their personal best. Dr. Robert Brooks, the author of *Raising Resilient Children*, believes that the thought and feelings individuals possess about their sense of competence and worth, about their abilities to make a difference, to meet and overcome challenges, to learn from success and failure, and to view themselves and others with dignity and respect is critical for their development as a person of good character. Our Character in Action program has been designed to address these needs to support our students in this critical time of their development.

The "Do the Right Thing" character initiative is meant to create a common language throughout the schools and the Clayton community. By using a common language and modeling the character traits of responsibility, respect, kindness, self-discipline, integrity, and courage, as a community we can support the youth of Clayton in developing as respectful, competent, and caring citizens.

The City of Clayton is an outstanding community I am fortunate to be a part of as the principal of Diablo View. The "Do the Right Thing" initiative will only strengthen your commitment to maintaining a positive, supportive environment that makes Clayton such a special place.

Sincerely,

A handwritten signature in blue ink that reads "Patti Bannister".

Patti Bannister
Principal



Clayton Valley High School

1101 Alberta Way • Concord, CA 94521 • (925) 682-7474 • Fax (925) 825-7859

Received

SEP 17 2010

City of Clayton

September 17, 2010

Dear City of Clayton Council Members:

As the 2010-2011 school year gets underway, I am pleased to tell you that Clayton Valley High School has embarked on a strong, new curricular program for our freshmen class. Conceived as a way to help our campus connect and come together as a community, this program will focus on a powerful mentoring relationship between freshmen and upperclassmen as well as a focused awareness on ethical behavior and character.

As such, I was pleased to hear that members of the City of Clayton were coming together to build a framework for a citywide Character Initiative. To have a consistent language and emphasis on a core set of character traits that are common to all mankind can only help young people as they find their way in the world. Role modeling and emphasizing what we want our children to become is one of the most effective things we can do for them.

In my role as principal of Clayton Valley High School, it has always been my belief that teenage students are a special group of people. While many of them look like young adults and, in fact, have many of the same privileges of adulthood, the fact is that they are still developing as people and are quite different from the adults they will become. Regular and continued emphasis on values and character traits can help these maturing young people remember that there is a world beyond themselves and that they have a responsibility to engage effectively and appropriately within that world. In fact, a proper grounding in strong morals and ethics is essential for this next generation as our national tradition of democracy demands a government of the people and by the people.

I encourage the City of Clayton to support this Character Initiative. Not only is it important to me professionally for all the stated reasons but, as a resident of Clayton, it shows me again why this city is the place I chose to call home.

Sincerely,


Gary Swanson, Principal
Clayton Valley High School

September 17, 2010

Dear Clayton City Council and Chief Laurence,

We head up a newly formed neighborhood watch group in Peacock Creek as a result of the National Night Out (which Chief Laurence attended). It consists of over 60 homeowners and is still growing.

We have joined together in the neighborhood watch because some of us have become victims of disruptive noise on a nightly basis. Some have been victims of theft and vandalism. Others are concerned with issues that range from littering to drugs and sexual activity. According to Clayton police, many of these disturbances and violations have been committed by teenagers who reside here in Clayton.

We understand that the Do the Right Thing committee supports the schools efforts to develop a character education program within our local schools which emphasizes shared community values.

Six traits will be emphasized as we understand the program: Responsibility, Respect, Kindness, Self-Discipline, Integrity, and Courage. We also understand that the Do the Right Thing committee proposes that the Clayton City Council adopt a resolution establishing a Character Initiative for the entire Clayton community, based on these six traits.

We fully support the committees' effort in developing such a program and hope that the council will seriously consider implementation of the Character initiative that the committee is proposing for our Clayton community.

Thank You

Sincerely,

Dane Horton Kahni Horton

Dane & Kahni Horton

Co-captains: Peacock Creek Neighborhood Watch Group

From: Linda Hudak <linda.hudak@dixiegroup.com>
To: hank_stratford@yahoo.com
Sent: Sat, January 23, 2010 10:48:36 AM
Subject: "Mayor's Corner"

Dear Mr. Stratford,

I would appreciate if your articles would be of more substance. As a resident and taxpayer of Clayton community, I am more interested in the financial state of affairs and upcoming issues. How is 2010 Budget looking and what are the challenges? Is there a possibility of increased taxes and assessments? How is Endeavor Hall contributing to our bottom line, is it in the black? What can the community do to turn to the struggling businesses located in Clayton. There was a terrible house break-in, what are police doing to keep our community safe? Why does Clayton's city planner make as much money as a city of 100,000, and received a raise in 2008 when the economy was in the tank?

* (I believe the people of Clayton are of good character and your suggestion for our council to foster good character traits is insulting. In due respect, you are sounding more like a minister instead of a mayor.)

Linda Hudak
1538 Haviland Place
925 813-5145

From: thomas hanratty (thanratty1@yahoo.com)
To: hank_stratford@yahoo.com;
Date: Fri, January 22, 2010 11:25:54 AM
Cc:
Subject: Clayton Character Program

Any Clayton resident character program should begin with pride in home ownership and respect for their neighbors. These traits are first accomplished by maintaining property appearance and thus value. Trash receptacles visible in front yards, poorly or not maintained landscape, and RVs in driveways are Not good character traits, to name a few. Until residents adopt this pride and respect, everything else is bull.

From: Dave Parker (ldrjparker@yahoo.com)
To: hank_stratford@yahoo.com;
Date: Sat, January 23, 2010 1:11:02 PM
Cc:
Subject: Character Program...

Dear Mr. Stratford:

I read your column in the Pioneer regarding the city-wide character program. I really enjoyed reading it. Thank you for including me in your article. I just wanted to let you know that I would like to help out however possible. A program such as this would be a great idea, and a wonderful improvement to the city of Clayton.

Thank you so much,
Robbie Parker

From: Patty Robinson (patty.shawn@gmail.com)
To: hank_stratford@yahoo.com;
Date: Sat, January 23, 2010 2:15:07 PM
Cc:
Subject: community-wide character program

Dear Hank: It has been refreshing and encouraging to read your goals for our community through your Pioneer articles. For what it's worth, I applaud your efforts to begin a community-wide character program in Clayton. Please count me in! If I can be of service in any way, please don't hesitate to contact me.

Thank you for the good job you are doing as mayor!

Sincerely--

Shawn Robinson
(cell-925-323-9493)

From: Maria Xiaris (mxiaris@yahoo.com)
To: hank_stratford@yahoo.com;
Date: Sat, January 23, 2010 7:33:02 PM
Cc:
Subject: character development program

Hi Hank,

Good idea with the character development program. I love that you have the insight and courage to work on developing values in children. It makes your leadership unique. Hopefully there will be enough people to step forward to build a 'critical mass'. The potential is exciting.

I'm interested in helping out with the program. Let me know if you got enough interest to get a group together and get started perhaps with a brainstorming session. My background includes group facilitation experience so if you want someone to facilitate the first discussion to establish mission, goals, roles and responsibilities I'd be happy to help out. Or, if you have that covered and just need another participant, I'm interested in being involved.

Maria Kontras Xiaris

From: dokepper@aol.com (dokepper@aol.com)
To: hank_stratford@yahoo.com;
Date: Sun, January 24, 2010 1:04:20 PM
Cc:
Subject: Character Traits

Thank you for your most recent article in Clayton Pioneer.

I must admit, when I first read your request for ideas upon becoming mayor, I was dubious. I feared people would ask for pet interests at the public's expense. At a time when the economy is down and people are having to reevaluate budgets, I was afraid expectations would be heightened and disappointment would follow.

Then I read the January 22nd issue of the Clayton Pioneer. I agreed in principal with the letter to the editor by Pete Laurence. I do believe we will do much better as a society if we become better grounded in the Golden Rule. I was further encouraged by your recommendation for citizens of Clayton to begin focusing attention upon developing and encouraging character traits that will serve our community and act as a moral compass for young and old. An initiative of this nature doesn't have to cost the tax payers anything. Perhaps it will also rein in public expectations of our elected officials. I believe our elected officials are to provide leadership, not pander to our every wish and whim. We need to level set public expectations; limit expectations to fundamental essentials of our community and engender a belief that when we as a society want more than fundamental community essentials, then it becomes our responsibility to provide them, not necessarily the government's.

I am concerned that in general our citizens are quick to vote for an increasing number of entitlements, benefits and pet interests without thought about who will ultimately pay for them. Our forefathers were great providers. They made extraordinary sacrifices for many of the things we enjoy today. I wonder what we will be leaving the next couple generations? More debt? More pollution? Less economic growth? Less hope? Mr. Mayor, I believe your call for the development of character traits is a step in the right direction that will leave our next generation the tools with which to achieve their dreams in a responsible and healthy manner.

Let me know how I can help.

All the best,

Dave Kepper
3035 Miwok Way

From: Flor and Hugh Toloui (fhtoloui9@sbcglobal.net)
To: hank_stratford@yahoo.com;
Date: Sun, January 24, 2010 10:03:01 PM
Cc:
Subject: Community- wide character program for Clayton

Dear Mayor Stratford,

We, the Baha'i Community of Clayton, are writing in regards to your Mayor's Corner article in the January 22 issue of the Clayton Pioneer.

It was so inspiring and exciting to read of your intention to initiate a committee to focus on character development in our city. This truly resonated with us, as we are deeply committed to promoting a kinder, more unified community.

For this reason, we would very much like to meet you, introduce ourselves, discuss your vision for improving the community life of Clayton, and explore how we can be of assistance in developing your commendable idea.

Please contact us at your earliest convenience by calling Hugh Toloui at 876-4844, Tammy Slezak at 360-7330, or by e-mail to fhtoloui9@sbcglobal.net.

Warm regards,

Tammy Slezak

Thanks for the email regarding the character program. I'm going out of town on Tuesday and will be back briefly and then leaving again. The week of the 26th is the first chance I'll have to meet.

Hank

On Jul 10, 2010, at 10:23 AM, "Linda Hudak" <linda.hudak@dixiegroup.com> wrote:

Hello Hank,

I just became aware of your morality program, "Do the Right Thing", was on the agenda at the Clayton City Council meeting last week, 7/6/10. I would like to meet with you this week to discuss the program's intent, direction and impact on our community.

I am flexible to meet any day and time except on Tuesday, 7/13. On Thursday, 7/15, I could be available any time after 3 p.m.

I look forward to meeting with you.

Linda Hudak
1538 Haviland Place
925 813-5145

CONTRA COSTA TIMES

ContraCostaTimes.com

Clayton students to learn about six key character traits

By Paul Thissen
Contra Costa Times

Posted: 07/10/2010 02:55:38 PM PDT

Updated: 07/11/2010 05:45:13 PM PDT

CLAYTON — The mayor wants local youths to see the six words all around — on banners around town, in programs in public school and on awards from city businesses.

Responsibility. Respect. Kindness. Self-discipline. Integrity. Courage.

They're important for children to learn, Mayor Hank Stratford said. And if the city, schools and business community coordinate a message, it will be even stronger, he said.

Stratford and a new committee are working to create the "Do the Right Thing" program, modeled loosely on Pleasanton's decade-old Community of Character program. Stratford, first elected to the City Council in 2006, began work on the program when he became mayor in December.

"It's not like I saw character deficiencies here. "... This is something that could take a great community and maybe help make it a little bit better," Stratford said. "Anybody, regardless of your standing, can benefit from thinking about and evaluating how they are doing."

The committee includes Stratford, administrators from Mt. Diablo Elementary School, Diablo View Middle School and Clayton Valley High School, members of their parents' clubs and officers from the Clayton Police Department.

Under a draft of the program discussed last week by the City Council, each of the six character traits would get attention one or two months of the school year.

The council has taken no formal action on the program. Other council members expressed

general support, but said the program should not be a primarily city-led effort, but rather a community project in which city officials could participate.

"The message is a good one, and I think what's fabulous about this happening at the city level is just the level of reinforcement they're going to get," said Megan Kommer, incoming president of the Diablo View Middle School Parent Faculty Club.

She is already ordering temporary tattoos for the middle school orientation that say "Do the Right Thing."

"If the faculties and the administrations at the different school sites and the businesses in the community and the parents in the community are all using a consistent language, that helps reinforce it for the kids," said Alison Bacigalupo, incoming president of the Clayton Valley High School Parent Faculty Club.

"Regardless of whether you're in a math class as a senior or a chemistry class as a sophomore, that word and that character trait and what that means

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CONTRA COSTA TIMES

ContraCostaTimes.com

can be built into that curricular program."

Not everyone is as enamored. Two residents spoke at a City Council meeting in May to voice concerns about the program. One of them, Linda Hudak, said last week that character starts at home and grows at school. She does not see why the city needs to be involved.

City officials should focus on managing city properties such as Endeavor Hall, and on improving the business climate in a downtown with numerous vacant storefronts, she said.

**Contact Paul Thissen at 925-943-8163.
Follow him at Twitter.com/pthissen.**

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Kudos to Clayton

I was pleased to read about the leadership being displayed by Clayton Mayor Hank Stratford. In this day and age of our leadership — political, religious, community, family, etc. — being relatively void and bankrupt, it is good to read about someone who cares about his community and is moving forward on his conviction.

Whether this "Do The Right Thing" effort should be directed by the city or a community group is secondary to getting the positive thoughts — responsibility; respect; kindness; self-discipline; integrity; courage — communicated, not only to our children, but maybe even more so to the adults.

The complaint that this is something that should be taught by parents is understandable. It should. But, it remains that these simple directives are not being taught, as evidenced by the negative results on family, community, and nation that we see daily. And so what if it is being emphasized by a community directive? I would rather see these thoughts communicated twice, rather than risk these thoughts never being communicated.

Kudos to Mayor Stratford.

Herbert Cano
Clayton

From: Albert, Bruce (balbert@ueonline.com)
To: hank_stratford@yahoo.com;
Date: Fri, July 23, 2010 7:38:10 PM
Cc:
Subject: Clayton Pioneer articles

Mr. Stratford,

My first reaction was to write a Letter to the Editor in response to your recent articles on community character building. After thinking about it, the right thing to do is to address you privately.

Character comes from within. As such, it is built, improved, and continuously refined through a focus on oneself. Not by a focus on others, whether they be students, business and community leaders, or regular citizens. Your recent articles, although noble in nature I'm assuming, are focused on a community effort to build character. Since character is individual and comes from within, this project, I'm afraid, is doomed to fail and may even have the unintended consequence of coming off as preaching or lecturing. I'm sure we're all aware of the reaction some youngsters have when they perceive lecturing or preaching. Adults, too.

Focusing on the self rather than on others not only builds character but provides a role model for others to follow. A person isn't going to change unless they want to change. Maybe highlighting role models or situations where someone displayed solid character may be a more gentle, palatable approach. James Baldwin once said "Children have never been good at listening to their elders, but they have never failed to imitate them."

Bruce Albert

From: Roderick Smith (rsmith183@gmail.com)
To: hank_stratford@yahoo.com;
Date: Fri, July 23, 2010 8:05:16 AM
Cc:
Subject: Character building Program

Hank;

My name is Roderick Smith and I am a resident of Clayton. I just read your great article in the Clayton Pioneer about character building and motivating our youth!

I have had similar thoughts from some time now. My idea is along the same line your promoting. Currently investigating how to apply for a federal grant to establish my idea more formally. My idea is MU - Motivational University! Going into to schools, elementary, middle, high school and into our community to inspire, motivate and uplift the character of our youth. It is something I have been told that I am very good at.

Just an idea at this point. I am also a certified toastmaster and an experienced motivational speaker. I wish to throw my hat in the ring and volunteer my time to assist you in your effort, to uplift our children in our local schools and our community.

I feel your idea is a very positive solution to an ever growing problem regarding our youth. After reading the lead story about those teen arrests for robbery in Clayon and being members of our championship Clayton Valley Eagles football team, I felt ill in my stomach. It made me shudder to think this is the direction we are headed.

In Short Hank, my daughter just graduated college and we now have two employed college graduates. Both my son and my daughter received the same speech when they were 6 years old! I would give the same talk to these new kids because it works well.

My home# is 672-2703 or email rsmith183@gmail.com - count on my participation and ideas!

Regards,

Roderick Smith
183 Brandywine Place, Clayton

From: Linda Puhr-Westerheide (linda.westerheide@sbcglobal.net)
To: hank_stratford@yahoo.com;
Date: Fri, July 23, 2010 4:00:49 PM
Cc:
Subject: good article

Hi Hank,
I really liked your article from the Mayor in the Pioneer. I'm grateful you are teaching moral values to our Claytonites.
Thanks, Linda

Seek the LORD while he may be found;
call on him while he is near. Isaiah 55:6

From: Gen (genben@comcast.net)
To: hank_stratford@yahoo.com;
Date: Sat, July 24, 2010 2:00:40 PM
Cc:
Subject: Do the Right Thing

Dear Hank ---

I've been reading about your idea Do the Right Thing in both the CC Times and the Clayton Pioneer and think it is a great community project. I taught in the Pittsburg Unified School District for 38 years before retiring on June 17, and teaching my classes and my schools the 20 Lifeskills and 5 Lifelong Guidelines were one of the most important parts of my teaching experience. For the first 25 days of school I read children's literature books that exemplified each Lifeskill and Lifelong Guideline and immersed the children in literature they could understand to help them have these attributes become an important part of their school and home life. I had parents sign a contract stating they would help instill these in their home with their children. In fact, as part of my 10 year mentorship in PUSD I put together a list of books that can be read to students to teach each of them. I don't know how far along your committee is in implementing your idea, but if you need someone else with a background in education on the committee I would like to become a part of this idea. You are to be commended on bringing together the home, school community, business world and the city of Clayton in teaching these important Lifeskills and on your Do the Right Thing idea.

Also, Ben and I are waiting to hear back from you when you return from vacation about cleaning our rugs and several pieces of furniture.

Thank,
gen camera
113 Mt. Etna Drive

From: Gary Napper (gnapper@ci.clayton.ca.us)
To: shuey@rankinlaw.com; hank_stratford@yahoo.com; councilmangeller@aol.com;
joe@claytoncouncil.com; julie_pierce@comcast.net;
Date: Mon, July 26, 2010 9:32:19 AM
Cc:
Subject: city feedback form

Below is the result of your feedback form. It was submitted by
(postmaster@ci.clayton.ca.us) on Saturday, July 24, 2010 at 13:37:23

First Name: Diane

Last Name: Inman

Street Address: 209 Round House Pl

zipcode: 94517

city: Clayton

Contacts email: tom4di@comcast.net

Phone: 925 524-5520

Subject: I would like to thank Mayor Stratford for his commendable "Do the right thing" program. I think this will be a positive influence upon our community. Young people today need this kind of leadership. I do believe leadership is an appropriate activity for our city and community officials to engage in.

Thanks for your efforts,
Diane Inman

Submit: [Send Comments](#)

From: Gloria Magleby (glomagleby@sbcglobal.net)
To: hank_stratford@yahoo.com;
Date: Wed, July 28, 2010 10:11:28 AM
Cc: Sterling6866@sbcglobal.net;
Subject: Do the Right Thing

Hello Hank,

I am a member of the Bay Point Municipal Advisory Council in Bay Point, and I am also President of the Bay Point Chamber of Commerce.

I was impressed with the article in the CC Times regarding the Do the Right Thing program being implemented in the City of Clayton. I think it would be beneficial for ANY community. I would like to introduce it here in Bay Point.

I am on the agenda for our meeting of Tuesday August 3. I would love for you to come to our meeting and tell about your progress, but if that is not possible at this late date, would you send me some of your thoughts and plans?

I have received one email from Alison Bacigalupo, who is an ardent believer in the concept. Please ponder what you might be able to do for us in implementing this fabulous idea.

Please let me know. Thank you so much, Gloria Magleby

From: Brenda Righter (b.righter@prodigy.net)
To: hank_stratford@yahoo.com;
Date: Tue, August 17, 2010 10:10:32 PM
Cc:
Subject: RE: Character program

Hi Hank. How are you? I hope all is well on your side of Mt. Etna .

I was looking through one of my files and I ran across notes from a speech I'd given in Toastmasters many years ago. It was on a program called Character Counts from The Josephson Institute. It was instituted in 1993. The six core character traits that were identified as important included: trustworthiness, respect, responsibility, fairness, caring and citizenship. Are these the character traits the City's program will focus on? Are you still getting opposition from some community members?

I noticed that the August 6 issue of the Clayton Pioneer was about money and not the program. Did I miss any updates on what is happening with the program?

I look forward to hearing any updates. J

Take care,

Brenda

925/672-2381 (home)

925/212-2048 (cell)

b.righter@prodigy.net

Serving God by using my compassion and enthusiasm for life to affirm and encourage others to pursue a life of significance. Opportunities abound!

From: bandcarmstrong@comcast.net (bandcarmstrong@comcast.net)
To: hank_stratford@yahoo.com;
Date: Thu, August 19, 2010 4:27:01 PM
Cc:
Subject: character

Clayton is as close to "Mayberry" as any city in California can get, and yet we are populated by fools who just don't get it. Your program is groping for it's mission and I think it is just a three-way mentoring program and you should not get discouraged by the idiots among us. The Good Samaritan and the Greeks never heard of God or Jesus, yet they managed to teach ethical and moral principles to live by. Keep up the good work. Don't let this become a campaign issue...and tell Chief Dan to get the "decoy" patrol car washed!

From: Carolyn Tysinger (cvtmls@sbcglobal.net)
To: hank_stratford@yahoo.com;
Date: Thu, August 19, 2010 4:42:58 PM
Cc:
Subject: Character development

I am a 66-yr-old grandmother who has lived in Clayton since 1997. Why anyone would oppose emphasis on good character is a mystery to me. Character need have nothing to do with religion (as my life experience has illustrated). I can't think of six traits more important than the ones chosen for emphasis. The good things in my life have grown out of these traits; the bad things resulted when they were lacking.

In short, if people want good lives for themselves and others, this is the way to live.
I hope the program gets the support it deserves.

(P.S. It is probably those who need it most who oppose it most.)

From: Gary Napper (gnapper@ci.clayton.ca.us)
To: shuey@rankinlaw.com; hank_stratford@yahoo.com; councilmangeller@aol.com;
joe@claytoncouncil.com; julie_pierce@comcast.net;
Date: Thu, August 19, 2010 5:54:03 PM
Cc:
Subject: city feedback form

Mayor & Council:
For your information.

Gary A. Napper
City Manager
6000 Heritage Trail
Clayton, CA 94517
925.673-7300
gnapper@ci.clayton.ca.us

-----Original Message-----

From: postmaster@ci.clayton.ca.us [mailto:postmaster@ci.clayton.ca.us]
Sent: Thursday, August 19, 2010 4:50 PM
To: cityinfo@ci.clayton.ca.us
Subject: city feedback form

Below is the result of your feedback form. It was submitted by
(postmaster@ci.clayton.ca.us) on Thursday, August 19, 2010 at 19:50:17

First Name: Diane

Last Name: Inman

Street Address: 209 Round House Pl

zipcode: 94517

city: Clayton

Contacts email: tom4di@comcast.net

Phone: 925 524-5520

Subject: Dear Mr Mayor and City of Clayton Staff,
I just read the Mayor's column in the Pioneer. I was extremely surprised
that anyone could find fault with the Mayors efforts for the "Do the right
thing" program that involves parents, the schools, the business community

and the city. I personally think it is a much needed effort. Why wouldn't we think that teaching, and teaching by example, admirable generic character traits. I suspect those that are against this kind of leadership are a very small minority, If not there is no hope for our society.

Our youth, at least the ones that "hang out" in the city are in need of some kind of responsible leadership. I see them destroying property, huddling together smoking dope, trying real hard to have sex with their clothes on, and at the very least throwing garbage on the ground. These people who think that it is wrong to teach young people principles of character are part of the problem.

Remember Hilary Clinton's book "It takes a Village", she's right it does take a village or at least it should.

Sincerely,
Diane Inman
209 Round House Pl
Clayton, CA

Submit: [Send Comments](#)

From: Gene Price (mrghprice@sbcglobal.net)
To: hank_stratford@yahoo.com;
Date: Fri, August 20, 2010 8:58:59 AM
Cc:
Subject: Do the Right Thing

Dear Mayor:

Having read the Mayor's Corner in the August 20, 2010 issue of the Clayton Pioneer, I feel compelled to respond to your invitation for comment.

There are two contemporary issues I would discuss:

1) Recently youth of our community were arrested for a series of acts involving aggressive, dishonest behavior involving the theft of personal property from young kids.

2) In a small town in Southern California, community leaders pursued self interest and failed to do the right thing for the citizens of Bell California.

I for one am thankful that the people of Clayton have elected leaders who accept the responsibility to be role models and to share with community residents values to be emulated. I am appreciative that our small town does not have the same issues facing Bell California and am convinced that had Bell elected officials who recognize the difference between positive leadership and self serving, the residence of that town would be better off.

Unfortunately I am not surprised to see that because of your faith, others have taken offense. We see such blind accusations at all levels of government today, take for example the growing false accusations of President Obama's religious preference. Regardless of how one chooses to worship God, or even if a person chooses not to believe in a God, society functions more harmoniously when the citizens recognize the difference between right and wrong. If the City's endorsement of "Do the Right Thing" prevents at least one child from repeating the criminal behavior of those youths involved in Clayton's recent crime spree, Clayton will be a better place.

It is most often difficult to do the right thing when peer pressure encourages one to lower his/her standards. Regardless of peer pressure from a vocal minority, I

encourage the elected officials and professional staff of the City of Clayton to continue doing right by the electorate, I encourage the continued support of "Do the Right Thing."

Thank you

Gene Price
1149 Peacock Creek
Clayton California 94517

Regarding the criticism of Mayor Hank Stratford's "Do the Right Thing" character enhancement program, I have to say that I am completely unable to understand how anyone could find it offensive. Who wouldn't want to live in a community where the citizens are encouraged to be kind? Or respectful? When Mr. Stratford first instituted this program, I spoke about it with several of my friends who do not live in Clayton. Every single one of them said, "What a great idea! I wish my city would do something like that!" Certainly the main place where values should be taught is in the home. But since our children spend so much of their time away from home, I think any reinforcement that they can receive is wonderful.

I suspect that many non-religious people would be annoyed at the insinuation that traits such as integrity, self-discipline, and courage are religious characteristics. Such traits are not qualities of a "religious" person; they are qualities of a *good* person.

I love the idea of displaying a banner each month to symbolize the current value. If I were to drive through a city displaying such a banner, I would think, "Wow, what a cool place to live!" People who do not like the idea of these values being taught have plenty of choices of places to live; as for me and my family, we are thrilled to be living in Clayton and proud of our mayor for doing the right thing.

Kristen Simpkins
84 Bear Place
673-1010

From: Dan Hurley (danjhurley@gmail.com)
To: hank_stratford@yahoo.com;
Date: Fri, August 20, 2010 11:06:55 AM
Cc:
Subject: Character Program

Dear Mr. Mayor,

I do not understand why anyone would object to your program. Building a good character starts at home and should encompass all the traits you are trying to explore. I mean no disrespect to religious or any other organization, but what some of these groups forget is the word "DIVERSITY", which really defines all of your efforts. As a recent gay man who has recently purchased property in Clayton, I have not witnessed any disrespect for me or my partner and have been welcomed by my neighbors. Please move forward with your program and thank you for taking a stand.

Respectfully

Dan Hurley

From: Jane Mele (Jane@mbcf.com)
To: hank_stratford@yahoo.com;
Date: Fri, August 20, 2010 12:15:08 PM
Cc:
Subject: Pioneer

Hello Hank,

I have been living in Clayton for 13 years and I think you are doing a great job. I read your article in the paper this morning and I can't imagine the stuff (and people) you have to put up with. Personally our children are all out of school however, I feel the "Do the Right Thing" project is worthwhile and important. Yes it does start at home and the children of people who are fighting you on this need to learn it from somewhere because they are obviously not learning it from their parents.

I am proud to live in Clayton!

Jane

From: vickidvorak@aol.com (vickidvorak@aol.com)
To: hank_stratford@yahoo.com;
Date: Fri, August 20, 2010 2:55:05 PM
Cc:
Subject: 8-20 article re Character Program

Mayor Stratford, I am a Concord resident, but only by a stone's throw, so I enjoy the Clayton Pioneer regularly. When I first read about your Character Program (and the impetus behind your wanting to do this), I applauded you. I'm a baby-boomer, but was raised by The Greatest Generation (per Tom Brokaw) and always believed in responsibility, respect, courtesy, etc. Which, it seems to me and my friends, are a thing of the past!! I am not surprised, but I am dismayed that members of your community think the Character Program is offensive and not needed. I beg to differ. It's very much needed!! I have to wonder if these naysayers are the parents of the teenager on a bicycle who was headed right towards my husband's huge truck which was leaving the K-Mart parking lot recently. The boy was checking out a cute young lady on the sidewalk and failed to look where he was going. In order to avoid a potentially injurious collision (to the boy), my husband honked his horn. ***Without a second's pause***, the teenager, who really hadn't even looked at us, yelled F@#\$ you!! and flipped us off. We said to each other that he probably talks to his parents that way. I'm with you: I believe character is taught in the home. But so many parents work so hard, they don't have the time or inclination to teach values. OR...they want to be their children's friend. Consequently, character is undervalued and undertaught. Anyway, please continue with your support in moving the Character Program forward. And I wish every town in California (and elsewhere) hears about it and adopts the Program. The world would be a much better place if we weren't so defensive about our parenting skills and instead embraced obvious improvements.

From: Megan Kommer (kommer@sbcglobal.net)
To: hank_stratford@yahoo.com;
Date: Fri, August 20, 2010 2:59:18 PM
Cc:
Subject: Do the Right Thing

Hi Hank,

I really liked your article in the pioneer - I admire your conviction to the program in the face of non-supporters. And it doesn't hurt that I agree with you ;)

Thanks for your service to the city!

Megan Kommer

Sent from my iPhone

From: gsleal (gsleal@comcast.net)
To: hank_stratford@yahoo.com;
Date: Fri, August 20, 2010 3:37:46 PM
Cc:
Subject: Do The Right Thing

We support you in "Do The Right Thing" to promote character development in our community. We see it as a win win for our community and our children. We don't know why anyone would be opposed to it. Certainly we all need to be reminded to "Do The Right Thing" from time to time.

Sandy & Gary Leal

From: Paul Anderson (shockcut@sbcglobal.net)
To: hank_stratford@yahoo.com;
Date: Sat, August 21, 2010 8:58:41 AM
Cc:
Subject: Do the Right Thing

Mr. Mayor,

I just read your recent column and was not surprised to find you have opposition for your "Do the Right Thing" program. Disappointed, not surprised. It's unfortunate that you can put forth positive, pro-active ideas that only benefit the community and still get negative feedback but I think there will always be a percentage of the people who oppose those ideas for no other reason than to create division and justify irresponsible behavior. We are seeing this daily on a national level and we will never overcome it with the current push for "social justice".

That being said, please don't let that discourage you! I could tell by the tone of your column that the negative feedback hurts but if you feel in your heart that what you are doing is right (and it is!), by all means do it! I would bet most of the criticism you have received is coming from people or families that need help with implementing your traits within their own homes or don't feel anyone has the "right" to tell them how to raise their children. They are the ones that need this type of encouragement the most. I've seen families like that degrade right in front of me as we have one right across the street from us. Please don't let them dictate policy!

While I have my own religious beliefs and I am aware of yours, I feel you are definitely not over-stepping your role as mayor and please don't worry about whether or not the programs traits are religious based. If our Founders felt that way, we wouldn't exist! We cannot let Faith be a deterrent, only an asset as it is a constant reminder that "God...is so essential to the moral order of the world and to the happiness of man..." (I borrowed that from James Madison). I, for one, appreciate the fact we have a responsible mayor that can keep the council focused on positive issues for our city. Your leadership in this program along with the police departments NNO will keep Clayton on top of the heap for years to come.

Thank you,
Paul Anderson
1493 Yosemite Circle
Clayton

From: John Frederickson (jmfrederickson@comcast.net)
To: hank_stratford@yahoo.com;
Date: Sat, August 21, 2010 10:24:56 AM
Cc:
Subject: Doing The Right Thing

Mr. Stratford,

I read your piece about some criticism of the "Do the Right Thing" program and can't understand why anyone would be opposed to such a thing.

Since you did not go into much detail, I have no clue as to where the opposition might be coming from with one exception. I'm thinking that perhaps our friends at the Clayton Community Church might be feeling a little guilty about not "Doing the Right Thing" when they shoehorned a tax exempt entity into property our little town was counting on as valuable commercial space.

John Frederickson

From: Karen Case (karen.case47@yahoo.com)
To: hank_stratford@yahoo.com;
Date: Sat, August 21, 2010 12:39:03 PM
Cc:
Subject: feedback

Dear Mayor Stratford:

I wanted to thank you for your efforts to educate our young citizens on basic values and proper social behavior.

I encourage you not to pay attention to those who criticize as there will always be those who want to wreck the efforts of those with good will and the courage to help make our town a better place.

I have been concerned about the lack of "proper social behavior," and am glad to read in the newspaper that there are coordinated efforts between communities in Clayton and the police to curb the rising vandalism, loitering, and littering. These are trying times and I realize there aren't enough policemen to be on the watch for all criminal activity, but I ask that you advocate to our police department to make serious efforts to give out tickets for stop sign-runners, red light runners, those who do not give pedestrians the right-of-way, for speeding, and for littering. There are more serious problems to occupy the time of police but maybe going after traffic violations the people caught may not pursue more serious crimes. There is a deterioration of social order and basic decency in our area and I am hoping that we can reinforce our laws and our culture - otherwise, the "bad guys" will create their own culture.

Thank you,
Karen Case
4007 Hummingbird Way
Clayton, CA 94517

From: Levys (levys@mac.com)
To: hank_stratford@yahoo.com;
Date: Sun, August 22, 2010 8:45:54 AM
Cc:
Subject: I agree with you.

Hank,

I just read your article in the Pioneer. I was unaware of the "Do the Right Thing" program. I have long thought that we as communities should remind each other of universally accepted good values. You're right that any religious references wouldn't be appropriate but this program is just right. Keep up the good work.

Best regards,

Aaron Levy

A Clayton community member.

Sent from Aaron Levy's phone.

From: dhoms@comcast.net (dhoms@comcast.net)
To: hank_stratford@yahoo.com;
Date: Tue, August 24, 2010 1:07:44 PM
Cc:
Subject: do the right thing

Hi Hank,
Just a quick note to let you know, we fully support the "Do the Right Thing" program. Encouraging and supporting good citizenship and commendable traits in our children is the right thing to do. Please ignore the few who oppose this noble endeavor which you have courageously presented to the Clayton community.
Sincerely,
the Hom family

From: Mike (sendmike@pacbell.net)
To: hank_stratford@yahoo.com;
Date: Wed, August 25, 2010 2:22:24 PM
Cc:
Subject: Do the Right Thing

Hank,

I am in full support of promoting good character. Throughout Clayton there are many examples of not doing the right thing - parents speeding recklessly to get their children to or from schools, adults littering (including dog owners allowing their pets to defecate on sidewalks and foot paths), neighbors refusing to use their recycle bins, etc.

I am sure that those of us who live in Clayton see many things that would not be considered "doing the right thing" regardless of whose definition of "the right thing" is used.

While parents and adults are often the role models for the youth of our city, some are the exact opposite of what you want for that purpose. If a parent or adult drives recklessly, throws lite cigarettes or litter from their car, uses a hand held cell phone while driving, what do you expect of those children who are witness. If it's OK for adults, it must be OK for me.

Perhaps, rather than (just) displaying the current character trait for the first week of each month, we define the negative behavior that does not exemplify "doing the right thing" for that particular trait. I doubt that some of the offenders can connect the dots between the current trait and their offensive behavior.

Mike Callahan
240 Mountaire Pkwy

From: Guity Kiani (gkiani@yahoo.com)
To: hank_stratford@yahoo.com;
Date: Wed, September 1, 2010 4:20:35 PM
Cc: tamara@claytonpioneer.com;
Subject: Character program

Drear Mayor Stafford,

I read your columns in the Pioneer regularly. I was so happy to have seen, for the first time in my experience, a political leader take the time to write about the importance of character development for children, the future leaders.

I have been a resident of Clayton for 30 years and I whole-heartedly congratulate you for your foresight in writing about this important issue, following-up with discussions involving other leaders in the community, and acting upon it, by "Doing the Right Thing." Although this is a small step, it looks towards a very important outcome, as these children have the potential to be the future leaders of our town, our country, even the world. The immense influence America is having in shaping the future world is undeniable. Every one wants to emulate those who follow the way of truth and justice. Therefore, I hope your activities related to this mater will grow.

I, like you, was very surprised, and have struggled to understand why there is opposition to a program that tries to encourage people to do the right thing, be responsible, respectful, kind, develop self-discipline, have integrity and courage. Could it be because those who attacked you are irresponsible and unkind themselves? However, I hope their numbers are very few. Please do not give up.

The following experience I had recently may help you to strengthen your resolve. I took a lecture course through the CSUEB-Scholar OLLI at the Concord campus near our town. The title was "In God We Trust." I was delighted to learn that, though the Founding Fathers, in order to maintain the unity of this new-found country, decided not to select any one religion as the state religion, they nevertheless concluded, and stated that no country can survive without a high level of moral and ethical standards. Accordingly they included most of these values within the constitution. The professor who gave this lecture was Keven P. Dincher MA. Attached is the Power Point that he used to present the lecture. You can glean from it the point that although there is separation of state and religion, that does not mean moral and ethical values are not part of the governance.

To demonstrate to you my strong support for your initiative of 'character development' in our town, I want to share with you the attached letter that my friend and I wrote on March 5, 2009 to President Obama. In this letter, as you see, we recommended that he inaugurate special ethical and moral development in all schools in America, so that our future leaders, growing up, would not behave in the corrupted way some business and political men and women have acted - some of which has caused upheaval in the US economy and a collapse of trust in government and the economic system, consequently hurting so many people here and throughout the world.

The character traits we listed, as with your list was, as you stated, for the purpose of making good citizens and good members of society. As you see in the attached letter, we listed many character

traits - such as honesty, trustworthiness, courtesy, faithfulness, caring, compassion, humility, truthfulness, service to the community at large, generosity, peacefulness. Some of them are similar to yours, some are even more controversial.

To those who think you are overstepping your role, I would say, if we wish for a better world, then wherever we are, in whatever position we find ourselves, it is our duty, honor and responsibility to not only exhibit but promote, support, encourage and whenever possible praise, those who demonstrate these character traits. We all need to be reminded; we all need to learn and be encouraged to do the right thing. Heaven on earth has not yet been established - even in America!

I am glad that you have discussed this initiative with school administrators, teachers, parent faculty club members, Clayton Business, Community Association leadership and community members - and that they supported the idea.

Again, please do not give up! There are many who support you, and the future will show this kind of courageous effort, of 'doing the right thing' will make an impact on how a city will be. In my view you have not overstepped your role as mayor. You are, after all, one of the high office holders of this community.

Gratefully yours,

Guity Kiani
gkiani@yahoo.com

From: Sheila Driscoll (sheiladewey@juno.com)
To: hank_stratford@yahoo.com;
Date: Thu, September 2, 2010 7:11:21 PM
Cc:
Subject: Your Column in Aug. 20 Pioneer

Dear Mayor Hank, Just back in Clayton & read your Mayor's Corner article. I agree that it is baffling that a few people have expressed their objections to the "Do the Right Thing" character development program. You have been working on this project in conjunction with many knowledgeable people, & I support the concept & the sensible approach you are using.

I have lived in Clayton for 14 years. During this time, I have been actively involved in local organizations in both Clayton & Concord such as AAUW, CVWC, CHS, Library, DVLC, & St. Agnes Church. I have observed that there can be a small & sometimes determined number of reactionary people who have exaggerated ideas about government on any level "interfering with their rights".

Please do not be discouraged by their rude comments. Perhaps we have to "consider the source" & deem them as Preachy, Tacky & Offensive!!

Thank you for your efforts to improve the personal standards for our young people. The amount of recurring vandalism in Clayton, which is documented by our Police Chief, would seem to be testament enough for the need for a "Do the Right Thing" program!

Thinking of sending these thoughts, via a letter to the editor, to The Pioneer if you think appropriate.

Sincerely, Sheila Driscoll Stranahan Circle Clayton sheiladewey@juno.com 672-7947

Moms Asked to Return to School

Grant Funding May Be Available to Those That Qualify.
SeeCollegeDegrees.com

From: diana bauer (dianawb@pacbell.net)
To: hank_stratford@yahoo.com;
Date: Thu, September 2, 2010 11:11:34 PM
Cc: rev.sungholee@gmail.com;
Subject: FW: Pastor Sungho Lee

Hi Mayor Stratford,

I've been delivering my copy of the *Pioneer* to our new pastor (as of July 1). As you can see from his communication below he's quite excited about your ideas.

His "first language" is Korean, but he's very fluent in English. He attended Garrett Seminary near Chicago and has a doctoral degree from Northwestern University. He's incredibly hard working, personable, and likes to take an idea and run with it. We consider ourselves very fortunate to have had him appointed to our Concord United Methodist congregation. Actually, there was a small article about him in the *Pioneer*, so you probably know that. Even though it's a church with a Concord address many of our members live in Clayton.

I'm copying this to him so you will each have the other's e-mail addresses.

Look forward to seeing you soon,
Diana Bauer
(CCLF Secretary)

-----Original Message-----

From: Sungho Lee [mailto:rev.sungholee@gmail.com]
Sent: Tuesday, August 31, 2010 2:59 PM
To: bank_stratford@yahoo.com
Cc: David Atkinson; Diana Bauer
Subject: Pastor Sungho Lee

I have read the mayor's article in the Clayton Pioneer with great interest. I am so thankful that we have a leader like Mayor Hank Stratford!

I support all the efforts that the city is doing for the "Do the Right Thing" program and appreciate them.

City can invite people from all areas, military, police, fire fighters, sports coaches, religious leaders, and house wives to listen their versions of "responsibility" through their own life stories. Each month, we can have different character as the main theme: Risk RC (Responsibility, Integrity, Self-Discipline, Kindness, Respect, Courage--I just rearrange the order to memorize it!). If you need a space, i would sponsor that kind of event in our church, Concord UMC.

To avoid any implication, you can do that event at the "Clayton Library."
Sungho Lee, pastor of the Concord UMC (1645 West St., Concord, CA)

From: Kenneth Hogue (krhogue@pacbell.net)
To: hank_stratford@yahoo.com;
Date: Mon, September 6, 2010 4:10:20 PM
Cc:
Subject: Do The Right Thing

Dear Mayor Stratford,

I am sorry that I am just now responding to your request for comment on the "Do The Right Thing" campaign. I am in total agreement with what the city of Clayton is trying to do. The traits that you are trying to instill in our youths are virtues that everyone in our community should respect and that all segments of our community should be working together on to teach our children. If the children learn these traits at home that is wonderful but, it sure doesn't hurt to let them know that we all value these behaviors.

Thank you for your efforts,
Ken Hogue

323 Roundhill Pl.
Clayton

Horseman's association marks 75 years of hitting the trail



YOUNG BARREL RACER NICOLE PEPPER will be on hand for the Contra Costa Horseman's Association 75th anniversary celebration Sept. 18.

The oldest horse club in California will celebrate three quarters of a century on Sept. 18 with a full day of gymkhana and demonstrations, ending with an auction and dinner dance.

Contra Costa Horseman's Association is the "granddaddy" to all other California horse clubs, including the Concord Mt. Diablo Trail Ride Association.

"We have had a pretty stellar presence through the years,"

says club member Hugh Donatelli. "When Hawaii and Alaska were admitted to the union, the Contra Costa Horseman's Drill Team was there."

In recent years, the club has been hit with a one-two punch that has taken a toll on membership, says board member Brian Pepper. Many of the older members have lost contact and current members have been hard hit by the economy. "They can't afford even a modest

membership fee," says Pepper.

The club is looking to corporate sponsorship and community fundraising to survive.

The day-long celebration begins at 9 a.m. at the Don Fernando Pacheco Adobe, 3119 Grant St., Concord, with barrel racing and continues with other gymkhana events, English and Western riding demonstrations, a petting zoo for the kids and ends with a barbecue and dancing in local land Sakhana 8 p.m. mulling.

"Corporate sponsors have been very generous with auction donations," says Pepper. Items include a stay at the Hilton Inn and a painting by artist Kathleen Hall valued at \$1,000.

Tickets are \$20 per adult and \$5 for kids 12 and under and include dinner and wine tasting during the event. Buy tickets online at cchsa.craigslist.com. For more information on the Contra Costa Horseman's Association, visit their website.

Next up for church proposal — Environmental Impact Report

TAMARA STEINER
Clayton Pioneer

A proposed 42,000 sq. ft. church complex for downtown Clayton will require a full Environmental Impact Report (EIR) before the city can begin to debate the merits of the project.

The application submitted to the city last spring calls for a 500-seat church and three other buildings that will house retail space and offices.

"We want to be an anchor for the community," Clayton Community Church pastor Shawn Robinson said at the EIR scoping session on Aug. 26. Robinson sees the project as a win-win, bringing needed retail space and customers to the downtown area.

Others disagree, not willing

to give up limited downtown space and abandon the vision of a vibrant town center bustling with restaurants and shops.

However, before the city and the public can debate the pros and cons of church vs. commercial center, there must be a full study done of the potential environmental impact. A preliminary review of the project shows that the potential impacts to public policy and the environment are significant enough to warrant a full EIR.

Current zoning calls for ground floor retail use in the town center and does not allow for assembly use. Approval of the project will require amendments to the General Plan, the Town Center Specific Plan and zoning changes to allow for off-site parking.

The project calls for the demolition of the old Pioneer Inn building now used for church office space. The building may have historical significance and there is a potential for archaeological findings on the site, says community development director David Woltering.

The EIR will look at how the project will affect traffic patterns, air and water quality, noise and land use downtown.

"The EIR will evaluate only the potential impact of the project on the environment," Woltering explained at the scoping session. "It will not consider the merits of the project."

After the EIR is complete, probably late fall, the project will go before the Planning Commission — which will review it and recommend

approval or denial to the City Council. Woltering expects the project to reach the City Council in February 2011.

There will be several opportunities in the process for the public to weigh in or ask questions on the merits of the project.

The city has contracted with an independent consultant for the study and is defining the scope. Citizen input relative to the environmental issues that should be addressed in the study (not to the commercial, social or political merits of the project) can be sent to the city of Clayton by email to development@claytonca.gov or by mail to 6800 Heritage Trail, Clayton, CA 94517. Cut-off date for public comment on the EIR scope is 5 p.m. Sept. 14.

Letters to the Editor

Readers weigh in on Mayor's Character Program

Mayor Stratford decided that our community needs a character development program. His committee decided on six virtues that will make us better citizens. The mayor wants to weave these six virtues (Responsibility, Respect, Kindness, Self-Discipline, Integrity, and Courage) into the schools and our homes.

The Mayor (is asking) the City Council... to implement nine items. The first item is hanging banners every month with one of the six virtues all around town for a week. In an article by the Clayton Pioneer on July 23, the mayor stated that he would also like reminder signs of these six virtues displayed in businesses.

Mayor Stratford has repeatedly said that our community of 10,000 plus people, already displays good character and I agree with him. In my opinion, residents, patrons, visitors, and workers do not need constant reminders every month for a week on how to act. The banners will have a disciplinary effect rather than an inspirational one. How many people will pay attention to something they see over and over again?

Banners do not teach character. I have talked with several teachers and they all say that school programs that have mentoring between students and adults bring measurable results.

Character is taught in the home, grows in the schools and matures with life experiences.

- Linda Hudak
Clayton

As a 20-year resident of Clayton I would like our Mayor and City Council to focus on issues that can benefit all the residents in a tangible and measurable manner.

Why is he and the City Council not negotiating with our waste disposal service for composting? How about some programs for seniors? Endavor Hall seems to be underused — perhaps there could be social events that would be in part sponsored by the City — cost to be borne by participants.

Hanging banners with printed virtues is not the answer. These would be nothing but an eyesore. If I were a visitor to a city with such banners I would wonder what's wrong with this city — is that the image that Clayton would want to portray to outsiders.

Kari Geller
Clayton

Regarding the cinema of Mayor Hank Stratford's "Do the Right Thing" character enhancement program, I have to say that I am completely unable to understand how anyone could find it offensive. Who wouldn't want to live in a community where the citizens are encouraged to be kind? Or respectful?

Certainly the main place where values should be taught is in the home. But since our children spend so much of their time away from home, I think any reinforcement that they can receive is wonderful.

I suspect that many non-religious people would be annoyed at the insinuation that traits such as integrity, self-discipline, and courage are religious characteristics. Such traits are not qualities of a "religious" person; they are qualities of a good person.

I have the idea of displaying a banner each month to symbolize the current value. People who do not like the idea of these values being taught have plenty of choices of places to live, as far as my family, we are thrilled to be living in Clayton and proud of our mayor for doing the right thing.

- Kristen Simpkins
Clayton

Regarding the (stories) on the front page of August 20 issue of the Pioneer, I would like to thank the supporters of our community who are doing the right thing by putting in so much time and effort for the good of all of us. First, in the Mayor's Corner for his fine plan and all those city and school officials, parents, and the students themselves who are implementing the concept of being a good citizen and responsible for their own actions. How can there be an objection to this?

Second, to the Parent Faculty Club at CVHS and their Fine Project for all the work that has made our school beautiful. Third, to the young artists who are sharing their talents and being good examples to younger students. Fourth, to those who volunteer to serve on the city council, and fifth to our police and neighbors who watch our streets and try to keep ahead of the mischief makers who spend their time negating the work and effort of so many.

Let's all show more appreciation to these helpers. Thank them when you see them. You all know who they are. They're your friends and neighbors.

- Barbara Evans
Clayton

Halloween store's prices won't creep you out

At Scary Decorations, you'll find scary stuff at not so scary prices this Halloween. And the Chamber of Horrors will keep you coming back for more.

Scary Decorations features affordable prices on a wider assortment of costumes and Halloween decor than most stores. They also provide 110 percent price guarantees for identical products, so you can shop in confidence during these tough economic times. Visit the store for details.

Inside the Chamber of Horrors, you'll find full-sized animatronics, Halloween props in action, life-size monster, reaper and ghoul decorations and scores of several limbs and body parts to create a mesmerizing Halloween scene. Come experience the moon and get some great decorating ideas to take your haunted house or graveyard scene to the next level.

Bob machines, black lights, creepy CDs and music lights also will help you create special effects.

Scary Decorations features thousands of men's, women's and kid's costumes and accessories at great prices. The most popular costume brands are featured, including Rubies, Forum, Leg Avenue and Dreamgirl sexy costumes. Funny costumes, couples costumes and your favorite TV or movie character are all at the Scary Decorations store.

The Scary Decorations Halloween store will be open through Nov. 8 in the old Hollywood Video location at 4383 Clayton Road in Concord. Call 672-8099 for more information. See our ad on this page for store hours.

Open Seven
Days a week

Locally Owned and Operated.
Shop in confidence as we will meet or beat any price on identical items*

*See store for details

SCARY DECORATIONS HALLOWEEN STORE
4383 Clayton Road, Concord (Next to Starbucks)
925-672-8099 www.ScaryDecorations.com

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Agenda Date: 9-21-10

Agenda Item: 9b

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: DAVID WOLTERING, COMMUNITY DEVELOPMENT DIRECTOR *DW*

DATE: SEPTEMBER 21, 2010

SUBJECT: LOCAL IMPLEMENTATION OF THE STATE WATER CONSERVATION IN
LANDSCAPING ACT OF 2006 (AB 1881) (ZOA 05-09)

RECOMMENDATION

It is recommended that the City Council approve Second Reading and Adoption of Ordinance No. 429 for the purpose of implementing within the City of Clayton the provisions of the State Water Conservation in Landscaping Act of 2006, which became effective January 1, 2010.

BACKGROUND

At its September 7, 2010 meeting, the City Council reviewed and approved Introduction and First Reading of Ordinance No. 429, the City's Ordinance to implement the State Water Conservation in Landscaping Act of 2006. The City has the option to either approve a Model Ordinance prepared by the State Department of Water Resources (DWR) to implement the 2006 Act or adopt an alternative ordinance that is equally effective. The staff and the Planning Commission have recommended and the City Council has supported the preparation and adoption of an equally effective alternative ordinance, Ordinance No. 429, that improves upon the DWR Ordinance in terms of making administration and implementation of the required standards to achieve water efficiency easier to administer and less complicated to implement as described in the attached September 7, 2010 City Council agenda report.

FISCAL IMPACT

The costs associated with the implementation of Ordinance No. 429 would be the responsibility of those property owners whose projects meet or exceed stated thresholds, and, accordingly, must conform to the requirements of the new law.

Attachments:

1. Ordinance No. 429
2. City Council Staff Report, dated September 7, 2010

ORDINANCE NO. 429
AMENDING TITLE 17 OF THE CLAYTON MUNICIPAL CODE BY SUPERSEDING
AND REPLACING THE “WATER CONSERVING LANDSCAPE GUIDELINES” IN
THEIR ENTIRETY IN CHAPTER 17.80 WITH “LANDSCAPE WATER
CONSERVATION STANDARDS” FOR THE PURPOSE OF IMPLEMENTING
ASSEMBLY BILL (AB) 1881, THE WATER CONSERVATION IN LANDSCAPING
ACT OF 2006 (ZOA 05-09)

THE CITY COUNCIL
City of Clayton, California

THE CITY COUNCIL OF THE CITY OF CLAYTON FINDS AS FOLLOWS:

WHEREAS, Assembly Bill (AB) 1881, passed in 2006, requires the California Department of Water Resources (DWR) to develop and implement a new State Landscape Water Conservation Ordinance (State Ordinance); and

WHEREAS, DWR developed the new State Ordinance, which became effective January 1, 2010; and

WHEREAS, all cities and counties in the State of California are to adopt and implement the State Ordinance as written or develop and adopt their own local ordinances that are equally effective in conserving landscape water usage; and

WHEREAS, in the circumstance that a city or county does not formally adopt either the State Ordinance or an equally effective local ordinance by the cited January 1, 2010 date, the State Ordinance becomes the effective default ordinance for local jurisdictions; and

WHEREAS, the Planning Commission reviewed the State Ordinance at its duly noticed meetings of November 10, 2009 and November, 24, 2009, and determined that the complexity of the State Ordinance would make it difficult to administer and implement and, accordingly, supported City staff working with representatives from other regional agencies, including other nearby cities and the County of Contra Costa, the Contra Costa Water District (CCWD), and the East Bay Municipal Utility District, with CCWD taking the lead in this effort to develop an equally effective alternative landscape water conservation ordinance; and,

WHEREAS, City staff participated with other regional representatives to develop an alternative landscape water conservation ordinance, which was developed and, subsequently, presented to the City’s Planning Commission at a duly noticed public hearing on August 10, 2010, as a proposed amendment to Chapter 17.80 of the Clayton Municipal Code, whereby the “Water Conserving Landscape Guidelines” in Chapter 17.80 would be superseded and thereby replaced in their entirety with the proposed “Landscape Water Conservation Standards” for the purpose of implementing the Water Conservation in Landscaping Act of 2006; and

WHEREAS, at its duly noticed public hearing on August 10, 2010 regarding the “Landscape Water Conservation Standards” draft ordinance amendment, the Planning Commission received and considered Staff’s report and background information, allowed for public comments and testimony, and discussed the information received, and directed staff to make certain modifications to the draft ordinance amendment, including direction that the City’s Maintenance Supervisors be authorized to sign-off on certifications for public landscape and irrigation projects undertaken by City staff within the City of Clayton; and

WHEREAS, the Planning Commission continued the August 10, 2010 public hearing to a date certain, its next regular meeting of August 24, 2010, to allow staff to make the directed changes to the draft ordinance amendment prior to making a formal recommendation to the City Council; and

WHEREAS, at the continued public hearing on August 24, 2010, the Planning Commission reviewed the revised draft ordinance amendment, determined that the proposed amendment would qualify for a categorical exemption in accordance with Section 15061(b)(3) of the State California Environmental Quality Act (CEQA); determined this amendment would be in conformance with the General Plan; determined that the public necessity, convenience, and general welfare would require adoption of the proposed amendment; determined the proposed “Landscape Water Conservation Standards” would be equally effective in conserving landscape-related water usage as would the State Ordinance; and recommended City Council approval of the cited categorical exemption and proposed ordinance amendment; and

WHEREAS, on September 7, 2010 and September 21, 2010, the City Council held duly-noticed public hearings and gave due consideration to the Planning Commission’s recommendation, testimony, comments, and documents received regarding the proposed “Landscape Water Conservation Standards” ordinance amendment; and

WHEREAS, the City Council determined this amendment of the Municipal Code would qualify for categorical exemption from CEQA in accordance with Section 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, the City Council determined this amendment would be in conformance with the General Plan; determined the public necessity, convenience, and general welfare would require adoption of the amendment; and determined the proposed “Landscape Water Conservation Standards” would be equally effective in conserving landscape-related water usage as would the State Ordinance; and

WHEREAS, the City Council determined there is no evidence this amendment would have the potential for any individual or cumulative adverse effects on fish and wildlife resources or their habitat, as defined in Section 711.2 of the California Department of Fish and Game Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAYTON DOES ORDAIN AS FOLLOWS:

SECTION 1. Title 17 of the Municipal Code shall be amended to supersede and thereby replace in Chapter 17.80 “Water Conserving Landscape Guidelines” in their entirety with the proposed “Landscape Water Conservation Standards”, referred to and incorporated herein and provided as an Attachment hereto.

SECTION 2. If any provision of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court competent jurisdiction, such invalidity shall not affect other provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

SECTION 3. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after the passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinance and public notices. Further, the City Clerk is directed to cause the Attachment hereto to be entered in the City of Clayton Municipal Code

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on September 7, 2010.

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular meeting thereof held on September 21, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON

Hank Stratford, Mayor

ATTEST

Laci J. Jackson, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Dan Adams, City Attorney

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on September 7, 2010, and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on September 21, 2010.

Laci J. Jackson, City Clerk

Attachment: "Landscape Water Conservation Standards"

ZOA\2009\05-09.ord\attorney

Attachment: "Landscape Water Conservation Standards"

Chapter 17.80

LANDSCAPE WATER CONSERVATION STANDARDS

Sections:

17.80.010	Title and Purpose
17.80.020	Definitions
17.80.030	Applicability
17.80.040	Landscape Project Application (LPA) Requirements
17.80.050	Water Efficient Landscape Standards
17.80.060	Landscape Plan Requirements
17.80.070	Landscape Water Audit Requirements
17.80.080	Certifications
17.80.090	Landscape and Irrigation Maintenance Schedule
17.80.100	Stormwater Management
17.80.110	Provisions for Existing Landscapes
17.80.120	Public Education

17.80.010 Title and Purpose. This Chapter shall be known and may be cited as the Landscape Water Conservation Standards Ordinance of the City of Clayton for the purpose of implementing within Clayton the Water Conservation in Landscaping Act of 2006.

17.80.020 Definitions. Certain words and phrases are defined within this Chapter and the definitions herein apply to this Chapter only. Where it appears from the context of such words, phrases, or provisions that a different meaning is intended, the definition shall be determined by the Community Development Director.

- A. "Applicant" means the individual or entity submitting a Landscape Project Application (LPA) required under Section 17.80.040 of this Chapter to request a permit, plan check, or design review from the City of Clayton, or requesting new or expanded water service from the local water district. A project applicant may be the property owner or his or her designee.

- B. “Applied water” means the portion of water supplied by the irrigation system to the landscape.
- C. “Backflow prevention device” means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from an irrigation system.
- D. “Certified irrigation system auditor” means a person certified by the U.S. Environmental Protection Agency’s WaterSense Irrigation Partners Program.
- E. “Conversion factor (0.62)” means the number that converts acre-inches per acre per year to gallons per square foot per year.
- F. “Emission Device” means any device that is contained within an irrigation system that is used to apply water. Common emission devices in an irrigation system include, but are not limited to, spray and rotary sprinkler heads, bubblers, and drip irrigation emitters.
- G. “Estimated Total Water Use (ETWU)” means the estimated total water used for the landscape, as described in the City of Clayton Water Allowance Work Sheet.
- H. “ET adjustment factor (ETAF)” means a factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency which are two major influences upon the amount of water that needs to be applied to the landscape. ETAF for a Special Landscape Area shall be 1.0.
- I. “ETo” stands for Reference Evapotranspiration, and means the water loss from a large field of 4-7 inch-tall, cool-season grass that is not water stressed. Local ETo numbers can be found through the California Irrigation Management Information System (CIMIS).
- J. “Evapotranspiration” means the combination of water transpired from plants and evaporated from the soil and plant surfaces.
- K. “Flow rate” means the rate at which water flows through pipes, valves, and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.
- L. “Geometry” means the size, shape, and angles of an area.
- M. “Hardscape” means any durable material (pervious and non-pervious).
- N. “Hydrozone” means a portion of the landscaped area having plants with similar water needs. This ordinance uses the publication *Water Use Classification of Landscape Species* (WUCOLS) to determine a plant’s water needs. A hydrozone may be irrigated or non-irrigated.

- O. “Landscape water audit” means an in-depth evaluation of the installed landscape to verify the landscape complies with the Water-Efficient Landscape Standards of the City of Clayton Landscape Water Conservation Standards Ordinance, and completes the Certificate of Compliance for a Landscape Water Audit.
- P. “Irrigation efficiency (IE)” means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The irrigation efficiency for purposes of this Chapter is 71% or greater. Greater irrigation efficiency can be expected from well-designed and well-maintained systems.
- Q. “Irrigation survey” means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to, inspection, system test, and recommendations to improve performance of the irrigation system.
- R. “Irrigation water use analysis” means an analysis of water use data based on meter readings and billing data.
- S. “Landscape area” means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel, or stone walks, or other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).
- T. “Landscape contractor” means a person licensed by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.
- U. “Lateral line” means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.
- V. “Maximum Applied Water Allowance (MAWA)” means the upper limit of annual applied water for the established landscaped area, as specified in the City of Clayton “Water Allowance Work Sheets”.
- W. “Medians” mean any planting area that separates traffic lanes on streets and parking areas in parking lots.
- X. “Mulch” means any organic material, such as leaves, bark, straw, or compost; or inorganic mineral materials, such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

- Y. “Non-Permeable” means any surface or material that will not allow the passage of water through that surface or material and into the underlying soil at a rate that ensures run-off will not occur.
- Z. “Operating pressure” means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.
- AA. “Overhead irrigation” means systems that deliver water through the air (e.g., sprayheads and rotors).
- BB. “Overspray” means the irrigation water that is delivered beyond the target area.
- CC. “Permit” means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.
- DD. “Plant factor” or “plant water use factor” is a factor that, when multiplied by ETo, estimates the amount of water needed by plants. The plant factors for this Chapter are from the WUCOLS publication.
- EE. “Precipitation rate” for this Chapter means the rate of application of water measured in inches per hour.
- FF. “Project” means the total area comprising the landscape area, as defined in this Chapter.
- GG. “Rain switch” or “rain sensing shutoff device” means a component that automatically suspends an irrigation event when it rains.
- HH. “Reference evapotranspiration” or “ETo” means a standard measurement of environmental parameters that affect the water use of plants.
- II. “Rehabilitated landscape” means any re-landscaping project that requires a permit, plan check, or design review, or requires a new or expanded water service application.
- JJ. “Retail water supplier” means any entity, including a public agency, city, county, district or private water company that provides retail water service.
- KK. “Runoff” means water that is not absorbed by the soil or landscape to which it is applied and that flows from the landscape area.
- LL. “Smart irrigation controllers” means controllers using weather information or soil moisture readings along with site information to automatically adjust the irrigation schedule on a daily basis.
- MM. “Soil moisture sensor” or “soil moisture sensing device” means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

- NN. "Special Landscape Area (SLA)" means an area of the landscape dedicated solely to edible plants, such as vegetable gardens or orchards, areas irrigated with recycled water, water features using recycled water, cemeteries, and areas dedicated to active play, such as parks, sports fields, and golf courses where turf provides a playing surface.
- OO. "Sprinkler head" means a device that delivers water through a nozzle.
- PP. "Station" means an area served by one valve or by a set of valves that operate simultaneously.
- QQ. "Turf" means a ground cover surface of mowed grass. Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are examples of cool-season grasses. Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are examples of warm-season grasses.
- RR. "Valve" means a device used to control the flow of water in the irrigation system.
- SS. "Water feature" means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied).
- TT. "WUCOLS" means the Water Use Classification of Landscape Species, published by the University of California Cooperative Extension, the Department of Water Resources, and the Bureau of Reclamation, 2000. (WUCOLS) report is available at <http://www.water.ca.gov/wateruseefficiency/publications/>. Search for WUCOLS, and then go to Part 2 WUCOLS III* 1999 Edition.

17.80.030 Applicability. After ~~[insert effective date of ordinance]~~, the indicated provisions of this Chapter shall apply to landscape projects as follows:

- A. Developer Projects: New and rehabilitated landscape development for commercial, multi-family, and single family projects with irrigated landscape areas cumulatively equal to or greater than 2,500 square feet and requiring a building permit, grading permit, plan check, or design review shall complete the Landscape Project Application (LPA) described in Section 17.80.040, and comply with all other Sections of this Chapter.
- B. Municipality and Public Agency Projects: New and rehabilitated projects designed and installed by the City of Clayton with irrigated landscape areas cumulatively equal to or greater than 2,500 square feet shall comply with Sections 17.80.050, 17.80.060, 17.80.070, 17.80.080, 17.80.090, and 17.80.100.

- C. Owner-Directed Single Family Projects: New and rehabilitated owner-directed single family projects with irrigated landscape areas cumulatively equal to or greater than 5,000 square feet and requiring a building permit, grading permit, plan check, or design review shall complete the Landscape Project Application (LPA) described in Section 17.80.040, and comply with all other Sections, except Section 17.80.090, of this Chapter.
- D. Existing Landscapes: Existing landscapes are only subject to the provisions in Section 17.80.110, "Provisions for Existing Landscapes" and Section 17.80.120, "Public Education".
- E. The provisions of this Chapter shall not apply to:
 - 1. Landscapes that are only temporarily irrigated for establishment purposes and landscapes that are not irrigated with a permanent irrigation system.
 - 2. Registered local, state or federal historical sites, or as may otherwise be determined by the City Council;
 - 3. Community gardens, botanical gardens and arboretums open to the public.

17.80.040 Landscape Project Application (LPA) Requirements. Applicant shall choose one of the two options below to comply with this Chapter:

- A. Option A: Proposed landscape project does not include any:
 - 1. Water features with more than 100 square feet of total surface area;" or
 - 2. Turf or other high water use plants, unless they qualify as a "Special Landscape Area. High water use plants are those designated as 'high water use' in the Water Use Classification of Landscape Species (WUCOLS) report¹."

For this option, the applicant shall complete the following:

- 1. Project Application Sheet.
 - 2. Certification Sheets.
 - 3. Landscape Plans (See Section 17.80.060);
 - 4. Maintenance Schedule (See Section 17.80.090).
- B. Option B: Proposed landscape project does include:
 - 1. Water features with more than 100 square feet of total surface area; or

¹ Water Use Classification of Landscape Species (WUCOLS) report which is available at <http://www.water.ca.gov/wateruseefficiency/publications/> A Guide to Estimating, Part 2.

2. Turf or other high water use plants not qualifying as a “Special Landscape Area.” The Estimated Total Water Use (ETWU) for the proposed landscape shall not exceed the Maximum Applied Water Allowance (MAWA) for the site. The MAWA formula will use an ET Adjustment Factor of 0.7.

For this option, the applicant shall complete the following:

1. Project Application Sheet.
2. Certification Sheets.
3. Water Allowance Work Sheets.
4. Landscape Plans (See Section 17.80.060).
5. Maintenance Schedule (See Section 17.80.090).

An applicant requesting design review approval shall submit, at a minimum, a preliminary landscaping plan with the design review application; however, the applicant must submit all components of the Landscape Project Application (LPA) concurrently with the application for building permit or grading permit for the project.

The Community Development Director or his/her designee shall review each LPA for compliance with the provisions of this Chapter and may withhold issuance of zoning approval for a building permit or grading permit for which its corresponding LPA does not comply with this Chapter.

17.80.050 Water Efficient Landscape Standards. The proposed landscape design shall incorporate the most recent acceptable best management practices as determined by the City of Clayton for water-efficient landscape design and shall comply with the following standards:

A. Plant Design:

1. Plants selected shall be well suited to the area’s climate and the site’s soil conditions.
2. The proposed landscape shall be designed so that distinct hydrozones are irrigated separately by one or more irrigation valves. A hydrozone is an area with similar sun exposure, irrigation precipitation rate, soil conditions, slope, and plant material with similar water needs. Refer to the WUCOLS report for plant water needs.
3. Plants shall be spaced appropriately based on their expected mature spread.
4. If the geometry of the planting area does not conform to the spray pattern of the sprinkler, resulting in overspray onto the adjacent pavement, then overhead irrigation shall not be used.

5. Plants shall be spaced so that at mature size they do not block sprinklers.
6. Turf shall not be planted on slopes steeper than 15%.
7. Turf shall not be planted in any medians or in areas narrower than 8'0".

B. Irrigation System:

The irrigation system design shall comply with the following requirements:

1. Smart irrigation controller(s) using one of the below methods shall be required on all irrigation systems:
 - a. Daily evapotranspiration data; and
 - b. Daily soil moisture sensor data.
2. Specify a dedicated landscape water meter for landscapes with an irrigated area greater than 5,000 square feet, or per retail water supplier regulations.
3. Recycled water shall be used for landscape irrigation if it is available at the project site.
4. Specify technology and practices to prevent runoff, low head drainage, overspray, or other water waste.
5. Overhead irrigation shall not be permitted within 12" of any non-permeable surface.
6. Specify sprinkler heads and other emission devices that have matched precipitation rates within each irrigation zone. No irrigation zone shall specify a precipitation rate greater than 1.2 inches per hour. On slopes steeper than 25%, the specified precipitation rate shall not exceed 0.75 inches per hour.
7. Specify irrigation controls so the dynamic water pressure at sprinkler head or other emission device is within manufacturer's recommended optimal operating range.
8. No overhead irrigation shall be specified in planting areas less than 8'0" wide in any dimension, unless demonstrated that water waste will not occur.
9. Specify a manual shut-off valve for each point of connection and specify that each shut-off valve be identified on the controller map.
10. Prepare a controller map and programming table and specify that this be stored in the controller cabinet. The controller map shall visually differentiate each controller zone. For each irrigation valve, the controller programming table shall list the plant water requirement (high, medium,

low, or very low), the sun exposure, irrigation emission device type, precipitation rate, station flow rate, optimal pressure, soil type, infiltration rate, square foot area, and degree of slope.

11. Each irrigation valve shall control irrigation to only one distinct hydrozone. A hydrozone is an area with similar sun exposure, irrigation precipitation rate, soil conditions, slope, and plant material with similar water needs. Refer to the WUCOLS report for plant water needs.
12. Specify a separate irrigation valve and hydrozone for the top of a slope and the bottom of a slope.

C. Water Features:

1. All water features shall have re-circulating water systems.
2. Fountain(s) shall be designed so that no wind drift or overspray occurs.

D. Grading and Soil Preparation:

The landscape design shall:

1. Comply with Storm Water Control Plan requirements (C.3), if applicable.
2. Be designed to improve or maintain the infiltration rate of landscape soils typical of their soil texture and minimize soil erosion.
3. Be designed to avoid drainage onto non-permeable hardscapes within the property lines and prevent runoff of all irrigation and natural rainfall outside property lines.
4. Only specify soil amendments if appropriate for the selected plants.
5. Specify a minimum two-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas unless there is a horticultural reason not to use mulch in a portion of the planting area. Mulch, such as shredded bark, shall be specified in bioretention areas so that they will stay in place during rain events.

17.80.060 Landscape Plan Requirements. The Landscape plans shall demonstrate that all the water-efficient landscape standards have been met:

A. The planting plan shall:

1. Identify Special Landscape Areas. Special Landscape Areas include: landscape dedicated solely to edible plants, such as vegetable gardens or orchards, areas irrigated with recycled water, water features using recycled water, cemeteries, and areas dedicated to active play, such as parks, sports fields, and golf courses where turf provides a playing surface.

2. Identify plants by their common and botanical names.
 3. Identify type and surface area of water features.
- B. The irrigation plan shall:
1. Show the location and size of the landscape irrigation water meter.
 2. Show the location, type and size of all components of the irrigation system, including, but not limited to, controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices.
 3. Identify the static water pressure at the point of connection to the public water supply.
 4. Identify the flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station.
- C. Landscape plans shall include details and specifications reflecting the most recent acceptable best management practices as determined by the City of Clayton for water-efficient landscape design.

17.80.070 Landscape Water Audit Requirements. A landscape water audit shall be performed to ensure that the installed landscape meets the requirements of this Chapter.

- A. A landscape water audit shall be conducted within thirty (30) days of the start of the landscape maintenance period or, if no maintenance period, then, immediately, upon completion of the landscape installation. An EPA WaterSense certified Irrigation System Auditor shall conduct the landscape audit and submit a Certificate of Compliance, Landscape Water Audit sheet.
- B. The Landscape Auditor shall inform the applicant of all non-compliance issues with the Ordinance. This shall include, but not be limited to, all items listed on the Certificate of Compliance, Landscape Water Audit sheet.
- C. All non-compliance issues shall be repaired and the site shall be re-audited for compliance with the criteria of this Chapter prior to final inspection/permit and final sign off.

17.80.080 Certifications. Water Efficiency Landscape Checklist/Certification sheets will be part of the Landscape Project Application (LPA) requirements.

- A. The person(s) creating the landscape design shall complete the Certificate of Compliance, Landscape Design sheet certifying the landscape has been designed to comply with the criteria of this Chapter.

- B. The Landscape Contractor/Installer shall complete the Certificate of Compliance, Landscape Installation sheet certifying the landscape has been installed, as specified in the Landscape Plans, and complies with the criteria of this Chapter.
- C. The Landscape Auditor shall complete the Landscape Certificate of Compliance, Water Audit sheet certifying the landscape and irrigation system have been installed, as specified in the Landscape Plans, and comply with the criteria of this Chapter.
- D. The Maintenance Contractor/Person shall complete the Certificate of Compliance, Landscape Maintenance sheet certifying the landscape maintenance contractor agrees to manage the property using less water than the Maximum Applied Water Allowance.
- E. While standards applications are not required for Municipality and Public Agency Projects involving "City" projects conducted by City staff, certifications (i.e., Design, Installation, Maintenance, and Auditing) are needed and the City's Maintenance Supervisors may sign-off on them.

17.80.090 Landscape and Irrigation Maintenance Schedule. The landscape designer or installer shall develop a landscape maintenance specification and schedule for the landscape project that is consistent with the most recent acceptable best management practices as determined by the City of Clayton for landscape maintenance. Schedules shall be submitted with the Certification of Completion.

- A. An annual landscape maintenance schedule shall include at least the following: routine inspection; adjustment and repair of the irrigation system and its components; aerating turf areas; replenishing mulch; seasonal pruning; weeding in all landscape areas; and removing obstructions to emission devices;
- B. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents;
- C. Project shall be irrigated so that total annual water applied is less than or equal to the Maximum Applied Water Allowance (MAWA) (if applicable).

17.80.100 Stormwater Management. All applicable projects shall comply with the requirements of the National Pollutant Discharge Elimination System intended to implement storm water best management practices into the planting, irrigation, and grading plans to minimize runoff and to increase on-site retention and infiltration.

17.80.110 Provisions for Existing Landscapes. This section applies to existing landscapes that were installed before *[insert effective date of Ordinance]*.

- A. Irrigation Survey and Irrigation Water Use Analysis

To ensure the efficient use of landscape water, each owner of property in the City of Clayton is encouraged to utilize resources and services, such as

irrigation surveys and landscape water use analyses that are offered by the local retail or wholesale water utility.

B. Water Waste Prevention

Each owner of property in the City of Clayton shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from the target landscape areas due to excessive irrigation or inappropriate run times related to time of day, seasonal and/or variable weather conditions, low head drainage, overspray, or other similar conditions where water flows onto an adjacent property, walks, roadways, parking lots, or structures.

17.80.120 Public Education.

- A. All new model homes that are landscaped shall use signs, brochures and other written information to demonstrate the principles of water-efficient landscapes that are described in this Chapter.
- B. The architectural guidelines of a common interest development, which include homeowner associations, community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit activities or conditions that have the effect of allowing the use of low water use plants as a group.
- C. For new homes/commercial developments, applicant/owner is required to provide the irrigation controller map and programming table and annual maintenance schedules to new tenants or owners at transfer of ownership/maintenance responsibility.
- D. The City of Clayton shall provide on its website links to resources that offer information about the principals of designing, installing, and maintaining water-efficient landscapes. An example of a link is to the local water utility, the Contra Costa Water District, and the landscape water conservation information that Agency offers.



Agenda Date: 9-7-10

Agenda Item: 9d

Approved:


for Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: DAVID WOLTERING, COMMUNITY DEVELOPMENT DIRECTOR 

DATE: SEPTEMBER 7, 2010

SUBJECT: LOCAL IMPLEMENTATION OF THE STATE WATER CONSERVATION IN
LANDSCAPING ACT OF 2006 (AB 1881) (ZOA 05-09)

RECOMMENDATION

It is recommended that the City Council approve Introduction and First Reading of Ordinance No. 429 for the purpose of implementing within the City of Clayton the provisions of the State Water Conservation in Landscaping Act of 2006, which became effective January 1, 2010.

BACKGROUND

In 2006, State Assembly Bill (AB) 1881 was passed. This legislation directed the California Department of Water Resources (DWR) to develop a new State Landscape Water Conservation Ordinance. DWR prepared this ordinance, which became effective January 1, 2010. The Clayton Planning Commission reviewed the DWR Model Water Efficient Landscape Ordinance at its meetings of November 10, 2009 and November 24, 2009, with related discussion at its February 9, 2010 meeting. This State Ordinance requires all new and rehabilitated landscapes be designed and installed to meet the latest best practices for water use efficiency. All cities and counties in California are required to adopt the State Ordinance as written or develop their own ordinance that is at least as effective in conserving water. Essentially, by stipulating standards for landscape design, irrigation, maintenance, and auditing, the State Ordinance assures greater efficiencies in the use of water for landscaping. Generally, the thresholds established in the State Ordinance for applying these new requirements is 2,500 square feet or greater of landscape irrigated areas for Developer projects and Municipal projects and 5,000 square feet or greater for Owner-Directed single-family residential projects.

While the Planning Commission supported the intent of achieving greater efficiencies in the use of water for landscaping, the Commission found the DWR Model ordinance to be onerous to administer and implement. Consequently, City staff (Community Development Director David Woltering), was encouraged to join with staff members of other local communities and members of the East Bay Municipal Utility District and the Contra Costa Water District to develop an alternative ordinance that would be equally effective as the

DWR ordinance, but less complicated to administer and implement. The result of this joint effort was a Regional Landscape Water Conservation Ordinance. This Regional Ordinance is the base document used to prepare Ordinance No. 429, the proposed "Landscape Water Conservation Standards" Ordinance.

The Regional Ordinance/Ordinance No. 429 improves upon the DWR Ordinance in terms of making administration and implementation of the required standards to achieve water efficiency easier to administer and less complicated to implement. The Regional Ordinance/Ordinance No. 429 includes a checklist of planting and irrigation requirements, simplifying the process for design and review of the related plans. The Regional Ordinance/Ordinance No. 429 uses *Certificate of Compliance* forms. These forms offer the opportunity for self-certification, based on satisfying specified requirements, by designers, installers, and water auditors. This is an important aspect of the Regional Ordinance/Ordinance No. 429 as this self-certification feature should substantially reduce the cost and time for implementation. Additionally, the Regional Ordinance/Ordinance No. 429 provides an incentive for projects that have no turf. Projects with all water-efficient plants and no turf are provided a simplified application process and will be exempt from having to prepare a Maximum Applied Water Allowance calculation.

The Planning Commission reviewed and slightly modified the Regional Ordinance to better meet City of Clayton needs and circumstances at its recent public hearings on August 10, 2010 and August 24, 2010. An example of a local modification is the City's Maintenance Supervisors would be allowed to sign off on required certifications (e.g., design, installation, maintenance, and auditing) for City sponsored projects within Clayton. The Regional Ordinance, as modified, is referred to as Ordinance No. 429, the City of Clayton "Landscape Water Conservation Standards" Ordinance. This ordinance would replace the City's "Water Conserving Landscape Guidelines" contained in Chapter 17.80 of the Clayton Municipal Code. Officially, however, the DWR Model Ordinance is the default ordinance in Clayton for applicable projects until the City adopts an alternative ordinance. The Planning Commission and staff recommend City Council approval of Ordinance No. 429.

FISCAL IMPACT

The costs associated with the implementation of Ordinance No. 429 would be the responsibility of those property owners whose projects meet or exceed the thresholds, and, accordingly must conform to the requirements of the new law.

Attachments:

1. Planning Commission Resolution No. 05-10
2. Ordinance No. 429
3. Minutes Excerpt from the August 24, 2010 Planning Commission Meeting
4. Minutes Excerpt from the August 10, 2010 Planning Commission Meeting
5. Planning Commission Staff Report, dated August 24, 2010
6. Planning Commission Staff Report, dated August 10, 2010
7. Department of Water Resources (DWR) Model Water Efficient Landscape Ordinance, dated September 10, 2009



Agenda Date: 9-21-10

Agenda Item: 9c

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laci J. Jackson, City Clerk

DATE: September 21, 2010

SUBJECT: Adoption of a Resolution supporting Proposition 22

BACKGROUND

In 2004, California voters approved Proposition 1A, developed by the League of California Cities along with the California State Association of Counties (CSAC) to protect local governments from the State's raid of dedicated local revenue. While the Proposition did provide protection of certain sources of money it failed to address the taking of redevelopment agency and local transportation funds. Proposition 1A also allowed for the State to borrow local tax money from cities when the State declares a fiscal crisis.

This year alone, State politicians have borrowed approximately \$2 billion in property taxes from local governments, despite no clear path to repay these funds. It took \$2.05 billion in local redevelopment funds, despite a Superior Court ruling these raids as unconstitutional; a second Superior Court ruling permitting the State's second raid is on appeal. It shifted \$910 million in transit funds away from local transit agencies, and have tried and threatened to take Prop. 42, HUTA funds, and Proposition 42 funds, all intended to help address the State of California's deficit. While painful as it is to observe the State's chronic fiscal crisis, it should not be solved using local revenues!

WHAT WILL PROPOSITION 22 ACCOMPLISH?

Proposition 22 prohibits the State from taking, borrowing or redirecting local taxpayer funds dedicated to public safety, emergency response and other vital local government services.

- Stops borrowing of local property taxes
- Prohibits borrowing or taking of local sales, parcel and other taxes imposed by local governments or local voters.
- Prevents raids of redevelopment funds

This Proposition will also help protect vital, dedicated transportation and public transit funds from state raids, but preventing the State borrowing, taking or redirecting of the state sales tax on gasoline (Prop 42 funds) and Highway User Tax on gasoline (HUTA) funds.

This Proposition will require the State of California to balance their budget with their funds, not money specified for local government and local uses. In essence this will require the state to raise their own revenue or decrease spending to balance their budget. The state will no longer be able to balance their budget by risking city and county services.

This Proposition will protect local taxpayers by keeping local tax dollars local where there is more accountability to voters, and by ensuring once and for all that gas taxes go to fund road improvements. Proposition 22 will also reduce pressure for local tax and fee increases which often become necessary when the State redirects local funds.

LOCAL GOVERNMENT IMPACT

"Borrowing"

Under Proposition 1A and by its action in FY 2009-10, the State cannot "borrow" further local property tax revenues from cities and counties until it has repaid the \$2 billion "loan" it triggered by June 2013. While this offers some hope for cities and counties, the likelihood is that the State will continue to find new ways to raid city coffers or divert traditional local revenues. If Proposition 22 is approved by the voters, the State will close the loops holes that leave Prop 42 transportation fund and Redevelopment fund vulnerable.

Redevelopment Theft

A Sacramento Superior Court Judge who ruled that the State's taking of Redevelopment Agency money last year was illegal, ruled in favor of the State of California's \$2.01 billion take this year. The Clayton Redevelopment Agency, barring a successful appeal, is required to pay the State of California \$2.3 million over the next two years. This is an unfortunate ruling for the City and all redevelopment agencies. This action caused the Clayton Redevelopment Agency to go into a deficit for the first time for the FY 10-11.

Local Money to Fund Public Schools

Since the early 2000's the State has shifted local money away for local government to cover their requirement to fund public schools. This has resulted in the theft of over \$6 million directly from the City of Clayton, for the state obligation.

Local Taxes at Risk

The following are General Purpose Locally Levied Taxes of the City at risk to be taken by the State.

Property Taxes 8%	\$ 134,428
Other	\$ 506,639
Special Purpose Locally Levied Taxes	\$ 11,290
Motor Vehicle Fuel Tax (HUTA)	\$ 290,925
Vehicle License Fee (VLF)	\$ 44,839
Redevelopment Tax Increment (net of Pass-Thru)	<u>\$4,554,908</u>
TOTAL	\$5,543,029

RECOMMENDATION

As an elected legislative body, the City Council has the authority to take positions on various political and ballot measure propositions of interest or concern to its mission of operating a local government. By law, City staff is permitted to assist its legislative body in reaching such conclusions by providing facts and other associated information. In matters such as Proposition 22, it is expected some members of the local electorate will seek City Council input prior to voting.

It is recommended the City Council adopt a Resolution in Support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010, and post a notice of support of Proposition 22 on the City's website.

- Attachments:
1. Resolution (2 pages)
 2. LAO's summary of Prop. 22 (13 pages)
 3. Literature & Supports of Prop. 22
 4. Literature & Opponents of Prop. 22
 5. Differing Newspaper Editorials on Prop 22

RESOLUTION NO XX- 2010

**A RESOLUTION IN SUPPORT OF THE LOCAL TAXPAYER,
PUBLIC SAFETY AND TRANSPORTATION ACT OF 2010 (PROPOSTION 22)**

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

WHEREAS, California voters have repeatedly and overwhelmingly passed separate ballot measures to stop State raids of local government funds, and to dedicate the taxes on gasoline to fund local and state transportation improvement projects; and

WHEREAS, these local government funds are critical to provide the police and fire, emergency response, parks, libraries, and other vital local services that residents rely upon every day, and gas tax funds are vital to maintain and improve local streets and roads, to make road safety improvements, relieve traffic congestion, and provide mass transit; and

WHEREAS, despite the fact that voters have repeatedly passed measures to prevent the State from taking these revenues dedicated to funding local government services and transportation improvement projects, the State Legislature has seized and borrowed billions of dollars in local government and transportation funds in the past few years; and

WHEREAS, this year's borrowing and raids of local government, redevelopment and transit funds, as well as previous, ongoing raids of local government and transportation funds have lead to severe consequences, such as layoffs of police, fire and paramedic first responders, fire station closures, stalled economic development, healthcare cutbacks, delays in road safety improvements, public transit fare increases and cutbacks in public transit services; and

WHEREAS, State politicians in Sacramento have continued to ignore the will of the voters, and current law provides no penalties when state politicians take or borrow these locally-dedicated funds; and

WHEREAS, a coalition of local government, transportation and transit advocates recently filed a constitutional amendment with the California Attorney General, called the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010, for potential placement on California's November 2010 statewide ballot; and

WHEREAS, approval of this ballot initiative would close loopholes and change the constitution to further prevent State politicians in Sacramento from seizing, diverting, shifting, borrowing, transferring, suspending or otherwise taking or interfering with tax revenues dedicated to funding local government services, including redevelopment, or dedicated to transportation improvement projects and mass transit.

THEREFORE, BE IT RESOLVED that the City of Clayton formally endorses the Local Taxpayer, Public Safety and Transportation Protection Act of 2010, a proposed constitutional amendment.

BE IT FURTHER RESOLVED that we hereby authorize the listing of the City of Clayton in support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010 and instruct staff to fax a copy of this resolution to campaign offices at 916.442.3510.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 21st day of September 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Hank Stratford, Mayor

ATTEST:

Laci J. Jackson, City Clerk

**CALIFORNIA
LEGISLATIVE
ANALYST'S OFFICE**

SUMMARY

OF

PROPOSITION 22

Proposition 22
Prohibits the State from Taking Funds Used for Transportation or
Local Government Projects and Services. Initiative Constitutional
Amendment.

Yes/No Statement

A **YES** vote on this measure means: The state's authority to use or redirect state fuel tax and local property tax revenues would be significantly restricted.

A **NO** vote on this measure means: The state's current authority over state fuel tax and local property tax revenues would not be affected.

Proposition 22
Prohibits the State from Taking Funds Used for Transportation or
Local Government Projects and Services. Initiative Constitutional
Amendment.

BACKGROUND

Under the State Constitution, state and local government funding and responsibilities are interrelated. Both levels of government share revenues raised by some taxes—such as sales taxes and fuel taxes. Both levels also share the costs for some programs—such as many health and social services programs. While the state does not receive any property tax revenues, it has authority over the distribution of these revenues among local agencies and schools.

Over the years, the state has made decisions that have affected local government revenues and costs in various ways. Some of these decisions have benefited the state fiscally, and others have benefited local governments. For example, in the early 1990s, the state permanently shifted a share of city, county, and special district property tax revenues to schools. These shifts had the effect of reducing local agency resources and reducing state costs for education. Conversely, in the late 1990s, the state changed laws regarding trial court program funding. This change had the effect of shifting local agency costs to the state.

In recent years, the state's voters have amended the Constitution to limit the state's authority over local finances. Under Proposition 1A of 2004, the state no longer has the authority to permanently shift city, county, and special district property tax revenues to

schools, or take certain other actions that affect local governments. In addition, Proposition 1A of 2006 restricts the state's ability to borrow state gasoline sales tax revenues. These provisions in the Constitution, however, do not eliminate state authority to temporarily borrow or redirect some city, county, and special district funds. In addition, these propositions do not eliminate the state's authority to redirect local redevelopment agency revenues. (Redevelopment agencies work on projects to improve blighted urban areas.)

PROPOSAL

As Figure 1 summarizes, this measure reduces or eliminates the state's authority to:

- Use state fuel tax revenues to pay debt service on state transportation bonds.
- Borrow or change the distribution of state fuel tax revenues.
- Redirect redevelopment agency property taxes to any other local government.
- Temporarily shift property taxes from cities, counties, and special districts to schools.
- Use vehicle license fee (VLF) revenues to reimburse local governments for state mandated costs.

As a result, this measure affects resources in the state's General Fund and transportation funds. The General Fund is the state's main funding source for schools, universities, prisons, health, and social services programs. Transportation funds are placed in separate accounts and used to pay for state and local transportation programs.

Figure 1

Major Provisions of Proposition 22

- ✓ **Restrictions Regarding State Fuel Taxes**
 - Reduces state's authority to use funds to pay debt service on transportation bonds.
 - Prohibits borrowing of funds by the state.
 - Limits state authority to change distribution of funds.
- ✓ **Other Restrictions on the State**
 - Prohibits redirection of redevelopment property tax revenues.
 - Eliminates state authority to temporarily shift property tax revenues from cities, counties, and special districts.
 - Prohibits state from using vehicle license fee revenues to pay for state-imposed mandates.
- ✓ **Enforcement**
 - Repeals state laws enacted after October 20, 2009 if they conflict with the measure.
 - Provides reimbursement if the state violates any term of the measure.

Use of Funds to Pay for Transportation Bonds

State Fuel Taxes. As Figure 2 shows, the state annually collects about \$5.9 billion in fuel tax revenues for transportation purposes—with most of this amount coming from a 35.3 cents per gallon excise tax on gasoline. The amounts shown in Figure 2 reflect changes adopted in early 2010. Prior to these changes, the state charged two taxes on gasoline: an 18 cents per gallon excise tax and a sales tax based on the cost of the purchase. Under the changes, the state collects the same amount of total revenues but does not charge a state sales tax on gasoline. (These state fuel tax changes did not affect the local sales tax on gasoline.) Part of the reason the state made these changes is because revenues from the gasoline excise tax can be used more flexibly than sales tax revenues to pay debt service on transportation bonds.

Figure 2		
Current State Fuel Tax Revenues for Transportation Purposes^a		
<i>2010-11 (In Millions)</i>		
Fuel	Excise Tax	Sales Tax
Gasoline	\$5,100	—
Diesel	470	\$300
Totals	\$5,570	\$300
^a Local governments also charge taxes on fuels. The figure does not show these local revenues.		

Current Use of Fuel Tax Revenues. The main uses of state fuel tax revenues are (1) constructing and maintaining highways, streets, and roads and (2) funding transit and intercity rail services. In addition, the state uses some of its fuel tax revenues to pay debt-service costs on voter-approved transportation bonds. In the current year, for example, the state will use about \$850 million of fuel tax revenues to pay debt-service costs on bonds issued to fund highway, road, and transit projects. In future years, this amount is expected to increase to about \$1 billion annually.

Reduces State Authority. The measure reduces state authority to use fuel tax revenues to pay for bonds. Under the measure, the state could not use fuel tax revenues to pay for any bonds that have already been issued. In addition, the state's authority to use fuel tax revenues to pay for bonds that have not yet been issued would be significantly restricted.

Because of these restrictions, the state would need to pay about \$1 billion of annual bond costs from its General Fund rather than from transportation accounts. (In the current year, the amount would be somewhat less because the state would have paid

some of its bond costs using fuel tax revenues by the time of the election.) This, in turn, would (1) increase the amount of funds the state would have available to spend for transportation programs and (2) reduce the amount of General Fund resources the state would have available to spend on non-transportation programs.

Borrowing of Fuel Tax Revenues

Current Authority to Borrow. While state fuel tax revenues generally must be used for transportation purposes, the state may use these funds for other purposes under certain circumstances. Specifically:

- *Borrowing for Cash Flow Purposes.* The state historically has paid out most of its General Fund expenses between July and December of each year, but received most of its revenues between January and June. To help manage this uneven cash flow, the state often borrows funds from various state accounts, including fuel tax funds, on a temporary basis. The cash flow loans of fuel tax funds often total \$1 billion or more.
- *Borrowing for Budget-Balancing Purposes.* In cases of severe state fiscal hardship, the state may use fuel tax revenues to help address a budgetary problem. The state must pay these funds back within three years. For example, at the time this analysis was prepared, the proposed 2010-11 state budget included a \$650 million loan of state fuel tax revenues to the state General Fund.

Prohibits Borrowing. This measure generally prohibits fuel tax revenues from being loaned—either for cash flow or budget-balancing purposes—to the General Fund or to any other state fund. The state, therefore, would have to take alternative actions to address its short-term borrowing needs. These actions could include borrowing more from private markets, slowing state expenditures to accumulate larger reserves in its accounts, or speeding up the collection of tax revenues. In place of budgetary borrowing, the state would have to take alternative actions to balance future General Fund budgets—such as reducing state spending or increasing state taxes.

Distribution of Fuel Tax Revenues

Current Distribution. Roughly two-thirds of the state's fuel tax revenues are spent by the state, and the rest is given to cities, counties, and transit districts. Although state law specifies how much money local agencies shall receive, the Legislature may pass a law with a majority vote of each house to change these funding distributions. For example, the state has made various changes to the allocation of transit funding over recent years.

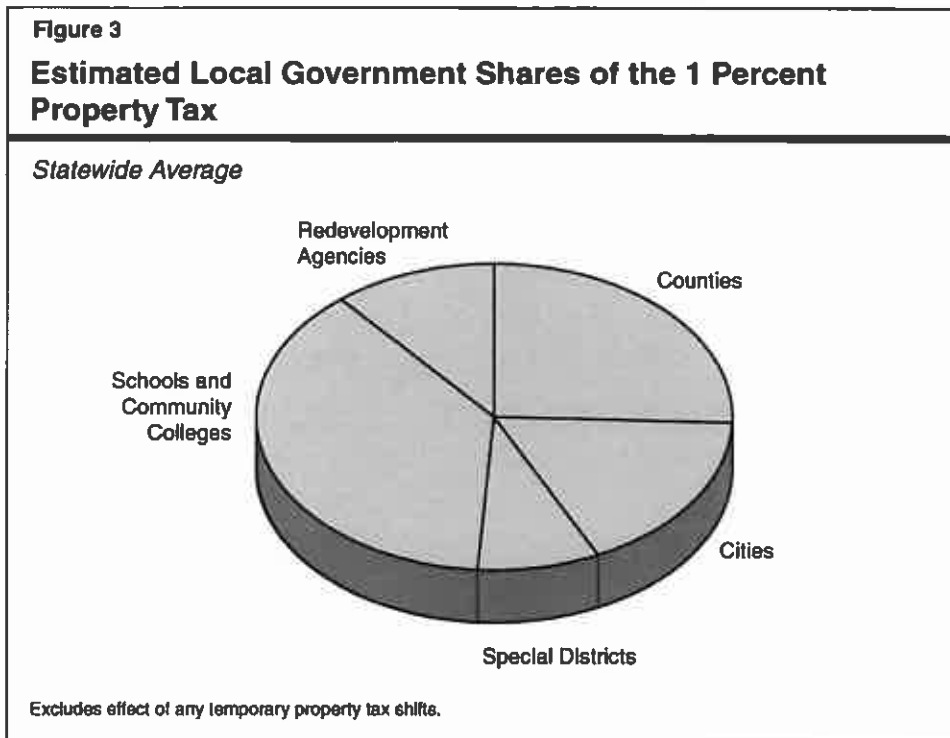
Limits Changes to Distribution. This measure constrains the state's authority to change the distribution of state fuel tax revenues to local agencies. In the case of fuel excise taxes, the measure requires that the formula to distribute these tax revenues to local governments for the construction or maintenance of local streets and roads be the one that was in effect on June 30, 2009. (At that time, local governments received the revenues generated from 6 cents of the 18 cents being collected from the fuel excise tax.)

Under this measure, the state could enact a law to change this allocation, but only by a two-thirds vote of each house of the Legislature and after the California Transportation Commission conducted a series of public hearings.

In the case of diesel sales tax revenues (used primarily for transit and transportation planning), current law requires that the funds be distributed 25 percent to the state and 75 percent to local governments, beginning in 2011-12. The measure specifies that the funds instead be split equally between local and state programs. This change in diesel sales tax revenue distribution, therefore, would provide somewhat lower ongoing funding for local transit purposes and more funding for state transit purposes than otherwise would be the case. Under the measure, the state could not change this distribution of funds.

Allocation of Property Tax Revenues

Current Property Tax Distribution. California property owners pay a 1 percent tax on the value of their homes and other properties, plus any additional property tax rates for voter-approved debt. State law specifies how county auditors are to distribute these revenues among local governments. Figure 3 shows the average share of property tax revenues local governments receive.



State law allows the state to make some changes to the distribution of property tax revenues. For example, the state may require redevelopment agencies to shift revenues to nearby schools. Recently, the state required redevelopment agencies to shift \$2 billion of revenues to schools over two years. (This amount is roughly 15 percent of total redevelopment revenues.) In addition, during times of severe state fiscal hardship, the state may require that a portion of property tax revenues be temporarily shifted away from cities, counties, and special districts. In this case, however, the state must repay the local agencies for their losses within three years, including interest. Recently, the state required these agencies to shift \$1.9 billion of funds to schools. The major reason the

state made these revenue shifts was to reduce state General Fund costs for education and other programs.

Reduces State Authority. This measure prohibits the state from enacting new laws that require redevelopment agencies to shift funds to schools or other agencies. The measure also eliminates the state's authority to shift property taxes temporarily during a severe state fiscal hardship. Under the measure, therefore, the state would have to take other actions to balance its budget in some years—such as reducing state spending or increasing state taxes.

Use of VLF Revenues

Current VLF. California vehicle owners pay a VLF based on their vehicle's value at a rate of 1.15 percent, including a 0.65 percent ongoing rate and a 0.50 percent temporary rate. Most VLF revenues are distributed to local governments.

Current Mandate Payments. The state generally must reimburse local governments when it "mandates" that they provide a new program or higher level of service. The state usually provides reimbursements through appropriations in the annual budget act or by providing other offsetting funds.

Restricts Use of VLF Funds. This measure specifies that the state may not reimburse local governments for a mandate by giving them an increased share of VLF revenues collected under the ongoing rate. Under the measure, therefore, the state would have to reimburse local governments using other resources.

State Laws That Are in Conflict With This Proposition

voids Recent Laws. Any law enacted between October 20, 2009 and November 2, 2010 that is in conflict with this proposition would be repealed. Several factors make it difficult to determine the practical effect of this provision. First, parts of this measure would be subject to future interpretation by the courts. Second, in the spring of 2010, the state made significant changes to its fuel tax laws, and the full effect of this measure on these changes is not certain. Finally, at the time this analysis was prepared (early in the summer of 2010), the state was considering many new laws and funding changes to address its major budget difficulties. As a result, it is not possible to determine the full range of state laws that could be affected or repealed by this measure.

Requires Reimbursement for Future Laws. Under this measure, if a court ruled that the state violated a provision of Proposition 22, the State Controller would reimburse the affected local governments or accounts within 30 days. Funds for these reimbursements, including interest, would be taken from the state General Fund and would not require legislative approval.

FISCAL EFFECTS

State General Fund

Effect in 2010-11. This measure would (1) shift some debt-service costs to the state General Fund and (2) prohibit the General Fund from borrowing fuel tax revenues. As a result, the measure would reduce resources available for the state to spend on other programs, probably by about \$1 billion in 2010-11. To balance the budget, the state would have to take other actions to raise revenues and/or decrease spending. Overall,

the measure's immediate fiscal effect would equal about 1 percent of total General Fund spending. As noted above, the measure also would repeal laws passed after this analysis was prepared that conflicted with its provisions.

Longer-Term Effect. Limiting the state's authority to use fuel tax revenues to pay transportation bond costs would increase General Fund costs by about \$1 billion annually for the next couple of decades. In addition, the measure's constraints on state authority to borrow or redirect property tax and redevelopment revenues could result in increased costs or decreased resources available to the General Fund in some years. The total annual fiscal effect from these changes is not possible to determine, but could range from about \$1 billion (in most years) to several billion dollars (in some years).

State and Local Transportation Programs and Local Government

The fiscal effect of the measure on transportation programs and local governments largely would be the *opposite* of its effect on the state's General Fund. Under the measure, the state would use General Fund revenues—instead of fuel tax revenues—to pay for transportation bonds. This would leave more fuel tax revenues available for state and local transportation programs.

In addition, limiting the state's authority to redirect revenues likely would result in increased resources being available for redevelopment and state and local transportation programs. Limiting the state's authority to borrow these revenues likely would also result in more stable revenues being available for local governments and transportation. The magnitude of this fiscal effect is not possible to determine, but could

be in the range from about \$1 billion (in most years) to several billions of dollars (in some years).

**LITERATURE
AND
SUPPORTERS

IN FAVOR
OF

PROPOSITION 22**



PROTECT LOCAL SERVICES. STOP STATE RAIDS!

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Questions & Answers

WHAT IS PROP. 22 AND WHAT WOULD IT DO?

Prop. 22, the Local Taxpayer, Public Safety and Transportation Protection Act is a proposed constitutional amendment on California's November 2010 statewide ballot. The initiative would stop the State from raiding or borrowing funding used for local public safety, transportation, transit and other essential local government services. Specifically, Prop. 22 would:

- ✓ **Prohibit the State from taking, borrowing or redirecting local taxpayer funds dedicated to public safety, emergency response and other vital local government services.** Prop. 22 would close loopholes to prevent taking funds currently dedicated to cities, counties, special districts and redevelopment agencies. It would also end the State's fiscally irresponsible practice of borrowing local government property tax funds.
- ✓ **Protect vital, dedicated transportation and public transit funds from State raids.** Prop. 22 would prohibit the State from redirecting, borrowing or taking the gasoline excise tax (HUTA) allocated to cities and counties for local street and road maintenance and improvements. Prop. 22 also prohibits the State from taking or redirecting Public Transportation Account (PTA) revenues dedicated to public transit.
- ✓ **Protect local taxpayers** by keeping more of our local tax dollars local where there's more accountability to voters, and by ensuring once and for all that our gas taxes go to fund road improvements. Prop. 22 also reduces pressure for local tax and fee increases that become necessary when the State redirects local funds.

WHY IS PROP. 22 NEEDED?

The State has continued its irresponsible practice of taking and borrowing local taxpayer dollars and dedicated transportation funds. The 2009/10 state budget borrowed and took approximately \$5 billion in city, county, transit, redevelopment and special district funds despite the fact that voters have overwhelmingly passed ballot measures to keep local funding at the local level to provide essential local services. These raids and previous, ongoing state raids and borrowing jeopardize the services Californians need most, including police, fire and emergency 911 services; local economic development and redevelopment; mass transit like buses and commuter rail; and transportation improvements like road repairs and congestion relief. We need to pass this measure to protect these vital local services from State raids and borrowing.

ISN'T FUNDING FOR LOCAL GOVERNMENT AND TRANSPORTATION ALREADY PROTECTED FROM STATE RAIDS?

California voters have overwhelmingly passed separate measures to prevent the State from raiding local government and transportation funds. Even so, each and every year the State attempts to take or borrow local government, transportation and transit funding using loopholes, or illegal funding diversions that have only been stopped after expensive and lengthy court battles. In the 2009/10 fiscal year alone, the Legislature:

- **Borrowed approximately \$2 billion in property taxes from local governments**, despite no clear path to repay these funds; **took \$2.05 billion in local redevelopment funds**; and **shifted nearly \$1 billion in transit funding away from local transit agencies**. The courts have since ruled the transit shift unconstitutional. Finally, the so-called "gas tax swap" in the 2010/2011 budget could result in **transit losing more than \$600 million annually**.

Prop. 22 would close loopholes in current law that the legislature has exploited to take or divert local funds. And it would tighten sections of the law to prevent illegal State funding raids of local government and transportation funds before they happen.

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WHY DOES PROP. 22 PREVENT THE STATE FROM BORROWING LOCAL GOVERNMENT AND TRANSPORTATION FUNDS?

The local government revenue protection measure approved by voters in 2004 (Prop 1A) and the transportation revenue protection measure approved by voters in 2006 (Prop 1A) included provisions that allow the State to borrow these funds during fiscal emergencies. However, after several budget cycles it is clear that these borrowing provisions are not only bad for local governments and transportation services, but fiscally irresponsible for the State. Borrowing these dedicated funds only plunges our state deeper into debt because the funds must to be repaid, *with interest*, within three years.

The borrowing provisions were meant to provide an outlet in short-term budget emergencies, but instead are being used to paper over structural budget problems. For example, the State has no clear way to pay back the \$2 billion plus interest in local property taxes that the State borrowed as part of the 2009/10 State budget, yet lawmakers borrowed these funds anyway.

What's more, because the State has the authority to borrow local government and transportation funds, it creates mass uncertainty for cities and counties who need to plan and pass their local budgets, and for transportation and transit planners who aren't sure if they can rely on these revenues in any given year.

HOW DOES PROP. 22 IMPACT THE RECENT GAS TAX "SWAP"?

Prop. 22 will strengthen constitutional protections for the new amount of gasoline tax. At a minimum, the measure will:

- Prohibit the Legislature from diverting, borrowing or using the new increase in gasoline tax for non-transportation purposes. It also includes a prohibition on using the county/city share of HUTA to pay off state bond indebtedness.
- Strengthen protections for Public Transportation Account (PTA) funds which are dedicated to public transit, including funds from the existing sales tax on diesel fuel (which was not eliminated), and funds from the slight increase to the sales and use tax on diesel. Together, these diesel tax funds amount to \$430 million annually for local transit and intercity rail. The measure protects these and other PTA revenues by:
 - Prohibiting the Legislature from diverting, borrowing, appropriating or otherwise using these and other PTA revenues for anything other than bona fide transportation planning and mass transportation purposes.
 - Prop. 22 also prohibits the Legislature from diverting Public Transportation Account revenues to pay for expenses of the State's General Fund.

DOES PROP. 22 INCREASE OR DECREASE REVENUES FOR LOCAL GOVERNMENTS OR FOR TRANSPORTATION AND TRANSIT?

Prop. 22 does not increase or decrease the existing revenues that are dedicated to local government, transportation and transit funds. It simply prevents the State from borrowing or raiding *existing* local government, transportation and transit revenues that voters have dedicated to these services.

WON'T PROP. 22 MAKE OUR STATE'S BUDGET SYSTEM EVEN WORSE?

First, these are revenues that have historically been dedicated to cities, counties and special districts to fund local government services, or to transportation and transit. It's fiscally irresponsible for State Government to raid funds from local governments.

Second, it's important to remember that these are funds that voters have ALREADY dedicated to local government, transportation and transit services. Prop. 22 does not dedicate any NEW funding for these services, but instead ensures that the will of voters is upheld by protecting local government and transportation funds from further State raids and borrowing.

This reform is fiscally responsible and a key step in long-term reform for California. The State has gotten itself into this deep fiscal mess in large part because lawmakers have relied on budget gimmicks like tapping into voter-protected funds and borrowing which only pushes our problems into the future.

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HOW DOES PROP. 22 FIT INTO THE NEED FOR BROAD REFORM OF STATE GOVERNMENT IN CALIFORNIA?

Prop. 22 is a necessary and responsible first step toward fiscal reform in California. Virtually everyone agrees that State reforms must include the restoration of more local control over local tax dollars, and moving services closer to the people at the local level. This measure ensures local control, predictability, and accountability for local tax dollars that are used to provide the most essential local services.

WILL PROP. 22 IMPACT FUNDING FOR PUBLIC SCHOOLS, HEALTHCARE OR OTHER SERVICES?

No. Prop. 22 does not take away funding from schools or any other service funded by the State because it only protects EXISTING funds that are already dedicated to local services like public safety and transportation. And this measure in no way alters Proposition 98, which guarantees funding levels for K-14 schools.

HOW WILL PROP. 22 IMPACT TAXPAYERS?

Prop. 22 provides further protections for *existing* revenues that voters have already dedicated to local government, transportation and transit services. It does not increase taxes. In fact, Prop. 22 protects taxpayers by keeping more of our tax dollars local where they're more accountable. And Prop. 22 decreases pressure for local tax and fee increases at the local government level that become needed when the state takes local revenues and local governments are forced to look for new revenues to protect vital services.



YES ON 22

PROTECT LOCAL SERVICES. STOP STATE RAIDS!



YES on 22 WILL STOP STATE RAIDS of LOCAL GOVERNMENT and TRANSPORTATION FUNDS.

For too long, Sacramento politicians have used loopholes in the law to take billions in our local taxpayer funds that are supposed to be dedicated to vital local government and transportation services. The State Legislature took and borrowed \$5 billion last year and is planning to take billions more this year. State raids have forced deep cuts to vital local services.

YES on 22 WILL:

- ☒ STOP State politicians from taking or borrowing local tax dollars dedicated to cities and counties to fund vital local services.
- ☒ STOP State politicians from taking or diverting gas taxes we pay at the pump that voters have dedicated to local road repairs, transportation improvements, and public transportation.

YES ON 22 WILL PROTECT VITAL LOCAL SERVICES:

- 9-1-1 emergency dispatch
- Police and sheriff patrols
- Fire protection and paramedic response
- Senior services
- Youth anti-gang and after school programs
- Neighborhood libraries and parks
- Public transportation, like buses and commuter rail
- Local road safety repairs, pothole repair, congestion relief projects

Prop 22 will NOT increase taxes. It PROTECTS LOCAL TAXPAYERS by ensuring our local tax dollars cannot be taken away by the state politicians again.

YES on 22 – SUPPORTED by a BROAD COALITION:

- California Fire Chiefs Association
- Peace Officers Research Association of California, representing 60,000 public safety members
- Local paramedics and 9-1-1 dispatch operators
- California Police Chiefs Association
- California Library Association, representing 3,000 librarians across California
- California Transit Association
- League of California Cities
- California Alliance for Jobs
- California Chamber of Commerce

STOP STATE RAIDS OF OUR LOCAL TAXPAYER FUNDS.

VOTE YES on 22! www.SaveLocalServices.com

League of California Cities



City Advocate Weekly

LEGISLATION AND POLICY AFFECTING CALIFORNIA CITIES

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10 Things You Didn't Know About Proposition 22

Election Day is Nov. 2, just 10 weeks away. Do you know all you need to know about Proposition 22?

Did You Know:

1. Prop. 22 ensures local control, predictability, and accountability for local tax dollars that are used to provide critical local services like police, fire, parks and recreation, libraries, and transportation. Get [the facts](#) on the ballot measure.
2. Prop. 22 has more than 4,500 Facebook Fans — Are you one? Join us on [Facebook](#) and tell your friends. Help us get to 5,000 fans!
3. Prop. 22 would protect nearly \$1.8 billion per year in funding for public transportation (not counting local ballot measure sources of transit funding).
4. Prop. 22 has the endorsement of over 500 organizations — including business, labor, public safety, transportation and taxpayer advocates from across the state. Visit the [coalition website](#) to check out the full list.
5. Prop. 22 will end the state's fiscally irresponsible practice of borrowing local government property tax funds.
6. Prop. 22 would prohibit the state from redirecting, borrowing or taking the gasoline excise tax (HUTA) allocated to cities and counties for local street and road maintenance and improvements.
7. Prop. 22 will help create jobs and improve our ailing economy by preserving a reliable source of funding for transportation and transit improvements.
8. Prop. 22 protects taxpayers by keeping tax dollars local where they're more accountable.
9. Prop. 22 protects services. News stories throughout the state document how raids of local funding have cut services and harmed communities (read more on the [campaign website](#)).
10. Prop. 22 will be decided by California voters on Nov. 2.

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PUBLIC SAFETY

California Fire Chiefs Association
California Police Chiefs Association
Fire Districts Association of California
Peace Officers Research Association of California
California Association of Code Enforcement Officers
Central Valley Fire Chiefs Association
Los Angeles Area Fire Chiefs Association
Monterey County Deputy Sheriff's Association
Orange County Fire Chiefs Association
Riverside County Fire Chiefs Association
San Diego County Fire Chiefs' Association
Santa Cruz County Fire Chiefs Association
South Bay Fire Chiefs' Association
Ventura County Fire Chiefs Association
Association for Los Angeles Deputy Sheriffs
Los Angeles County Police Chiefs Association
Los Angeles Police Protective League
Boulder Creek Fire Protection District
Beverly Hills Fire Department
Chino Valley Independent Fire District
Escondido Firefighters Association, Local 3842
Novato Fire Protection District
Orange County Fire Authority
Police Officers Association of Lodi
Salinas Police Officers Association
Stockton Police Officers Association
Santa Fe Springs Fire Rescue
San Bernardino County Safety Employees' Benefit Association
Santa Cruz Police Management Association
Scotts Valley Fire Protection District

LOCAL GOVERNMENT

League of California Cities
California Redevelopment Association
California Special Districts Association
California Contract Cities Association
California Society of Municipal Finance Officers
California Association of Public Cemeteries
California Association of Recreation and Parks District
California Association of Sanitation Agencies
City Clerks Association of California
Independent Cities Association
Association of Monterey Bay Area Governments
Coachella Valley Association of Governments
Council of Fresno County Governments
Gateway Cities Council of Governments
Merced County Association of Governments
San Benito County Governments
San Luis Obispo Council of Governments
South Bay Cities Council of Governments
Western Riverside Council of Governments
Tehachapi Valley Healthcare District
Monterey Regional Waste Management District
Costa Mesa Sanitary District
Orange County Sanitation District
Redevelopment Agency of the City of Vacaville

YES ON 22

List of Supporters

(as of 9/10/2010)

LOCAL GOVERNMENT (cont.)

Economic Development Committee of the City of Banning
Alameda County Mayors' Conference
Contra Costa County Mayors' Conference
Marin County Council of Mayors and Council Members
Monterey County Mayors Association
Marin County Council of Mayors and Council Members
Monterey County Mayors Association
Northern California Power Agency
Auburn Public Cemetery District
California Park and Recreation Society
Camp Meeker Recreation and Park District
Conejo Recreation and Park District
Rancho Simi Recreation and Park District
Moss Landing Harbor District
Santa Cruz Public Libraries Joint Powers Board
American Public Works Association;
Monterey Bay Chapter
Planning Director's Association of Orange County

TRANSPORTATION/TRANSIT

Automobile Club of Southern California
Bay Area Rapid Transit (BART)
California Transit Association
California Alliance for Jobs
Capitol Corridor Joint Powers Authority
Southern California Transit Advocates
The Transit Coalition
Anaheim Transportation Network
Eastern Contra Costa Transit Authority
Livermore Amador Valley Transit Authority
Long Beach Transit
Mendocino Transit Authority
Metro
Mobility 21
Monterey-Salinas Transit
North County Transit District
Omnitrans, San Bernardino Valley
Policy in Motion
San Benito County Local Transportation Authority
Santa Clara Valley Transportation Authority
Santa Cruz Metropolitan Transit District
Shasta County Regional Transportation Planning Agency
South Tahoe Area Transit Authority
Transit Alliance for a Better North County
Transportation Agency for Monterey County
Transportation California
Transportation Now Committee,
Corona/Norco/District 2 Chapter
Truckee North Tahoe Transportation
Management Association
Victor Valley Transit Authority
West Contra Costa Transportation Advisory Committee
Western Contra Costa Transit Authority
Yolo County Transportation District

WATER

Association of California Water Agencies

(MORE)

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WATER (cont.)

Las Virgenes Municipal Water District
Municipal Water District of Orange County
Orange County Water District
Tehachapi-Cummings County Water District
Valley Center Water District
Vista Irrigation District
Yuima Municipal Water District

LABOR

California Teamsters Public Affairs Council
California Association of Professional Employees, AFL-CIO
Operating Engineers, Local Union #3
United Public Employees - Political Action Committee
Glendale City Employees Association
San Luis Obispo County Employees Association
Santa Rosa City Employees Association
Orange County Employees Association
Organization of SMUD Employees
Northern California Carpenters Regional Council
Building and Construction Trades Council of San Mateo County
San Bernardino Public Employees Association
San Joaquin Building Trades Council
Whittier City Employees' Association
American Federation of State County Municipal Employees
MTA/PTSC LOCAL 3634, Los Angeles
Amalgamated Transit Union Local 192, Oakland
Amalgamated Transit Union Local 256, Sacramento
Amalgamated Transit Union Local 276, Stockton
Amalgamated Transit Union Local 1027, Fresno
Amalgamated Transit Union Local 1225, Monterey-Salinas
Amalgamated Transit Union Local 1555, Oakland
Amalgamated Transit Union Local 1575, San Rafael
Amalgamated Transit Union Local 1704, San Bernardino
Amalgamated Transit Union Local 1756, Arcadia
United Transportation Union
United Transportation Union, Local 23, Santa Cruz
International Brotherhood of Electrical Workers, Local #47, Diamond Bar

ENVIRONMENT

Greenbelt Alliance

COMMUNITY

Alliance for a United Montebello
Chula Vista Civic Association
Hermosa Beach Community Alliance
Human Care Alliance (HCA)
San Francisco Human Services Network

TAXPAYER GROUPS

California Taxpayer Protection Committee
League of Placer County Taxpayers
Monterey Peninsula Taxpayers' Association
San Diego County Taxpayers Association
San Diego Tax Fighters
Sonoma County Taxpayers Association

HOUSING

California Housing Consortium
Community Housing Partnership
Housing California
California Coalition for Rural Housing
Golden State Manufactured-Home Owners League
CHISPA (Community Housing Improvement Systems and Planning Association, Inc.)

HOUSING (cont.)

Housing Leadership Council of San Mateo County
Non-Profit Housing Association of Northern California
Opportune Housing
San Diego Housing Federation
Webb Affordable Housing Model (WAHM)

BUSINESS

California Chamber of Commerce
California Hispanic Chambers of Commerce
California Building Industry Association
California Business Properties Association
California Downtown Association
Arcadia Chamber of Commerce
American Council of Engineering Companies California
Azusa Chamber of Commerce
Beaumont Chamber of Commerce
Bell Gardens Chamber of Commerce
Blythe Area Chamber of Commerce
Brea Chamber of Commerce
Building Industry Association of Central California
Burlingame Chamber of Commerce
Business Council of San Joaquin County
Campbell Chamber of Commerce
Canyon Lake Chamber of Commerce
Cathedral City Chamber of Commerce
Cerritos Regional Chamber of Commerce
Costa Mesa Chamber of Commerce
Chambers of Commerce Coalition of Santa Clara County
Chino Valley Chamber of Commerce
Corona Chamber of Commerce
Culver City Chamber of Commerce
Dana Point Chamber of Commerce
Desert Hot Springs Chamber of Commerce
Downtown Association of Santa Cruz
Downtown Stockton Alliance
Emeryville Chamber of Commerce
Fairfield Suisun Chamber of Commerce
Fillmore Realty and Financial Services
Folsom Chamber of Commerce
Fontana Chamber of Commerce
Foster City Chamber of Commerce
Fullerton Chamber of Commerce
Garden Grove Chamber of Commerce
Gateway Chambers Alliance
Greater Bakersfield Chamber of Commerce
Greater Lakewood Chamber of Commerce
Greater Merced Chamber of Commerce
Greater Riverside Chambers of Commerce
Greater Riverside Hispanic Chamber of Commerce
Greater Tehachapi Economic Development Council
Half Moon Bay Chamber of Commerce
Hegg Team Realty Inc.
Hemet / San Jacinto Valley Chamber of Commerce
Hitzke Development Corporation
Indian Wells Chamber of Commerce
Indio Chamber of Commerce
Inland Empire African American Chamber of Commerce
Inland Empire Chamber Legislative Alliance
Inland Valley Business Alliance
Irvine Chamber of Commerce
JSA Consulting Services
Kern County Hispanic Chamber of Commerce
La Quinta Chamber of Commerce
La Verne Chamber of Commerce
Lake Elsinore Valley Chamber of Commerce
Los Altos Chamber of Commerce
Los Angeles Area Chamber of Commerce

(MORE)

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BUSINESS (cont.)

Lodi Chamber of Commerce
 Milpitas Chamber of Commerce
 Montclair Chamber of Commerce
 Montebello Mid-Management Association
 Monterey County Hospitality Association
 Monterey Peninsula Chamber of Commerce
 Moreno Valley Chamber of Commerce
 Morgan Hill Chamber of Commerce and Visitors Center
 Mountain View Chamber of Commerce
 Murrieta Chamber of Commerce
 Nationwide Realty Management LLC
 North Orange County Legislative Alliance
 Ontario Chamber of Commerce
 Orange County Business Council
 Orange County Hispanic Chamber of Commerce
 Oxnard Chamber of Commerce
 Pacific Grove Chamber of Commerce
 Palo Alto Chamber of Commerce
 Palos Verdes Peninsula Chamber of Commerce
 Palm Desert Chamber of Commerce
 Palm Springs Chamber of Commerce
 Pasadena Chamber of Commerce
 Rancho Cucamonga Chamber of Commerce
 Rancho Mirage Chamber of Commerce
 Red Bluff/Tehama County Chamber of Commerce
 Redlands Chamber of Commerce
 Redwood City – San Mateo County Chamber of Commerce
 Regional Chamber Alliance, Serving cities of Santa Fe Springs, Whittier, Norwalk, Pico Rivera, and La Mirada
 Sacramento Metro Chamber
 Salinas Valley Builders Exchange
 Salinas Valley Chamber of Commerce
 San Benito County Chamber of Commerce
 San Bernardino Area Chamber of Commerce
 San Bruno Chamber of Commerce
 San Carlos Chamber of Commerce
 San Diego South County Chamber of Commerce
 San Gabriel Valley Economic Partnership
 San Gabriel Valley Legislative Coalition of Chambers
 San Joaquin Partnership, Inc.
 San Jose Silicon Valley Chamber of Commerce
 San Leandro Chamber of Commerce
 San Mateo Area Chamber of Commerce
 Santa Clara Chamber of Commerce
 Santa Cruz Chamber of Commerce
 Santa Cruz County Conference and Visitors Council
 Santa Maria Valley Chamber of Commerce
 Santa Rosa Chamber of Commerce
 Silicon Valley Leadership Group
 Uni Quest Capital Inc.
 Small Business Action Committee
 South Bay Association of Chambers of Commerce
 South Gate Chamber of Commerce
 South Orange County Regional Chambers of Commerce
 South San Francisco Chamber of Commerce
 Southwest California Legislative Council
 Sunnyvale Chamber of Commerce
 Temecula Valley Chamber of Commerce
 Thomas and Associates
 Tuolumne County Chamber of Commerce
 Valley Industry & Commerce Association
 Victorville Chamber of Commerce
 Wildomar Chamber of Commerce
 Yorba Linda Chamber of Commerce
 Yucca Valley Chamber of Commerce

BUSINESS (cont.)

Southern Sierras Chapter, National Electrical Contractors Association

CITIES

City of Albany
 City of Adelanto
 City of American Canyon
 City of Angels
 City of Antioch
 City of Arcadia
 City of Arcata
 City of Arroyo Grande
 City of Artesia
 City of Arvin
 City of Atascadero
 City of Atwater
 City of Auburn
 City of Avalon
 City of Avenal
 City of Azusa
 City of Bakersfield
 City of Baldwin Park
 City of Banning
 City of Beaumont
 City of Belmont
 City of Benicia
 City of Beverly Hills
 City of Big Bear Lake
 City of Bishop
 City of Blue Lake
 City of Blythe
 City of Bradbury
 City of Brawley
 City of Brea
 City of Buena Park
 City of Burlingame
 City of Calabasas
 City of California City
 City of Calimesa
 City of Campbell
 City of Canyon Lake
 City of Capitola
 City of Carmel-by-the-Sea
 City of Carson
 City of Cathedral City
 City of Ceres
 City of Cerritos
 City of Chino
 City of Chino Hills
 City of Chowchilla
 City of Chula Vista
 City of Claremont
 City of Clayton
 City of Cloverdale
 City of Clovis
 City of Coachella
 City of Coalinga
 City of Commerce
 City of Concord
 City of Corona
 City of Coronado
 City of Cotati
 City of Culver City
 City of Cupertino
 City of Cypress
 City of Daly City
 City of Delano

(MORE)

CITIES (cont.)

City of Del Rey Oaks
City of Desert Hot Springs
City of Diamond Bar
City of Dinuba City of Dixon
City of Dorris
City of Dublin
City of Elk Grove
City of Emeryville
City of Encinitas
City of Escondido
City of Exeter
City of Ferndale
City of Fontana
City of Fortuna
City of Foster City
City of Fountain Valley
City of Fowler
City of Fresno
City of Gardena
City of Garden Grove
City of Gilroy
City of Glendale
City of Goleta
City of Gonzales
City of Grass Valley
City of Greenfield
City of Gridley
City of Grover Beach
City of Half Moon Bay
City of Hayward
City of Hanford
City of Hemet
City of Hercules
City of Hermosa Beach
City of Hesperia
City of Hidden Hills
City of Highland
City of Huntington Beach
City of Huntington Park
City of Huron
City of Imperial
City of Imperial Beach
City of Indian Wells
City of Indio
City of Inglewood
City of Irvine
City of Kerman
City of King
City of Kingsburg
City of Lafayette
City of Laguna Hills
City of Lake Elsinore
City of Lake Forest
City of Lakewood
City of La Cañada Flintridge
City of La Habra
City of La Habra Heights
City of La Mesa
City of La Mirada
City of La Palma
City of La Puente
City of La Quinta
City of La Verne
City of Lake Forest
City of Lancaster
City of Larkspur
City of Lawndale

CITIES (cont.)

City of Lemoore
City of Lindsay
City of Lodi
City of Lomita
City of Lompoc
City of Long Beach
City of Los Altos
City of Los Angeles
City of Los Banos
City of Lynwood
City of Madera
City of Malibu
City of Marina
City of Martinez
City of Manhattan Beach
City of Maywood
City of McFarland
City of Menifee
City of Merced
City of Millbrae
City of Milpitas
City of Mission Viejo
City of Modesto
City of Monrovia
City of Montclair
City of Monte Sereno
City of Moorpark
City of Moreno Valley
City of Morgan Hill
City of Mountain View
City of Murrieta
City of Napa
City of Newark
City of Newport Beach
City of Norco
City of Novato
City of Oakdale
City of Oakley
City of Ojai
City of Ontario
City of Orange Cove
City of Orinda
City of Orland
City of Pacific Grove
City of Pacifica
City of Palmdale
City of Palm Desert
City of Palm Springs
City of Paramount
City of Parlier
City of Pasadena
City of Perris
City of Petaluma
City of Pinole
City of Placentia
City of Poway
City of Rancho Cucamonga
City of Rancho Mirage
City of Red Bluff
City of Redding
City of Redwood City
City of Reedley
City of Ridgecrest
City of Rio Vista
City of Ripon
City of Riverside
City of Rolling Hills

(MORE)

CITIES (cont.)

City of Rosemead
City of Sacramento
City of Salinas
City of Sanger
City of San Buenaventura
City of San Bruno
City of San Carlos
City of San Clemente
City of San Diego
City of San Dimas
City of San Gabriel
City of San Jacinto
City of San Jose
City of San Luis Obispo
City of San Mateo
City of San Pablo
City of San Rafael
City of Sand City
City of Santa Ana
City of Santa Clarita
City of Santa Cruz
City of Santa Maria
City of Santa Monica
City of Santa Rosa
City of Santa Fe Springs
City of Saratoga
City of Scotts Valley
City of Seal Beach
City of Sebastopol
City of Selma
City of Shafter
City of Signal Hill
City of Solana Beach
City of Soledad
City of Sonoma
City of Sonora
City of South El Monte
City of South Lake Tahoe
City of South San Francisco
City of Stanton
City of Stockton
City of Sunnyvale
City of Taft
City of Temecula
City of Torrance
City of Tracy
City of Tulare
City of Turlock
City of Twentynine Palms
City of Ukiah
City of Union City
City of Upland
City of Vacaville
City of Vallejo
City of Villa Park
City of Visalia
City of Vista
City of Walnut
City of Walnut Creek
City of Wasco
City of Waterford
City of West Hollywood
City of Westminster
City of Wheatland
City of Whittier
City of Wildomar
City of Winters

CITIES (cont.)

City of Woodlake
City of Woodland
City of Yuba City
City of Yucaipa
Town of Apple Valley
Town of Hillsborough
Town of Los Gatos
Town of San Anselmo
Town of Tiburon
Town of Windsor
Town of Yountville

COUNTIES

County of Kern
County of Riverside
County of San Bernardino
County of Solano
County of Stanislaus



PROTECT LOCAL SERVICES. STOP STATE RAIDS!

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LOCAL ELECTED OFFICIALS

Supervisor Vito Chiesa, County of Stanislaus
 Supervisor Jim Demartini, County of Stanislaus
 Supervisor Jeff Grover, County of Stanislaus
 Supervisor Mike Kerns, County of Sonoma
 Supervisor Simon Salinas, County of Monterey, Board of Supervisors Chairman
 Mayor Janet Abelson, City of El Cerrito
 Mayor John Addleman, City of Rolling Hills Estates
 Mayor Don Adolph, City of La Quinta
 Mayor Luis Alejo, City of Watsonville
 Mayor Peter W. Allan, Town of Apple Valley
 Mayor Walt Allen, City of Covina
 Mayor Brandt Anderson, City of Lafayette
 Mayor David Argudo, City of La Puente
 Mayor Harry Armstrong, City of Clovis
 Mayor Ruth Atkin, City of Emeryville
 Mayor James "Don" Bankhead, City of Fullerton
 Mayor Bruce Barrows, City of Cerritos
 Mayor Raymond Bawanan, City of Hughson
 Mayor Kelly Bennett, City of Murrieta
 Mayor Bob Botts, City of Banning
 Mayor Daryl Busch, City of Perris
 Mayor Corey Calaycay, City of Claremont
 Mayor Anthony Cannella, City of Ceres
 Mayor Kelly Chastain, City of Colton
 Mayor Cheryl Cox, City of Chula Vista
 Mayor Larry, Crandall, City of Fountain Valley
 Mayor Keith Curry, City of Newport Beach
 Mayor Jim Dahl, City of San Clemente
 Mayor Dan Dalager, City of Encinitas
 Mayor Marlin "Skip" Davies, City of Woodland
 Mayor Brian DeForge, City of Beaumont
 Mayor Bruce Delgado, City of Marina
 Mayor Chuck Della Sala, City of Monterey
 Mayor Ron Dellums, City of Oakland
 Mayor Jim Desmond, City of San Marcos
 Mayor Sue Digre, City of Pacifica
 Mayor Dennis Donohue, City of Salinas
 Mayor Mike Doyle, Town of Danville
 Mayor Raymond Dunton, City of Bellflower
 Mayor Joan Faul, City of Atwater
 Mayor Maryetta Ferre, City of Grand Terrace
 Mayor Bob Foster, City of Long Beach
 Mayor Carmelita Garcia, City of Pacific Grove

YES ON 22

Local Electeds / Local Officials in Support (as of 9/10/10)

LOCAL ELECTED OFFICIALS (cont.)

Mayor Ron Garcia, City of Brea
 Mayor Pat Gilbreath, City of Redlands
 Mayor Mike Gin, City of Redondo Beach
 Mayor Charlie Goeken, City of Waterford
 Mayor Victor Gomez, City of Hollister
 Mayor Cathy Green, City of Huntington Beach
 Mayor Melinda Hamilton, City of Sunnyvale
 Mayor Tom Hansen, City of Paramount
 Mayor John Heilman, City of West Hollywood
 Mayor Carol Herrera, City of Diamond Bar
 Mayor Peter Herzog, City of Lake Forest
 Mayor Don Higginson, City of Poway
 Mayor Lori Holt Pfeiler, City of Escondido
 Mayor Nancy Horton, City of Canyon Lake
 Mayor Jennifer Hosterman, City of Pleasanton
 Mayor Jim Hyatt, City of Calimesa
 Mayor Jeff Ira, City of Redwood City
 Mayor Ferrell Jackson, City of Oakdale
 Mayor Jim Janney, City of Imperial Beach
 Mayor Beverly Johnson, City of Alameda
 Mayor Kevin Johnson, City of Sacramento
 Mayor Ann Johnston, City of Stockton
 Mayor Marshall Kamena, City of Livermore
 Mayor Ed Katzen, City of Newman
 Mayor Phil Katzakian, City of Lodi
 Mayor Ryan Kelley, City of Brawley
 Mayor Richard Kite, City of Rancho Mirage
 Mayor Christine Krolik, City of Hillsborough
 Mayor Don Kurth, City of Rancho Cucamonga
 Mayor John Lazar, City of Turlock
 Mayor James C. Ledford Jr., City of Palmdale
 Mayor Paul Leon, City of Ontario
 Mayor Penny Lilburn, City of Highland
 Mayor Robert Link, City of Visalia
 Mayor Evan Low, City of Campbell
 Mayor MaryAnn Lutz, City of Monrovia
 Mayor Jack Lynch, City of Angels Camp
 Mayor Art Madrid, City of La Mesa
 Mayor Virginia Madueño, City of Riverbank
 Mayor Chad Mayes, Town of Yucca Valley
 Mayor Eric McBride, City of Hemet
 Mayor Sue McCloud, City of Carmel-by-the-Sea
 Mayor Leonard McNeil, City of San Pablo
 Mayor Melissa Melendez, City of Lake Elsinore
 Mayor William Molinari, City of Montebello
 Mayor Ron Morrison, City of National City
 Mayor Walter Murken, City of Escalon
 Mayor John Murray, City of Lemoore

(MORE)

LOCAL ELECTED OFFICIALS (cont.)

Mayor John Noguez, City of Huntington Park
Mayor Greg Nordbak, City of Whittier
Mayor Mark Nuaimi, City of Fontana
Mayor Maria Orozco, City of Gonzales
Mayor Richard Ortiz, City of Soledad
Mayor Yvonne Parks, City of Desert Hot Springs
Mayor Elizabeth Patterson, City of Benicia
Mayor David Pendergrass, City of Sand City
Mayor Jeff, Pereira City of King City
Mayor Duane Picanco, City of Paso Robles
Mayor Curt Pringle, City of Anaheim
Mayor Miguel Pulido, City of Santa Ana
Mayor Andre Quintero, City of El Monte
Mayor Chuck Reed, City of San Jose
Mayor MaryAnn Reiss, City of Pismo Beach
Mayor Margie Rice, City of Westminster
Mayor Jim Ridenour, City of Modesto
Mayor Mike Rotkin, City of Santa Cruz
Mayor Randy Royce, City of San Carlos
Mayor Edward Royce Sr., City of Stanton
Mayor Ralph Rubio, City of Seaside
Mayor Jerry Sanders, City of San Diego
Mayor Anthony B. Santos, City of San Leandro
Mayor Kristy Sayles, City of Lathrop
Mayor Chester "Skip" Schaufel, City of Lone
Mayor Ann Schwab, City of Chico
Mayor Frank Scialdone, City of Fontana
Mayor Paul Seto, City of Millbrae
Mayor Thurston "Smitty" Smith, City of Hesperia
Mayor David W. Smith, City of Newark
Mayor Karen Spiegel, City of Corona
Mayor Bill Spriggs, City of Merced
Mayor Gordon Stefenhagen, City of Norwalk
Mayor Carla Stone Condon, City of Corte Madera
Mayor Ashley Swearengin, City of Fresno
Mayor Ron Swegles, City of Sunnyvale
Mayor Steve Tate, City of Morgan Hill
Mayor Bob Taylor, City of Brentwood
Mayor Morris Vance, City of Vista
Mayor Daniel Varela, City of Livingston
Mayor Craig Vejvoda, City of Tulare
Mayor Cheryl Viegas Walker, City of El Centro
Mayor Antonio R. Villaraigosa, City of Los Angeles
Mayor Kris Wang, City of Cupertino
Mayor Laurene Weste, City of Santa Clarita
Mayor Jeff Williams, City of Needles
Mayor H. Abram Wilson, City of San Ramon
Mayor, Chuck, Winn, City of Ripon
Mayor Stefan Wolowicz, City of Rancho Palos Verdes
Mayor Pro Tem Tom Adams, City of Monrovia
Mayor Pro Tem Steve Adams, City of Riverside
Mayor Pro Tem Bill Blake, City of Merced

LOCAL ELECTED OFFICIALS (cont.)

Mayor Pro Tem Cheryl Brothers, City of Fountain Valley
Mayor Pro Tem Greg Brown, City of La Cañada Flintridge
Mayor Pro Tem Ron Carter, City of Ridgecrest
Mayor Pro Tem Dick Daniels, City of Escondido
Mayor Pro Tem John Dukes, City of Yuba City
Mayor Pro Tem Bud England, City of Cathedral City
Mayor Pro Tem Kristy Franklin City of La Quinta
Mayor Pro Tem Barry Gene Talbot, City of Canyon Lake
Mayor Pro Tem Julie Hackbarth-McIntyre, City of Barstow
Mayor Pro Tem Don Hansen, City of Laguna Niguel
Mayor Pro Tem Robin Hastings, City of Moreno Valley Lake
Mayor Pro Tem Ross B. Jones, City of Highland
Mayor Pro Tem Steve Jones, City of Garden Grove
Mayor Pro Tem Jim King, City of Imperial Beach
Mayor Pro Tem Tom Lackey, City of Palmdale
Mayor Pro Tem Randon Lane, City of Murrieta
Mayor Pro Tem Steven Ly, City of Rosemead
Mayor Pro Tem Victor Manalo, City of Artesia
Mayor Pro Tem Ben J. Manley, City of Hughson
Mayor Pro Tem Scott Matas, City of Desert Hot Springs
Mayor Pro Tem Marsha McLean, City of Santa Clarita
Mayor Pro Tem Dennis Michael, City of Rancho Cucamonga
Mayor Pro Tem Richard P. Montgomery, City of Manhattan Beach
Mayor Pro Tem Patrick Mullany, City of Indian Wells
Mayor Pro Tem Mary Ann Nihart, City of Pacifica
Mayor Pro Tem Tom O'Malley, City of Atascadero
Mayor Pro Tem Robert Poythress, City of Madera
Mayor Pro Tem Ron Ramsey, City of Coalinga
Mayor Pro Tem Ron Roberts, City of Temecula
Mayor Pro Tem Harry Sidhu, City of Anaheim
Mayor Pro Tem Cindy Silva, City of Walnut Creek
Mayor Pro Tem Stan Skipworth, City of Corona
Mayor Pro Tem Fred Smith, City of Buena Park
Mayor Pro Tem Annette, Smith, City of Patterson
Mayor Pro Tem Marsha, Swanson, City of Wildomar
Mayor Pro Tem Douglas F. Tessitor, City of Glendora
Mayor Pro Tem Richard W. Ulmer, City of Villa Park
Mayor Pro Tem Frank Vierra Talbot, City of Livingston
Mayor Pro Tem Alan Wapner, City of Ontario
Mayor Pro Tem Ella Zanowic, City of Calimesa
Mayor Pro Tem Acquanetta Warreñ, City of Fontana
Vice Mayor Joe Di Duca, Town of Paradise
Vice Mayor Steve Di Memmo, City of San Jacinto
Vice Mayor Curtis Hunt, City of Vacaville
Vice Mayor Kevin Mullin, City of South San Francisco
Vice Mayor Karen Stepper, Town of Danville
Vice Mayor Jerry Thorne, City of Pleasanton
Vice Mayor Gilbert Wong, City of Cupertino
Vice Mayor Alicia Aguirre, City of Redwood City
Vice Mayor Omar Ahmad, City of San Carlos
Vice Mayor Dave Allan, City of La Mesa
Vice Mayor Jan Arbuckle, City of Grass Valley
Vice Mayor Greg Baldwin, City of Plymouth

(MORE)

LOCAL ELECTED OFFICIALS (cont.)

Vice Mayor Ed Balico, City of Hercules
Vice Mayor Sandra Benitez, City of Riverbank
Vice Mayor Joan Bennett, City of American Canyon
Vice Mayor Jeannie, Bruins, City of Citrus Heights
Vice Mayor Genoveva Calloway, City of San Pablo
Vice Mayor Ryan Coonerty, City of Santa Cruz
Vice Mayor Steven M. Detrick, City of Elk Grove
Vice Mayor John Dunbar, Town of Yountville
Vice Mayor Mike Edminston, City of California City
Vice Mayor Coralin Feierbach, City of Belmont
Vice Mayor Jim Frazier, City of Oakley
Vice Mayor Mario Gomez, City of Huntington Park
Vice Mayor Daryl Hofmeyer, City of Paramount
Vice Mayor Rob Klotz, City of Live Oak
Vice Mayor Linda Koelling, City of Foster City
Vice Mayor Ken Lane, City of Ceres
Vice Mayor Hal Martin, City of San Marcos
Vice Mayor Terry Nagel, City of Burlingame
Vice Mayor Joe Pirzynski, Town of Los Gatos
Vice Mayor Daniel Quigg, City of Millbrae
Vice Mayor Zack Scrivner, City of Bakersfield
Vice Mayor Victoria Smith, City of Orinda
Council Member Sam Abed, City of Escondido
Council Member Sheryl Ade, City of Wildomar
Council Member Joe, Aguilar, City of Commerce
Council Member, Dennis, Allion, City of Del Rey Oaks
Council Member Ed Alves, City of Escalon
Council Member Candace Andersen, Town of Danville
Council Member Peter Arellano, City of Gilroy
Council Member Sandra Armenta, City of Rosemead
Council Member Newell Arnerich, Town of Danville
Council Member Stephen Atchley, City of Pomona
Council Member David Ayers, City of Hanford
Council Member Kathy Azevedo, City of Norco
Council Member Janet Barnes, City of Salinas
Council Member Bruce Barrows, City of Cerritos
Council Member Kevin Bash, City of Norco
Council Member Tom Beamish, City of La Habra
Council Member John Beaman, City of Brea
Council Member Stan Beckham, City of Tehachapi
Council Member Pamela Bensoussan, City of Chula Vista
Council Member Laura Bettencourt, City of Palmdale
Council Member Don Biddle, City of Dublin
Council Member Neil Blais, City of Rancho Santa Margarita
Council Member Randy Bomgaars, City of Bellflower
Council Member James Bond, City of Encinitas
Council Member Jim Bowman, City of Ontario
Council Member Merrilee Boyack, City of Poway
Council Member Lorie Bragg, City of Imperial Beach
Council Member Mark Breceda, City of Irwindale
Council Member Michael P. Brennan, City of Oakdale
Council Member William W. Brien, City of Beverly Hills
Council Member Shane Brinton, City of Arcata
Council Member Greg Brockbank, City of San Rafael
Council Member Amy Bublak, City of Turlock
Council Member Tom Buckley, City of Lake Elsinore

LOCAL ELECTED OFFICIALS (cont.)

Council Member Ken Bukowski, City of Emeryville
Council Member Gustavo Camacho, City of Pico Rivera
Council Member Bob Campbell, City of Vista
Council Member Don Campbell, City of Brawley
Council Member Brian Campbell, City of Rancho Palos Verdes
Council Member David Canepa, City of Daly City
Council Member William Canning, City of Sonoma
Council Member Mary Ann Carbone, City of San City
Council Member Joe Carchio, City of Huntington Beach
Council Member Robin Carder, City of LaVerne
Council Member Larry Carr, City of Morgan Hill
Council Member Angel Carrillo, City of Azusa
Council Member Stan Carroll, City of La Habra Heights
Council Member Guy Carrozzo, City of Fountain Valley
Council Member Ling-Ling Chang, City of Diamond Bar
Council Member Carol Chen, City of Cerritos
Council Member Joseph Cho, City of Cerritos
Council Member Gil Coerper, City of Huntington Beach
Council Member Marge Colapietro, City of Millbrae
Council Member Ginger Coleman, Town of Apple Valley
Council Member John J. Collins, City of Fountain Valley
Council Member Pete Constant, City of San Jose
Council Member Douglas Crane, City of Ukiah
Council Member Mary Craton, City of Canyon Lake
Council Member Thomas Crowder, City of Hughson
Council Member Susan Cullen, City of Bishop
Council Member Jim Cunningham, City of Poway
Council Member Doug Davert, City of Tustin
Council Member Steve Debrum, City of Manteca
Council Member John Denver, City of Meiffee
Council Member Steve Diels, City of Redondo Beach
Council Member Mike Dispenza, City of Palmdale
Council Member Lillie Dobson, City of Compton
Council Member Debra Dorst-Porada, City of Ontario
Council Member Libby Downey, City of Monterey
Council Member Diane DuBois, City of Lakewood
Council Member Glenn Duncan, City of Chino
Council Member John Duran, City of West Hollywood
Council Member Bret Durossette, City of Ceres
Council Member Carol Dutra-Vernaci, City of Union City
Council Member Devin Dwyer, City of Huntington Beach
Council Member Maryann Edwards, City of Temecula
Council Member Jordan Ehrenkranz, City of Canyon Lake
Council Member Pat Eklund, City of Novato
Council Member Doug Emerson, City of Hollister
Council Member Laurie Ender, City of Santa Clarita
Council Member Alexander Ethans, City of Stanton
Council Member Linda Evans, City of La Quinta
Council Member Ernest Ewin, City of La Mesa
Council Member Scott Farnam, City of Wildomar
Council Member Jack, Feller, City of Oceanside
Council Member Frank Ferry, City of Santa Clarita
Council Member Danny Fielde, City of Riverbank
Council Member Larry Forester, City of Signal Hill
Council Member Jeff Fox, City of Beaumont

(MORE)

LOCAL ELECTED OFFICIALS (cont.)

Council Member Alice, Fredericks, Town of Tiburon
Council Member Laura, Friedman, City of Glendale
Council Member Raymond Friend, City of Hollister
Council Member Dan Furtado, City of Campbell
Council Member Michele Gabriault-Acosta, City of Merced
Council Member David Gafin, City of Downey
Council Member Laurie Gallian, City of Sonoma
Council Member Rich Garbarino, City of South San Francisco
Council Member Joe Garcia, City of Monrovia
Council Member Mike Gardner, City of Riverside
Council Member George Gastil, City of Lemon Grove
Council Member Lois Gaston, City of Duarte
Council Member Charlie Gay, City of Ripon
Council Member Jeff Gee, City of Redwood City
Council Member Rick Gibbs, City of Murrieta
Council Member Paul Glabb, City of Laguna Niguel
Council Member Dean Glaser, City of Fortuna
Council Member Juventino "J" Gomez, City of El Monte
Council Member Pedro Gonzales, City of South San Francisco
Council Member James Goodhart, City of Palos Verdes Estates
Council Member Deborah Gordon, City of Woodside
Council Member Bob Grassilli, City of San Carlos
Council Member Michael Gregory, City of San Leandro
Council Member Ed Grimes, City of Tehachapi
Council Member Mario Guerra, City of Downey
Council Member Matt Hall, City of Carlsbad
Council Member Barbara Halliday, City of Hayward
Council Member Erin Hannigan, City of Vallejo
Council Member Michael Harris, City of Pleasant Hill
Council Member Kevin Hart, City of Dublin
Council Member Brad Hawn, City of Modesto
Council Member Lesa Heebner, City of Solana Beach
Council Member Terry Henderson, City of La Quinta
Council Member Ofelia Hernandez, City of Huntington Park
Council Member Vince Hernandez, City of Manteca
Council Member Rick Herrick, City of Big Bear Lake
Council Member Carl Hilliard, City of Del Mar
Council Member Steven D. Hofbauer, City of Palmdale
Council Member Chris Holden, City of Pasadena
Council Member Chip Holloway, City of Ridgecrest
Council Member Mike, Holmes City of Auburn
Council Member Lindsey Horvath, City of West Hollywood
Council Member Maggie Houlihan, City of Encinitas
Council Member Ted Howze, City of Turlock
Council Member Mike Hudson, City of Suisun City
Council Member Gil Hurtado, City of South Gate
Council Member Sergio Infanzon, City of Bell Gardens
Council Member Mary Jackson, City of Turlock
Council Member Robert Johnson, City of Lodi
Council Member Ben Johnson, City of Pittsburg

LOCAL ELECTED OFFICIALS (cont.)

Council Member Rebecca Jones, City of San Marcos
Council Member Bill Kampe, City of Pacific Grove
Council Member Mike Kasperzak, City of Mountain View
Council Member Bob Kellar, City of Santa Clarita
Council Member Joe Kellejian, City of Solana Beach
Council Member Chas Kelley, City of San Bernardino
Council Member Richard Kelly, City of Palm Desert
Council Member Jane Kennedy, City of Campbell
Council Member Jerry Kern, City of Oceanside
Council Member Pamela Kimball, City of Lindsay
Council Member Ken Krause, City of Waterford
Council Member Garry Krebs, City of Ripon
Council Member Jim Krider, City of Napa
Council Member Todd Kruper, City of Sand City
Council Member Darcy Kuenzi, City of Menifee
Council Member Abby Land, City of West Hollywood
Council Member Don Lane, City of Santa Cruz
Council Member Ken Lane, City of Ceres
Council Member Joel Lautenschleger, City of Laguna Hills
Council Member Suzanne Lee Chan, City of Fremont
Council Member Lilia Leon, City of Commerce
Council Member Mike Leonard, City of Hesperia
Council Member Garry Lion, City of Mill Valley
Council Member Jose Lopez, City of Gonzales
Council Member Ludmyrna Lopez, City of Richmond
Council Member Noah Lor, City of Merced
Council Member Polly Low, City of Rosemead
Council Member Robin Lowe, City of Hemet
Council Member Chuck Lowery, City of Oceanside
Council Member Frank, Luckino, Town of Yucca Valley
Council Member Kathy Lund, City of Rocklin
Council Member Chris Mac Arthur, City of Riverside
Council Member John, Machisic, City of Banning
Council Member Norma Macias, City of El Monte
Council Member Mike Maciel, City of Tracy
Council Member Tony Madrigal, City of Santa Cruz
Council Member Robert "Bob" Magee, City of Lake Elsinore
Council Member Orrin Mahoney, City of Cupertino
Council Member Scott Mann, City of Menifee
Council Member Bill Marble, City of Woodland
Council Member John Marchand, City of Livermore
Council Member Charles Marsala, Town of Atherton
Council Member Thomas Martin, City of Maywood
Council Member Diane Martinez, City of Paramount
Council Member Chris Mateo, City of Lathrop
Council Member Cynthia Mathews, City of Santa Cruz
Council Member Sheila Mautz, City of Ontario
Council Member Doug McAllister, City of Murrieta
Council Member Larry McCallon, City of Highland
Council Member Ryan McEachron, City of Victorville
Council Member Joe Medrano, City of Clayton
Council Member Jere Melo, City of Fort Bragg
Council Member Glenn Miller, City of Indio
Council Member Leroy Mills, City of Cypress
Council Member Robert Ming, City of Laguna Niguel
Council Member John Minto, City of Santee

(MORE)

LOCAL ELECTED OFFICIALS (cont.)

Council Member Judith Mitchell, City of Rolling Hills Estates
Council Member Maryann Moise Derwin, City of Portola Valley
Council Member Eugene Montanez, City of Corona
Council Member Debby Moorhead, City of Manteca
Council Member Joe Mosca, City of Sierra Madre
Council Member Jo Anne Mounce, City of Lodi
Council Member Catherine Moy, City of Fairfield
Council Member John Mullin, City of Poway
Council Member Ray Musser, City of Upland
Council Member Steve Nagel, City of Fountain Valley
Council Member Kent Nakata, City of Lincoln
Council Member Scott Nassif, Town of Apple Valley
Council Member Anu Natarajan, City of Fremont
Council Member Scott Nelson, City of Palmdale
Council Member Owen, Newcomer, City of Whittier
Council Member Steve Nolan, City of Corona
Council Member Michael Noll, City of Signal Hill
Council Member Michael O'Leary, City of Culver City
Council Member Guillermo Ochoa, City of Ceres
Council Member Emmett O'Donnell, City of Tiburon
Council Member Laura Olhasso, City of La Cañada Flintridge
Council Member Pierluigi Oliverio, City of San Jose
Council Member Kristin Olsen, City of Modesto
Council Member Al Ovrom, City of Coronado
Council Member Mark Packard, City of Carlsbad
Council Member Chuck Page, City of Saratoga
Council Member Gina Papan, City of Millbrae
Council Member Sam Pedroza, Council Member
Council Member Joshua Pedrozo, City of Merced
Council Member Richard Perez, City of Soledad
Council Member Scott Perkins, City of San Ramon
Council Member Kimberly Petersen, City of Watsonville
Council Member Barbara Pierce, City of Redwood City
Council Member Julie Pierce, City of Clayton
Council Member Gary W. Plass, City of Healdsburg
Council Member Michael Ponce, City of Avalon
Council Member Bill Powers, City of Indian Wells
Council Member Jeff Prang, City of West Hollywood
Council Member Jan Pye, City of Desert Hot Springs
Council Member William Quirk, City of Hayward
Council Member Lupe Ramos Watson, City of Indio
Council Member Brad Reese, City of Villa Park
Council Member James Rheins, City of Villa Park
Council Member Susan Rhilinger, City of Torrance
Council Member Steve Rice, Town of Los Gatos
Council Member Judy Ritter, City of Vista
Council Member Antonio Rivas, City of Watsonville
Council Member Dave Roberts, City of Solana Beach
Council Member John Roberts, City of Fontana
Council Member Don Robinson, City of Banning
Council Member Jacque Robinson, City of Pasadena
Council Member Peter Rogers, City of Chino Hills
Council Member Todd Rogers, City of Lakewood
Council Member Diane Rose, City of Imperial Beach

LOCAL ELECTED OFFICIALS (cont.)

Council Member Laura Rosenthal, City of Malibu
Council Member Janice Rutherford, City of Fontana
Council Member Frankie Rutledge, City of Paradise
Council Member Betty Sampson, City of Imperial
Council Member Sedalia Sanders, City of El Centro
Council Member Jason Scott, City of Corona
Council Member Jerry Selby, City of Lemon Grove
Council Member Nancy Selfridge, City of Monterey
Council Member Sue Severson, City of Orinda
Council Member Patricia Shackleton, City of Plymouth
Council Member David Shawver, City of Stanton
Council Member Dejeune Shelton, City of Patterson
Council Member Becky Shevlin, City of Monrovia
Council Member Elizabeth Silva, City of Gonzales
Council Member Efrain Silva, City of El Centro
Council Member Marty Simonoff, City of Brea
Council Member Greig Smith, City of Los Angeles
Council Member Ray Smith, City of Bellflower
Council Member Frank Sollecito, City of Monterey
Council Member Ben, Solomon, City of El Centro
Council Member L. Allan Songstad Jr., City of Laguna Hills
Council Member Sam Spagnolo, City of Rancho Cucamonga
Council Member Dave Spence, City of La Cañada Flintridge
Council Member Kurt Spycher, City of Turlock
Council Member Joyce Starosciak, City of San Leandro
Council Member Walt Stanckiewicz, City of Grand Terrace
Council Member Pat Stephens, City of Soledad
Council Member Richard A. Stewart, City of Moreno Valley
Council Member Elizabeth Stone, City of Dos Palos
Council Member Robert Storer, Town of Danville
Council Member Jerry Taylor, City of Ridgecrest
Council Member Gary Thomasian, City of Murrieta
Council Member Dave Trotter, City of Moraga
Council Member Juanita Trujillo, City of Santa Fe Springs
Council Member Cat Tucker, City of Gilroy
Council Member Miguel Ucovich, Town of Loomis
Council Member Dean Uecker, City of Ripon

Council Member Cecilia Valdez, City of San Pablo
Council Member Pauline Valdivida, City of Hollister
Council Member Michael Van Winkle, City of Waterford
Council Member Chris Vierra, City of Ceres
Council Member Jesse Villarreal, City of Coachella
Council Member Steve Villegas, City of Salinas
Council Member Joe Vinatieri, City of Whittier
Council Member Mark Waldman, City of La Palma
Council Member Marie Waldron, City of Escondido
Council Member Carol Warren, City of Stanton
Council Member Mike Wasserman, Town of Los Gatos

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LOCAL ELECTED OFFICIALS (cont.)

Council Member Diane Williams, City of Rancho Cucamonga
Council Member Ken Willis, City of Upland
Council Member Mike Woiwode, City of Coronado
Council Member Peter Yao, City of Claremont
Council Member James Yarbrough, City of Anderson
Council Member Tony Young, City of San Diego
Council Member Frank V. Zerunyan, City of Rolling Hills Estates
Council Member Dennis Zine, City of Los Angeles

LOCAL OFFICIALS

Sheriff Lee Baca, County of Los Angeles
Chief of Police, Manny Solano, City of Watsonville
Fire Chief Wolfgang Knabe, City of Fullerton
Retired Fire Chief, Mark Scott, City of El Cerrito
Parks and Recreation Commissioner
Anthony Armendarez, City of Norwalk

STATE ELECTED OFFICIALS

Senator Dave Cogdill, 14th Senate District
Senator Jeff Denham, 12th Senate District
Senator Bill Emmerson, 37th Senate District
Senator Tom Harman, 35th Senate District
Assembly Member Bill Berryhill, 26th Assembly District
Assembly Member, Tom Berryhill, 25th Assembly District
Assembly Member Paul Cook, 65th Assembly District
Assembly Member Nathan Fletcher, 75th Assembly District
Assembly Member Paul Fong, 22nd Assembly District
Assembly Member Danny Gilmore, 30th Assembly District
Assembly Member Curt Hagman, 60th Assembly District
Assembly Member Diane Harkey, 73rd Assembly District
Assembly Member Kevin Jeffries, 66th Assembly District
Assembly Member Steve Knight, 36th Assembly District
Assembly Member Dan Logue, 3rd Assembly District
Assembly Member Jeff Miller, 71st Assembly District
Assembly Member Brian Nestande, 64th Assembly District
Assembly Member Jim Silva, 67th Assembly District
Assembly Member Cameron Smyth, 38th Assembly District
Assembly Member Van Tran, 68th Assembly District

LITERATURE

AND

OPPONENTS

TO

PROPOSITION 22

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FAQs

What does Proposition 22 do?

Like many initiatives, it doesn't do what it says it will. Proposition 22 says it will protect local taxes, but those taxes including local sales and property taxes and transportation taxes were already protected by the voters in 2004 and 2006.

Proposition 1A of 2004 protects local sales and property taxes from "raids" by the state in a fiscal crisis. And Proposition 1A of 2006 protects funding for transportation construction. But recognizing that a fiscal crisis effects everyone, both measures included a "safety valve" that allows the state to borrow funds if the Governor declares a fiscal emergency, and 2/3 of the Legislature agrees to borrow the funds. If they do, the loan must be repaid fully with three years, and there can be only two loans in a decade.

During the worst recession since the Depression, the Governor and Legislature have cut tens of billions of dollars from schools, health care and programs for seniors, the blind and disabled. The Governor has acted, 2/3 of the Legislature agreed, and one of the two loans under Propositions 1A of 2004 and 2006 has been made. Only one other can be approved in any future fiscal crisis through the end of this decade. But Proposition 22 would eliminate the safety valve forever, and add redevelopment funds and gas taxes to the list of funds unavailable to help solve a fiscal crisis.

But Don't These Loans Hurt Local Government Services?

When the state borrowed local government funds during the current crisis, they also authorized a "securitization" program. This program allows local governments to get a loan to cover their all their costs, with the state paying not only the principal but also the interest for the loan. The sponsors of Proposition 22, the League of California Cities, has on it's own website a "white paper" that describes how the program works and says, "All transaction costs of issuance and interest will be paid by the State of California. Participating local agencies will have no obligation on the bonds and no credit exposure to the State."

In fact, Proposition 22 will hurt local emergency services like firefighters and paramedics. That's why the California Professional Firefighters oppose Proposition 22.

And Proposition 22 will forever eliminate emergency funding for our schools and health care. That's why the California Teachers Association and the California Nurses Association both strongly oppose Proposition 22.

How Does Proposition 22 Effect Schools?

If Proposition 22 passes, schools stand to lose over \$1 billion immediately and an additional \$400 million every year after that. Last year during the struggle to fund schools, health care and services for seniors, the blind and disabled, \$2 billion in redevelopment agency funds were redirected to our schools.

Proposition 22 is intended to invalidate that action and require that all \$2 billion in redevelopment funds be returned to the city redevelopment agencies throughout the state.

In addition, the impartial non-partisan Legislative Analyst and education finance experts have said Proposition 22 will result in a reduction in the Proposition 98 funding guarantee for education, resulting in a loss of \$400 million annually. That's equivalent to taking 5,700 teachers out of the classroom.

That's why the California Teachers Association, principals, parents and school employees strongly oppose Proposition 22.

What Are the Redevelopment Agencies Proposition 22 Strengthens?

There are hundreds of redevelopment agencies in cities all around the state. These shadow local governments have the authority to freeze the amount of your property tax revenues that go to fire districts, the county and other local service districts. Then they borrow against the anticipated future growth in property taxes or "increment", and use the money they borrow to subsidize private commercial developers.

So far, these little known agencies (almost every city has one) have gone into debt to the tune of \$93 BILLION, and they've done it without a single vote of the taxpayers. These taxpayer dollars have been used to build private shopping malls, auto plazas, movie multiplexes, hotels and stadiums. That's why taxpayer associations and property rights organizations oppose Proposition 22.

And redevelopment agencies also have the power of eminent domain. So they can take property from the owners in the name of improving the area, deliver it to private for-profit developers, and then subsidize the private developers that develop the property.

Proposition 22 strengthens these agencies, forever prohibiting the emergency shift of funding to schools, and short-changing fire districts and other service providers even as new building in redevelopment areas places more demands on them.

Why Are Firefighters, Teachers and Nurses Opposed to Proposition 22?

Local firefighters and paramedics are cheated out of much needed local tax revenue by redevelopment agencies, and then required to meet even higher demands to protect the public. Proposition 22 will make redevelopment agencies stronger. And by eliminating the "safety valve" from Propositions 1A of 2004 and

2006, funding needed by the firefighters that fight California's wildfires each year will be slashed. That's why the California Professional Firefighters oppose Proposition 22.

Our local schools have already had \$17 BILLION cut from their budgets, and 30,000 teachers have been laid-off. If Proposition 22 passes, our schools stand to lose \$1 billion immediately, and \$400 million every year after that. That's why teachers, principals, school workers and parents oppose Proposition 22.

California's health care safety net for children and seniors has been slashed by billions of dollars over the last 2 years. Proposition 22 would eliminate any emergency loans from redevelopment agencies or other local governments, placing hundreds of thousands of children and seniors at physical risk. That's why the California Nurses Association opposes Proposition 22.

Does Proposition 22 Protect Transportation Funding?

Proposition 1A of 2006 already protects part of the funding for transportation. Proposition 22 removes the "safety valve" that allows loans of these funds in times of fiscal crisis, hurting schools, health care and services for seniors, the blind and disabled.

Gas tax revenues are already protected under Article 19 of the State Constitution, and can only be used for transportation purposes which protects against any use of those funds for another purpose.

Proposition 22 would prohibit even loans of these funds in emergencies.

Proposition 22 says it protects funding for transit service in the state, but it actually lowers the portion of transit funding that goes directly to local transit districts, and it prohibits even loans in times of fiscal emergencies.

Finally, Proposition 22 makes it illegal to pay for voter approved transportation bonds with transportation revenues. That will put an immediate \$850 million hole in already chaotic state finances reducing funding for schools, health care and services for seniors, the blind and disabled.

Aren't Our Tax Dollars Safer With Local Government?

You be the judge. In July, the *Los Angeles Times* broke stories about the City of Bell in Los Angeles County. In one of the poorest cities in the state with just 37,000 residents, the part-time City Council was paying themselves \$100,000 a year, and the city manager was paid \$787,000 a year. Several other city officials were making six-figure salaries including the local police chief with 47 people to supervise that was paid \$150,000 more than the Los Angeles police chief. The city council members have put the city \$35 million into debt that was never approved by voters, and the State Controller recently discovered that the city has illegally collected \$2.9 million in property taxes from local taxpayers.

These stories have unleashed new investigations, and as Dan Walters of the Sacramento Bee says, *"Unfortunately, Bell is not as isolated as the governmental establishment would have us believe. For the most part, Southern California media ignore what's been happening in the region's small cities, and it's not a pretty picture."* (Sac Bee, 8/13/10).

More and more stories are coming in on the outrageous salaries city bureaucrats are being paid like the city manager of Laguna Hills in Orange County who's making over \$460,000 a year.



No on Prop 22

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Ballot & Rebuttal Arguments

Ballot Argument Against Proposition 22

Proposition 22 is another one of those propositions that sounds good, but is filled with hidden provisions that hurt taxpayers. Look at what it really does.

If Proposition 22 passes our schools stand to lose over \$1 billion immediately and an additional \$400 million every year after that. That is the equivalent of 5,700 teachers every year. It means larger class sizes. Overcrowded schools. Cuts in academics, music, art, vocational training, and classroom safety.

At a time when our public schools are already suffering from crippling budget cuts, Proposition 22 would devastate them. That's why the California Teachers Association, joined by school principals and parents across the state, say strongly: Vote NO on Proposition 22.

If that isn't bad enough, Proposition 22 also takes money that firefighters across the state need. The California Professional Firefighters opposes Proposition 22 because it will leave us all in greater danger from fires, earthquakes, floods, and other natural disasters. It also means cuts in emergency medical services, forcing longer response times if your family needs a paramedic – or perhaps no paramedic at all in a major emergency.

Proposition 22 will reduce funding available for health care at a time when our safety net for children is already collapsing. Tens of thousands of children in California are at risk of losing their health insurance and access to affordable health care if Proposition 22 passes.

Finally, Proposition 22 has another hidden provision – it locks protections for redevelopment agencies into the State Constitution forever. These agencies have the power to take your property away with eminent domain. They skim off billions in local property taxes, with much of that money ending up in the hands of local developers. And they do so with no direct voter oversight.

Supporters of Proposition 22 claim this will somehow help public services. We disagree. Your tax dollars should go first to schools, public safety, and health care. They should go LAST to the developers and the redevelopment agencies that support this proposal.

In 2004, voters approved Proposition 1A which allows local funds to be borrowed in times of real fiscal crisis, but requires full repayment within 3 years. Proposition 22 will reverse what Californians wisely approved in 2004, leaving schools, children's health care, seniors, the blind and disabled with even less hope.

Riverside City Firefighter Timothy Strack says, "Proposition 22 won't put one more firefighter on an engine or one more paramedic in an ambulance. It simply props open the door for redevelopment agencies to take away our public safety funding."

We all know that ballot propositions often don't do what they promise, and too often make things worse. Proposition 22 is the perfect example. During the current budget crisis we face throughout our state, why would locking in more budgeting be a smart thing? With virtually no accountability and no taxpayer protections? To benefit redevelopment agencies and the developers they serve?

Protect our schools. Our public safety. Our children's health care. Vote NO on Proposition 22.

Signed,

Lou Paulson
President, California Professional Firefighters

Malinda Markowitz, RN
Co-President, California Nurses Association

Donna Dreith
Third Grade Teacher, Riverdale Joint Unified School District

Rebuttal Against the Argument for Proposition 22

THE SOLUTION – NO ON PROP 22

Are proponents of Prop 22 — local government bureaucrats, developers and redevelopment agencies who create endless schemes to fill their coffers — really blind to California's budget crisis? Why else would they ask voters to pass an initiative where public schools stand to lose over one billion dollars next year, and billions more over the next decade, while handing billions in tax dollars to developers?

Then, Prop 22 takes money firefighters across California use to fight fires and natural disasters.

And, Prop 22 makes funding for affordable healthcare for children more difficult.

The Silicon Valley Taxpayers Association strongly urges a NO vote on 22.

The Fullerton Association of Concerned Taxpayers says NO.

They believe special protections for redevelopment agencies in Prop 22 are a terrible idea. It would allow more sweetheart deals with for-profit developers.

It's a bad idea to amend California's Constitution to reduce funding available for public education and shrink budgets for fire protection, public safety and healthcare, while protecting tax giveaways for local

developers. California's Constitution isn't the place for local power grabs. Especially with no accountability!

"Prop 22 locks in protections for redevelopment agencies that take over 10% of all property taxes and use them to enter into billions of dollars of long-term debt without voter approval."

Lew Uhler, President National Taxpayer Limitation Committee

Your tax dollars should go first to public schools, public safety and healthcare. And go LAST to local bureaucrats, developers and redevelopment agencies that support Proposition 22.

David A. Sanchez
President, California Teachers Association

Ken Hambrick
Chair, Alliance of Contra Costa Taxpayers

Lew Stone
President, Burbank Firefighters

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Latest News:

- [Orange County Register editorial: Prop. 22 defends the indefensible](#)
- [Ventura County Star Editorial: It's the wrong time for Prop. 22](#)

Contact the Campaign:

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No on Prop 22

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Our Coalition

Organizations

Association of Contra Costa Taxpayers
California Democratic Party
California Nurses Association
California Professional Firefighters
California School Employees Association
California Teachers Association
Congress of California Seniors
Fullerton Association of Concerned Taxpayers
Health Access
Los Angeles County Young Democrats
Silicon Valley Taxpayers Association

Public Officials

State Senate Pro Tempore Darrell Steinberg
State Assembly Speaker John Perez
State Senator Loni Hancock
State Assemblymember Chuck DeVore
State Assemblymember Chris Norby
State Assemblymember Jim Nielsen
State Assemblymember Nancy Skinner
Yolo County Supervisor Matt Rexroad
Republican Nominee for U.S. Senate Carly Fiorina
Founder and President of the National Taxpayer Limitation Committee Lew Uhler

**Partial List*

DIFFERING
NEWSPAPER EDITORIALS

ON

PROPOSITION 22

The Mercury News

MercuryNews.com

Mercury News editorial: Vote yes on Prop. 22

Mercury News Editorial

Posted: 09/05/2010 12:01:00 AM PDT

Lawmakers in Sacramento have for years borrowed or outright raided billions from cities and redevelopment and transit agencies, blowing holes in local spending plans in an attempt to paper over the state's structural deficit. It's dishonest and may even be illegal, and it contradicts the will of voters.

Proposition 22 on the Nov. 2 ballot would — once and for all, we hope — protect local governments and agencies from these money grabs. It would also force a more honest accounting of the state's budget picture. We recommend a yes vote on Proposition 22.

Opponents say the measure will blow a hole in the state budget. But that's like saying a bank robber should get to keep what he's stolen because he needs the money to pay his bills.

Voters have said repeatedly, through vehicles such as Proposition 42 in 2002, that they want certain tax dollars to go to local purposes, not the state general fund. Yet politicians persist in ferreting out every possible loophole, taking or borrowing about \$5 billion last year alone. This costs taxpayers hundreds of millions in interest payments, since some of the money must be repaid. And it masks the true severity of the state's structural deficit with budget gimmicks.

Proposition 22 is supported by hundreds of cities, including San Jose, and dozens of fire, police and

business organizations, all of whom want to protect local services.

Redevelopment agencies, the state's primary

engine for economic growth, have been especially hard hit, despite the fact that their funding is constitutionally protected. This year and next, the state is taking — stealing, really — more than \$2 billion from them, funds that might have created nearly 200,000 jobs. San Mateo is losing \$5 million. In San Jose, it's \$75 million. The agencies are suing to get the money back.

The redevelopment raids are doubly galling because Sacramento's dysfunction, and its failure to maintain schools and infrastructure, are huge obstacles for cities trying to attract and keep businesses. Economic development is the surest path to solvency, and yet the state is damaging the best vehicle for it.

California has also diverted billions that voters have dedicated to transportation projects; the Valley Transportation Authority alone has lost about \$86 million the past three years on top of declines in sales tax revenue. This has forced service cuts and fare increases. And the state has borrowed billions in property tax revenue; Redwood City, for instance, was forced to lend \$2.9 million last year.

Proposition 22's opponents, including teachers' and firefighters' unions, are essentially arguing that local funding is better used by the state for things like schools and county health services. That's a reasonable argument — except that voters have already made the call and then overwhelmingly passed several ballot measures to provide stronger protections from money grabs.

All those previous measures had loopholes the

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The Mercury News

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Legislature has abused. Proposition 22 would close the loopholes and ensure that local governments and agencies can keep the funding voters want them to have.

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CONTRA COSTA TIMES

ContraCostaTimes.com

Contra Costa Times editorial: Too restrictive to California's general fund -- vote no on Proposition 22

MediaNews editorial

Posted: 09/08/2010 12:01:00 AM PDT

CALIFORNIA counties and cities have good cause to be upset with the many raids the Legislature has made on local revenues to balance the state budget. But Proposition 22, which seeks to safeguard local sources of revenue, is far too restrictive and would result in a loss of at least \$2 billion a year to the state's general fund.

The general fund is California's chief source of revenue for schools, universities, social services and prisons. Sharply curtailing the state's flexibility in borrowing or using fuel taxes, property levies and redevelopment funds will make it even more difficult for the state to provide essential services in tough economic times.

Besides, there already are safeguards to protect local funds. Under Proposition 1A of 2004, the state cannot permanently shift city, county or special district property tax funds to schools.

In 2006, voters passed another Proposition 1A, which restricts the state's ability to borrow state gasoline sales tax revenues.

The state still can temporarily borrow or shift some

local government funds, but it must pay the money back. Property taxes must be returned to local governments within three years.

Earlier this year, the state changed gasoline tax laws so that all of the revenue comes from excise taxes and eliminated the sales tax on gasoline. This gives the state the flexibility to use the funds to finance transportation bonds.

Prop.

22 would prevent the state from borrowing or shifting any property tax money, including that from redevelopment agencies and it would ban the use of fuel taxes to pay off transportation bonds.

Currently, the state can use vehicle license tax money to help local governments pay for state mandates. Under Prop. 22, the state would have to use other revenues to reimburse local governments.

According to the legislative analyst, the net effect of Prop. 22's restriction on the use of fuel tax money would be an increase in general fund costs by about \$1 billion a year for the next couple of decades.

The measure's constraints on borrowing or shifting property tax and redevelopment revenues could add further to the loss of money to the general fund. These costs could vary widely from about \$1 billion to several billion dollars in some years.

With the weak economy and huge deficits, California needs to have flexibility in balancing its budget. Short-term borrowing and shifting of funds is far from an ideal solution, but it is preferable to huge tax increases or the loss of essential services.

Certainly, California is in dire need of major fiscal

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CONTRA COSTA TIMES

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reforms, and it cannot rely on raiding local revenues in the long term. But Prop. 22 is hardly the kind of change that is needed, especially now.

Complex, far-reaching changes in the relationship between state and local governments should not be made at the ballot box, where the only choices are yes or no on an amalgamation of questionable spending restrictions.

Fundamental fiscal reform should be carefully considered by the Legislature and executive branch of state government, which can then, through negotiation and compromise, construct workable policies.

We sympathize with frustrated California voters who deserve better state fiscal policies. But they should not let their frustration result in the passage of an ill-conceived ballot measure that is likely to have long-term unintended consequences. Vote no on Prop. 22.

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Agenda Date: 9-21-10

Agenda Item: 9d

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 21 SEPTEMBER 2010

SUBJECT: COUNCIL DISCUSSION ON GATING EXISTING RESIDENTIAL SUBDIVISIONS

RECOMMENDATION

It is recommended the City Council provide directions to staff concerning the conduct of further research or time pertaining to the prospect of allowing the gating of any particular residential subdivision(s) within the Clayton community.

BACKGROUND

At a previous City Council meeting, Council Member Medrano requested a Future Agenda item to discuss the gating of existing residential subdivisions. This subject has been placed on the Agenda for Council discussion at this time.

To facilitate awareness of the topic, staff assembled some background information related to the merits of a gated residential community. The attachments are not meant to be an exhaustive or end-all compilation of the subject.

FISCAL IMPACT

None at this time.

Attachments (6)



Home» Home & Garden» Landscaping & Outdoor Buildings» Fences & Walls» How to Turn Your Neighborhood Into a Gated Community

How to Turn Your Neighborhood Into a Gated Community

By Dorian Gray, eHow Contributor

updated January 19, 2010

Instructions

Difficulty: Moderately Challenging

1. Check your local ordinances to see if it is possible to convert your existing neighborhood with public streets into a gated community. Find out what the law requires you to do. You will likely need to petition your neighbors, and a certain percentage (often 60 percent or more) will have to agree.
2. Decide what level of security and amenities you want to create for your gated community. You can simply install a gate around the perimeter, requiring residents to type in a code for access or purchase an electronic gate opener. Some gated communities feature more advanced security controls such as motion sensors or armed guards.

Some gated communities also include special amenities for residents such as a clubhouse, swimming pool or sports facilities. Decide if you plan to create a homeowners' (#) association and if the membership will be voluntary or mandatory.

3. Calculate how much each household would have to contribute for the upfront costs of the gate and other features as well as annual fees (#) for maintenance. You should have a good idea of this amount before you present the idea to your neighbors.
4. Present the idea of a gated community to a few of your neighbors. Before you make any drastic moves, informally poll neighbors you know to find out if they are open to the idea. You may choose to hold a neighborhood barbecue or potluck dinner to introduce the concept to your neighbors. Explain the benefits of converting to a gated community and describe the process in detail.
5. Retain the services of a real estate lawyer to make sure you are filing all necessary paperwork and ask for quotes from several vendors for the gate and security features.

Tips & Warnings

- If your neighbors can't afford a fee or aren't on board with the idea, suggest a Neighborhood Watch Coalition instead.

References

- Legal advice on converting to a gated community
- Overview of Gated Communities

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From: Rick Angrisani [mailto:ricka@permcoengineering.com]
Sent: Tuesday, August 17, 2010 3:55 PM
To: Gary Napper
Subject: Gating of Streets

Gary –

Vehicle Code:

21101.6. Notwithstanding Section 21101, local authorities may not place **gates** or other selective devices on any street which deny or restrict the access of certain members of the public to the street, while permitting others unrestricted access to the street.

This section is not intended to make a change in the existing law, but is intended to codify the decision of the Court of Appeal in City of Lafayette v. County of Contra Costa (91 Cal. App. 3d 749).

This section shall become operative on January 1, 1990.

Rick Angrisani, P.E.
City Engineer

City of Clayton

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8/17/2010

Gary,

The process for converting public streets to private streets would likely involve recording a Final Map or Parcel Map to accomplish the public street abandonment and creation of private streets. The larger public's need for the street(s) for its convenience and necessity would be considered. It would be important to include re-construction and maintenance standards and clear assignment of responsibility for the proposed private streets. I'm sure that Rick Angrisani will be able to clarify and add to this information.

Additionally, attached is some information from the internet.

David



May/June 1997

Putting up the Gates

By Edward J. Blakely and Mary Gail Snyder

Gated communities provoke impassioned reactions from supporters and critics alike. In their book, *Fortress America: Gated Communities in the United States*, to be published in October by the Brookings Institution Press, we question the ability of this increasingly pervasive design tool to meet its security goals and strengthen the sense of community in America.

Over eight million Americans have sought refuge from crime and other problems of urbanization by installing gates and fences to limit access to their communities – and their numbers are growing. Since the mid-1980s, gates have become ubiquitous in many areas of the country. New towns are routinely built with gated villages, and some entire incorporated cities feature guarded entrances. Along with the trend toward gating in new residential developments, existing neighborhoods are increasingly installing barricades and gates to seal themselves off.

Gated communities physically restrict access so that normally public spaces are privatized. They differ from apartment buildings with guards or doormen, which exclude public access to the private space of lobbies and hallways. Instead, gated communities exclude people from traditionally public areas like sidewalks and streets.

Gates – along with fences, private security forces, "residents only" restrictions on public parks, policies to control the homeless, land use policies, large-lot zoning, and other planning tools – are part of a trend throughout the country to restrict or limit access to residential, commercial, and public areas. These turf wars, representing a retreat from the public realm, are a troubling trend. Gated communities are a dramatic manifestation of the fortress mentality growing in America.

The context for the gated community trend is an America increasingly separated by income, race, and economic opportunity, although people with a range of backgrounds live in gated communities. In *Fortress America: Gated Communities in the United States*, we classify gated communities into three major categories. First are the Lifestyle communities, where the gates provide security and separation for the leisure activities within. These include retirement communities and golf and country club leisure developments. Second are the Prestige communities, which lack the amenities of the Lifestyle communities, but where the gates still are valued as markers of distinction and status. The Lifestyle and Prestige communities are developer-built, and primarily suburban. They range from the enclaves of the rich and famous to the subdivisions of the working class.

The third category is the Security Zone, where trouble with crime or traffic and fear of outsiders are the most common motivations. In these cases residents, not developers, install gates and fences to their previously open neighborhoods. While the image of the neighborhood that retrofits itself with gates or barricades is of the embattled moderate-income city community, such closures occur in the inner city and in the suburbs, in neighborhoods of great wealth and in areas of great poverty. Gating is easily done in open private-street subdivisions. In neighborhoods with public streets, it is usually very controversial, as the streets must be taken over from the city before they can be gated off.

This third type of gated community also includes areas, such as Dayton's Five Oaks (see [article](#) this issue), with street barricades that create mazes of blocked streets to reduce vehicular access and deter outsiders. Such street barricading occurs in very wealthy neighborhoods and very poor ones, in places where crime is very high and where it is low. This partial solution is used most often in cases of public streets where residents cannot privatize their streets, either because they cannot afford to or they are not legally allowed to. The street barricaded neighborhoods lack the private amenities and complete closure of the others, but are a form of gated community nonetheless. The reasons given for the gates are usually the same – to reduce traffic, deter crime, and make the neighborhood more livable.

Movements to gate public streets in Los Angeles, Houston, Miami, Chicago, and other large cities often lead to bitter battles within and between neighborhoods. Proponents support street closures as an effective crime deterrent that helps maintain neighborhoods, homeownership, and curb middle-class flight to the suburbs. Opponents point to division, the displacement of crime and traffic, and other negative impacts on neighboring areas. Some opponents charge that racism or classism is the real root of a barricade plan, as in the case of the upscale community of Miami Shores, which borders on a poor African-American section of Miami. And when a small, middle-class, ethnically diverse neighborhood in Maplewood, New Jersey, decided to install five barricades near its border with Newark, ostensibly to reduce the flow of traffic using the neighborhood as a short cut, charges by Newark's mayor and other opponents that the closures were elitist and destructive caused a national media stir.

Exclusion and Control

Social distance has long been a goal of American settlement patterns; the suburbs were built on separation and segregation. Today, with a new set of problems pressing on our metropolitan areas, Americans still turn to separation as a solution.

Suburbanization has not meant a lessening of segregation, but only a redistribution of the urban patterns of discrimination. Gated communities are a microcosm of the larger spatial pattern of segmentation and separation. In the suburbs, gates are the logical extension of the original suburban drive. In the city, gates and barricades are sometimes called "cul-de-sac-ization," a term that clearly reflects the design goal to create out of the existing urban grid a street pattern as close to the suburbs as possible.

Exclusion imposes social costs on those left outside. It reduces the number of public spaces that all can share, and thus the contacts that people from different socioeconomic groups might otherwise have with each other. The growing divisions between city and suburb and rich and poor are creating new patterns which reinforce the costs that isolation and exclusion impose on some at the same time that they benefit others. Even where the dividing lines are not clearly ones of wealth, this pattern of fragmentation affects us all.

Forts or Communities?

Some argue that gates and barricades are unfortunate but necessary. They feel that such measures are the only way for beleaguered neighborhoods to reclaim their streets and for better-off neighborhoods to protect themselves in the future. But are these expectations realistic? In the course of our field work, we interviewed local law enforcement and analyzed local studies of streets closures. We found no firm evidence of any general permanent reductions of crime in fully gated communities or in the barricaded streets of the Security Zone. In part, this is because most evidence is anecdotal, and it varies greatly. Some Security Zone communities report drops in crime after streets are closed. Some report only temporary drops, and some no change at all. And still other places have removed barricades as failures, such as in Sepulveda, California, where local gangs used the maze of blocked streets to evade police and control their turf.

In addition to this wide variation in the reported effects of street closures, there is the problem that many available reports simply give "before and after" crime rates. Because such information often does not include comparisons with the crime rate in the overall area, or with longer-term trends, it is hard to conclude what effect the barricades themselves really had.

Gates and fences are not impenetrable to serious criminals, and they do nothing to reduce crime arising from residents. They do not necessarily protect, and they often cause dissension and controversy.

Efforts of neighborhoods to take back their streets are inspirational and sorely needed. That many are turning to barricades is understandable. But the issues that stimulate gates, walls, and private security stem in part from the inattention we have paid to building communities. Without community, we have no hope of solving our social problems, or ever really gaining control of our deteriorated neighborhoods. Physical design does have a place in building community and fighting crime; our choices in architecture, street layout, landscaping and design, and lighting all can help neighborhoods to protect themselves from threats. But these physical design choices are best used to facilitate and encourage social, community responses.

Ever since Jane Jacobs, urban designers and planners have recognized that "eyes on the street" are basic defenses against crime. This is the social control of a tightly-knit community. Overall, such socially-based mechanisms are more effective than additional hardware like gates.

We must also remember that the reasons for gating are not always entirely, or even primarily, the laudable reasons of crime and traffic control. Hopes of rising property values, the lure of prestige, and even the desire to build barriers against a poorer neighborhood or one of different race are also common reasons behind gated communities.

What is the measure of nationhood when the divisions between neighborhoods require security patrols and fencing to keep out other citizens? When public services and even local government are privatized, when the community of responsibility stops at the gates, the function and the very idea of democracy is threatened. Gates and barricades that separate people from one another also reduce people's potential to understand one another and commit to any common or collective purpose. In short, gates reduce the opportunity for social contact, and without social contact, this nation becomes less likely to fulfill its social contract.

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A Reprint from *Tierra Grande*, the Real Estate Center Journal



By Jack C. Harris and Jennifer S. Evans

Some 20,000 gated communities exist across the country, housing more than eight million people, according to Mary Gail Snyder and Edward Blakely's recent book, *Fortress America: Gated Communities in the United States*. But why are these communities becoming so common? The answer is because homebuyers like them. In fact, 47 percent found gated entrances desirable, based on responses to a 1996 survey conducted by the National Association of Home Builders.

Gates and exterior walls do not add much to development costs. Consequently, while gates may be thought of as a prestigious feature, they are showing up on a wide range of subdivisions. An innovative affordable housing project (homes start at \$75,000) west of Houston incorporates a gated entry along with a fenced border. A recent development of high-end (\$100,000) factory-built homes in Elkridge, Maryland, is a gated community. One of the few security-gated communities in Bryan, Texas, is a garden apartment project.

What is a Gated Community?

Brokers and salespersons increasingly face the challenge of marketing homes in gated communities. The term "gated" is not applied to subdivisions that merely have some type of identifying entranceway, no matter how elaborately decorated. Actually, the gate does not necessarily have to be a physical one on all sides of the development. It seems to be essential that the subdivision be placed out of the way of through traffic, either by natural or man-made barriers, and that some system be in place to discourage entry by those who do not have a legitimate reason to visit.

The main entrance to the community may have a guard who operates a gate or merely checks cars before they are allowed to enter. The gate may be automated and operated by way of magnetic cards, remotes (similar to a garage door opener) or a keypad-entered code. The system may be passive, in that anyone is allowed to enter but has warning signs that only residents and guests are allowed.

The San Antonio survey found that 97 percent of the gated communities use keypad entry systems. The Houston survey found 33 percent of the communities use a keypad or card-operated entry system. Guards are much less common: 14 percent in San Antonio and 5 percent in Houston.

All such communities are governed by homeowners' associations. Indeed, these associations can take on many of the duties of local government by maintaining community streets and common property, providing security and enforcing neighborhood bylaws and deed covenants. Most associations have the ability to collect periodic dues and special assessments from residents and can place a lien on the homes of delinquent payers. If the developer chooses a "gated community," then the homeowners are responsible for street maintenance that normally is paid for by the city.

There are some instances around the country in which communities have incorporated themselves into small municipalities. In the recent survey by the San Antonio Planning Department, the average homeowner association fee was \$608 per year but varied from \$180 to \$2,100. A study conducted by the Real Estate Center and the Houston Community Association Institute indicated local fees ranged from \$45 to \$900.

Gated Community Appeal

Gated communities often are associated with prestigious, high-cost housing, although they are not limited to upscale developments. For any community, the addition of a gated entrance, combined with some barrier to set off its boundaries, adds a touch of distinction. Developers believe that gates are a worthwhile feature for marketing affordable projects, as well as homes at the upper end of the range.

The primary appeal of gated communities is their promise of improved security. The barriers and gates are intended to keep out those who would steal or destroy residents' property or threaten their safety.

The first gated communities were retirement settlements, where those over a specified age could take refuge from increasingly violent urban areas, in southern Florida and California. Some find it ironic that so many residents feel threatened while crime statistics are trending downward. Others point out that there is no evidence that gated communities are any more crime-free than surrounding areas. However, perception is what counts, and residents of gated communities feel safer.

A poll conducted by the Community Associations Institute reported that 70 percent of gated community residents believed their community was safer than surrounding areas. With many homeowners installing home security and most new cars carrying anti-theft devices, living in a more secure community is consistent with these trends.

It is important too, that if a crime does occur, it may take police and emergency services longer to get to the residence because of the gates. In Arlington and Irving, "knocks locks" are required, which allow the emergency service vehicles to open the gates by hitting them. In San Antonio, emergency services have access to the gate codes, and in gated communities with guards, access can be granted by the gate attendant.

Another thing that may make residents feel safer is the reduced automobile traffic that gates and walls provide. Gate security may not be able to stop a determined and

knowledgeable thief, but it does cut down on casual pass-through traffic as well as any trouble visitors may cause. There is the added benefit of making the neighborhood safer for children at play and those who stroll the streets.

The gated community can provide its own services under the homeowners' association. Because associations can enforce deed restrictions, controls on what homeowners are allowed to do with their homes can be much more strict than government land-use regulations. Many people like the clean, quality appearance that strict controls create, but others may chafe at the restrictions on what they can do with their property.

Municipalities, in many cases, provide fewer services to gated communities. In San Antonio, homeowners' associations are responsible for the maintenance of parks, streets and sidewalks. Most cities require that the streets be private and maintained by the homeowners' association. Arlington does not require that the streets be private, but the developer has that option.



APRIL SOUND, A GATED COMMUNITY on Lake Conroe, protects residents with gates, a guarded entrance and security patrols.

Homebuyers may like the safe feel of a gated community. Amenities vary, and some provide parks, pools and other facilities. Potential homebuyers should be aware that the homeowners' association in many cases is responsible for services that the city would normally provide, such as streets, sidewalks and park maintenance.

Converting an Existing Subdivision

Gated community popularity is not restricted to new subdivisions. Some established neighborhoods have taken steps to limit access. Generally, for gating to be successful, several items must be in place:

- A homeowners' association. Existing associations require compliance with covenants and deed restrictions before homeowners finalize their paperwork. If the covenants are not already established, unanimous agreement is required.
- A near consensus among the residents that gating is desirable. Even though the homeowners' association can act on a majority vote, any sizable dissension could compromise the success of the plan.
- The neighborhood should be surrounded by a natural or man-made boundary so that gating a few key access points will provide adequate security.

In most cases, gating a public road is not permitted. Therefore, the association must gain possession of the streets within the community. This requires cooperation from the city or county if those streets were constructed by or dedicated to the local government.



There may be other requirements as well, such as plans and policies for public and emergency access. If any of the streets to be gated provide access to adjacent communities or commercial areas, the city or county probably will not approve the action. After permission is obtained, the association should adopt a set of policies and bylaws to cover

operation of the gates and other issues concerning access. Finally, there would be the costs associated with designing the gate system.

Hints on Selling Homes in Gated Communities

Agents should be aware that some associations limit how a home may be marketed. For example, in some neighborhoods, yard signs are not permitted. Also, the logistics of an open house might be difficult in a community that restricts visitors.

Agents should inform the potential buyer of those services provided by the homeowners' association and any fees involved. Here are some questions that someone buying into a gated community may ask:

- Does the inconvenience caused by the security system outweigh the benefits? Getting in and out should not be an onerous task. Likewise, the system should not discourage guests or inhibit emergency vehicles. Mechanical breakdowns can trap residents in, often at inopportune times. There should be methods for defeating the system on such occasions.
- How onerous are the homeowners' association's controls? Some might find them too restrictive while others highly value continuity. At the least, any prospective buyer should become familiar with the bylaws and deed restrictions. Beyond that, it would be beneficial to get specific examples of prohibitions. In most cases, however, a buyer should expect to conform to current neighborhood appearance because that is probably what the developer intended and the association wants to maintain.
- What are the costs? For any effective security system, there will be periodic costs: salaries for guards, maintenance of equipment and so forth. There may be costs involved with any common facilities provided in the community. Often, the streets in the community are privately owned, and, therefore, must be privately maintained. All these expenses are factored into the monthly homeowners' association dues, which must be paid, in addition to local taxes providing similar services for other subdivisions. Prospective buyers must evaluate how affordable and worthwhile this extra expense is.

Gate Ways

Gated communities appear to be winning the endorsement of a significant number of homebuyers. Much can be, and has been, made of homeowners' desires to wall themselves off from neighboring residents. Some point to the futility of walls and gates as a crime preventative. There are probably some homebuyers who view a gated community as a secure refuge from an increasingly hazardous world. Most know that no system is perfect but value that extra layer of security that limited access provides.

Gated communities do not appeal to everyone. To many homeowners, the restrictions that often accompany such communities will seem bothersome. Others prefer to move into open spaces on the urban fringe or expose themselves to the rich architectural

and cultural diversity of the city.

Most homeowners like to feel a part of a community. They expend some effort to create or seek out enclaves of compatible neighbors and amenable surroundings. Viewed as part of this effort, gated communities can be seen as attempts to recreate the idealized small American town where everyone knows and cares about each other. ☐

Dr. Harris is a research economist and Evans a research associate with the Real Estate Center at Texas A&M University.

Gated community

From Wikipedia, the free encyclopedia

In its modern form, a **gated community** is a form of residential community or housing estate containing strictly-controlled entrances for pedestrians, bicycles, and automobiles, and often characterized by a closed perimeter of walls and fences. Gated communities usually consist of small residential streets and include various shared amenities. For smaller communities this may be only a park or other common area. For larger communities, it may be possible for residents to stay within the community for most day-to-day activities. Gated communities are a type of common interest development, but are distinct from intentional communities. In countries with a low Human Development Index and/or high Gini coefficient, gated communities attempt to provide security to the upper class as well as expatriates.



Entrance to the Paradise Village Grand Marina Villas, Nuevo Vallarta, Nayarit, Mexico.

Given that gated communities are spatially a type of enclave, Setha M. Low, among other anthropologists, has argued that they have a negative effect on the overall social capital of the broader community outside the gated community.^[1]

Some gated communities, usually called guard-gated communities, are staffed by private security guards and are often home to high-value properties, and/or are set up as retirement villages. Some gated communities are secure enough to resemble fortresses and are intended as such.

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Features

Amenities available in a gated community depend on a number of factors including geographical location, demographic composition, community structure, and community fees collected. When there are sub-associations that belong to master associations, the master association may provide many of the amenities. In general, the larger the association the more amenities that can be provided. Amenities also depend on the type of housing. For example, single-family-home communities may not have a common-area pool, since individual homeowners have the ability to construct their own private pools. A condominium, on the other hand, may offer a community pool, since the individual units do not have the option of a private pool installation.

Typical amenities offered can include one or more

- Swimming pools
- Tennis courts
- Community centres or clubhouses
- Golf courses
- Marina
- On-site dining
- Playgrounds
- Exercise rooms including workout machines
- Spa



A guarded, gated community located in Saskatoon, Saskatchewan, Canada



A gated community near Ezeiza, a suburb of Buenos Aires, Argentina

High security restricted access

To enter some gated communities, the person must be a registered resident with photo ID or the person must have a friend in the gated community who gives specific permission (via phone or internet) to the security guards at the gate to this effect "my friend Joe Smith will visit me in the next hour or so, his drivers licence number is XXXXXX, let him in".

As a worldwide phenomenon

In Brazil, the most widespread form of gated community is called "condomínio fechado" (closed housing estate) and is the object of desire of the upper classes. Such a place is a small town with its own

infrastructure (backup power supply, sanitation, and security guards). The purpose of such a community is to protect its residents from outside violence. The same philosophy is seen on closed buildings and most shopping centers (many of them can only be accessed from inside the parking lot or the garage).

In Panama, people buy houses inside of them because of the increased security, mainly in big cities. The majority of these gated communities are built for the middle and upper middle classes. They are preferred over condos and apartments because of lower community payment, higher feelings of privacy, and lower house prices.^[citation needed]

In Argentina, they are called "barrios privados" (literal translation "private neighborhoods") or just "countries" and are often seen as a symbol of wealth. However, gated communities enjoy dubious social prestige (many members of the middle and middle upper class regard gated community dwellers as *nouveaux riches* or snobs^[2]). While most gated communities have only houses, some bigger ones, such as Nordelta,^[3] have their own hospital, school, shopping mall, and more. In recent years, this influx of people going from the big cities to the gated communities has experienced a backlash in Argentina. Visiting Buenos Aires, the renowned geographer and urbanist Jordi Borja from Spain who teaches urban planning at the University of Barcelona criticized gated communities calling them^[4] "the negation of cities". Architect and university professor Marcela Cambor, who heads the Urban Design Dept in Florida, USA^[5] told the La Nacion newspaper that "the gated communities experiment has failed", calling them "unsustainable from the economic, social, and now even energetic point of view".



Protective 'spikes' help ensure the safety of residents living in 'security-zone' communities

In post-apartheid South Africa, gated communities have mushroomed in response to high levels of violent crime. South African gated communities are broadly classified as "security villages" (large-scale privately developed areas) or "enclosed neighborhoods"^[6]. Some of the newest neighborhoods being developed are almost entirely composed of security villages, with a few isolated malls and other essential services (such as hospitals). A common mode of development of the security villages involves staking out a large land claim, building a high wall surrounding the entire zone, then gradually adding roads and other infrastructure^[citation needed]. In part, property developers have adopted this response to counter squatting, which local residents fear due to associated crime, and which often results in a protracted eviction process. Crime syndicates have been known to acquire property in some of these security villages to be used as a base for their operations within them^[citation needed].

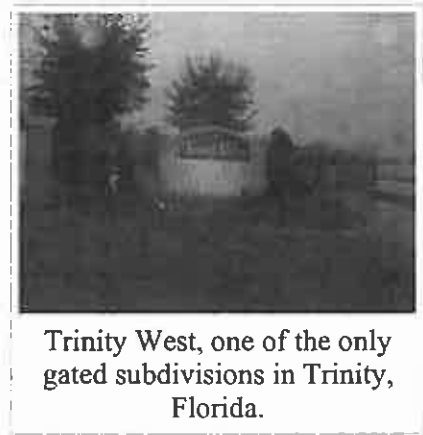
They are popular in southern China, namely the Pearl River Delta Region. These communities are often purchased by overseas Chinese, Hong Kong Chinese, and new-rich local Chinese^[citation needed]. Most famous one is Clifford Estates.

In Saudi Arabia, gated communities have existed since the discovery of oil, mainly to accommodate Westerners and their families. After threat levels raised since the late 1990s against Westerners in general and Americans in particular, gates have become armed, sometimes heavily, and all vehicles have been inspected. Marksmen and SANG armored vehicles appeared in certain times, markedly after recent terrorist attacks in areas nearby, targeting Westerners.

Gated communities are very rare in Europe.

Criticism

Proponents of gated communities (and to a lesser degree, of culs-de-sac) maintain that the reduction or exclusion of people that would just be passing through, or more generally, of all non-locals, makes any "stranger" much more recognisable in the closed local environment, and thus reduces crime danger. This view has been attacked as unrealistic - since only a very small proportion of all non-locals passing through the area are potential criminals, increased traffic should increase rather than decrease safety by having more people around whose presence could deter criminal behaviour or who could provide assistance during an incident^[7].



Trinity West, one of the only gated subdivisions in Trinity, Florida.

Another criticism is that gated communities offer a false sense of security. Some studies indicate that safety in gated communities may be more illusion than reality, showing that gated communities have no less crime than non-gated neighborhoods.^[8]

Common economic model types

- Lifestyle — country clubs, retirement developments.
- Prestige — gates for status appeal
- Security zone communities — gates for crime and traffic.
- Purpose-designed communities — catering to foreigners (e.g. worker compounds in the Middle East, built largely for the oil industry)

Examples

A limited number of gated communities have long been established for foreigners in various regions of the world:

- The worker compounds in the Middle East, built largely for the oil industry.
- The closed cities of Russia are also an example of purpose-designed gated communities.
- The Arbor Oaks subdivision located in El Monte, California, which appears in the film *Back to the Future Part II* as Hilldale, is now gated because of the fans coming to see it in person. Residents are sometimes angry at fans who come by the development.^[citation needed]

Argentina

There are many gated communities in Argentina, especially in Greater Buenos Aires, in the county of Pilar, 60 km N of Buenos Aires city, as well as in other suburban areas, such as Nordelta.^[3]

Even though Tortugas Country Club was the first gated community developed in Argentina-dating from the 1930s/1940's-most of them date form the 1990s, when liberal reforms were consolidated.

Since Buenos Aires has been traditionally regarded as a socially integrated city, gated communities have been the object of research by sociologists. Gated communities are an important way through which people - particularly middle and upper classes - cope with the high levels of violent criminal activity in Greater Buenos Aires.^[9]

Australia

Although gated communities have been relatively rare in Australia, since the 1980s a few have been built. The most well-known are those at Hope Island, in particular Sanctuary Cove, on the Gold Coast of Queensland. Other similar projects are being built in the area. In Victoria, the first such development is Sanctuary Lakes, in the local government area of Wyndham, about 16 km south west of Melbourne city. In NSW there is Macquarie Links gated community.^[1] (<http://www.smh.com.au/news/National/Behind-the-urban-curtains/2005/03/03/1109700606439.html>) Many Australian gated communities are built within private golf courses.

Brazil

Brazil also has many gated communities, particularly in the metropolitan regions Rio de Janeiro and São Paulo. For example, one of São Paulo's suburbs, Tamboré, has at least 6 such compounds known as Tamboré 1, 2, 3, and so on. Each consists of generously spaced detached houses with very little to separate front gardens.

One of the first big-scale gated community projects in São Paulo city region was Barueri's Alphaville, planned and constructed during the 1970s military dictatorship when the big cities of Brazil faced steep increases of car ownership^[10] by the middle and higher-classes, rural exodus, poverty,^[11] crime, urban sprawl and downtown decay.



Alphaville, one of gates on the suburbs of São Paulo, Brazil. It is also a business center of the city.

Canada

Planning laws in some Canadian provinces ban locked gates on "public" roads as a public health issue (they deny emergency vehicles quick access). In any event "physical or explicit gating is relatively rare. More common is an implicit or symbolic gating, which effectively partitions the private infrastructure and amenities of these communities from their surrounding neighbourhoods".^[12] Nevertheless, many newer suburban subdivisions employ decorative gates to give the impression of exclusivity and seclusion.

China

China, and Beijing in particular, has experienced a surge in gated communities.^[citation needed] These compounds, like most other gated communities around the world, target the rich. Also many foreigners live in gated communities in Beijing . Often foreign companies choose the locations where their foreign employees will live, and in most cases they pay the rent and associated costs (e.g. management fees and garden work etc.).

Mexico

Gated communities in Mexico are a result of the huge income gap existing in the country. They are usually found in major cities, such as Monterrey, Mexico City or Guadalajara. The Motecuhzoma Xocoyotzin gated community outside of Mexico City is the largest gated community in the world,

stretching over 54 square miles. It is estimated that there are 56.8 million Mexicans living in gated communities as of 2008.

Philippines

The Philippines has a sizable number of gated communities or "subdivisions" as they are locally called.

- Forbes Park in Makati City, Metro Manila - An upper-class subdivision in close-proximity to the Makati Central Business District. It is where the richest personalities in The Philippines live.
- Dasmariñas Village in Makati City
- Valle Verde in Pasig City, Metro Manila - A series of six separate complexes of homes, all surrounded by walls and guarded by private security guards.



The Bosques de Interlomas area of Mexico City is home to over 250 large gated communities.

Russia

Gated communities (other than closed cities) usually are made from the secret objects where level of Classifiedency was lowered but communities kept or residents are still in force to preserve its status. The new are not popular because in practices first "point building" were guarded and in spite crime level was higher and prefer single-door checkpoints instead.

- Barvikha: it used as elite land even if many houses are guarded separately
- Moscow, Gateway-10 island: pass allowed to residence and staff only, two bridges are not shown on the map.
- Moscow, Blue bird complex: Checkpoints disabled to pedestrians

Thailand

Nichada Thani is a gated community based around International School Bangkok.^[*citation needed*]

United Kingdom

In the United Kingdom, gated communities can usually be found in London, especially in the Docklands, such as New Caledonian Wharf, Kings and Queen Wharf and Pan Peninsula and east London, for example Bow Quarter in Bow, London, although there is an increasing number across the whole of the country. There are an estimated 1000 gated communities in England.^[13]

United States

Most gated communities in the U.S. are unincorporated—some, like Indiana's Briar Ridge, may even span more than one incorporated municipality—but uniquely, there are several incorporated gated cities in Southern California, namely Bradbury, Canyon Lake, Hidden Hills, Laguna Woods, and Rolling Hills. To meet legal requirements, the city halls and municipal facilities are public, and private corporations own parks and other facilities within the gates. By 1997, an estimated 20,000 gated communities had been built across the country.^[14] Approximately 40% of new homes in California are

behind walls.^[15] In 1997, estimates of the number of people in gated communities ranged from 4 million in 30,000 communities^[16] up to around 8 million, with .5 million in California alone.^[17]

The village of Rosemont, Illinois, just outside Chicago, maintains a security checkpoint at the entrance of its main residential section.

There are other incorporated gated communities outside California including Sea Ranch Lakes, Florida and North Oaks, Minnesota.

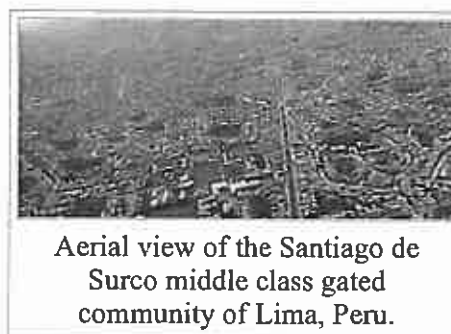
Hot Springs Village, Arkansas is the largest gated community in the United States with over 26,000 heavily-wooded acres. HSV is governed by the HSV Property Owners' Association (POA), a private, tax-exempt home owners association.

Turkey

- Turkey has several gated communities, especially in Istanbul and Ankara. They are mostly located around the edge of the city.

Other countries

- Lima, Peru has several gated communities, especially in the wealthy districts of La Molina and Santiago de Surco. They are home to many prominent Peruvians.
- Guayaquil and Quito, Ecuador have many gated communities. In the coastal city of Guayaquil they are mostly located in Samborondón and in Quito in the Valleys surrounding the city. They are home mostly for the wealthiest people, but there's a trend, specially in Guayaquil, of houses in gated communities with moderate prices as well.
- Pokrovsky Hills and Rosinka are gated communities in Moscow.
- In Saudi Arabia, expatriate workers are required to live in Saudi Aramco-controlled gated communities. The largest such community is Dhahran. Gated communities are also popular with well-to-do Saudis. The largest communities include, in addition to Dhahran, Ras Tanura, Abqaiq, and Udhailiyah.
- In the United Arab Emirates, gated communities have exploded in popularity, particularly in Dubai, where the 2002 decision to allow foreigners to own freehold properties has resulted in the construction of numerous such communities built along various themes. Examples include The Lakes, Springs, Meadows, and Arabian Ranches.
- South Africa has an increasing number of gated communities.
- In Indonesia, a gated community is preferred by most people.^[citation needed] Some gated communities are luxurious (with lots of up to 740 square metres (8000 sq ft)), and some are very affordable (with lots ranging from 700 to 1300 sq ft). Some examples are houses in Pondok Indah and Kemang.



Aerial view of the Santiago de Surco middle class gated community of Lima, Peru.