CITY OF CLAYTON
Founded 1857 .. Incorporated 1964

AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

* * *

TUESDAY, April 5, 2011

6:00 p.m.

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

Mayor: David T. Shuey
Vice Mayor: Howard Geller

Council Members
Joseph A. Medrano
Julie K. Pierce
Hank Stratford

- 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.

6:00 P.M.

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

2. **CLOSED SESSION**

(a) Conference with Legal Counsel
Government Code Section 54956.9(c)
Consider Initiation of Litigation – 1 case

(b) Conference with Labor Negotiator
Government Code Section 54957.6
Instructions to City-designated negotiator: City Manager

(1) Employee Organization: Clayton Police Officers Association (CPOA)

Reports Out from Closed Session: Mayor Shuey.

7:00 P.M.

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

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

(a) Approve the minutes of the regular meeting of March 15, 2011. (View Here)

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

(c) Accept the 1st and 2nd Quarterly City Investment earnings and portfolio reports for FY 2010-2011 ending December 31, 2010. (View Here)

5. **RECOGNITIONS AND PRESENTATIONS** - None.

6. **REPORTS**

(a) Planning Commission – Commissioner Ted Meriam.
(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

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** – None.

9. **ACTION ITEMS**

(a) Consideration of the Introduction and First Reading of Ordinance No. 432 adding Chapter 15.09 to the *Clayton Municipal Code* thereby adopting the 2010 California Fire Code with changes, additions and deletions as allowed by state law (ZOA 03-11). (View Here)
(Community Development Director)

Staff recommendations: **1)** Receive the staff report; **2)** Receive public comments; **3)** Adopt a motion to have the City Clerk read Ordinance No. 432 by title and number only and waive further reading; **4)** Adopt a motion to approve Ordinance No. 431 for Introduction.

(b) Consideration of a Resolution approving Agreement No. C1000205 with the California Franchise Tax Board allowing the City to enter into a Reciprocal Agreement to exchange tax data specific to City Business License information to enhance respective tax administration and collection purposes. (View Here)
(Finance Manager)

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

(c) Consideration of Planning Commission and City staff recommendations for a City position to oppose California Assembly Bill 710 (Skinner, 14th District), entitled the "Infill Development and Sustainable Community Act of 2011", due to its removal of planning control over local parking standards and requirements. (View Here)
(Community Development Director)

Staff recommendation: Following staff report and public comment, that Council approve a motion opposing AB 710 as presently written and authorize the Mayor to sign a letter to appropriate state legislators indicating the City's official opposition.

(d) Announcement of transition arrangement with the Clayton City Attorney law firm of Turner, Huguet & Adams and discussion to establish a City Council ad-hoc committee to work with the City Manager in preparing a Request for Proposals (RFP) for replacement contract city attorney services. (View Here)
(City Manager)

Staff recommendation: That Council discuss and establish by motion a City Council ad-hoc committee to work with the City Manager in the preparation of a draft Request for Proposals for replacement contract city attorney services.

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

11. ADJOURNMENT– the next regularly scheduled City Council meeting is April 19, 2011.

# # # # #

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 4-5-11

Agenda Item: 4a

TUESDAY, March 15, 2011

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:04 p.m. by Vice Mayor Geller in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Shuey (arrived at 7:09 p.m.), Vice Mayor Geller, Councilmembers Medrano, Pierce, and Stratford. Staff present: Assistant to the City Manager Laura Hoffmeister, Assistant City Attorney Maury Huguet, Community Development Director David Woltering, and City Clerk Laci Jackson.

2. **CLOSED SESSION**- The Assistant to the City Manager stated the Closed Session was cancelled.

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

3. **PLEDGE OF ALLEGIANCE** – led by Vice Mayor Geller.

4. **CONSENT CALENDAR**-

Vice Mayor Geller asked for Item 4(f) to be pulled for discussion. He asked the City Clerk why only new employees were to be fingerprinted and why the City could not provide their own Livescan fingerprint services.

The City Clerk responded that many current employees were hired long ago and had been fingerprinted as part of their employment background checks. She stated all Police Department personnel and volunteers were fingerprinted. She stated the majority of the employees to be fingerprinted would be temporary and seasonal maintenance workers and any new administrative or maintenance staff. She also indicated the cost to re-fingerprint current employees would be high. Lastly, she stated the City of Concord has the Livescan machine and people who are trained to administer the fingerprinting, the City of Clayton does not own the Livescan machine or have anyone trained to use the equipment.

It was moved by Councilmember Stratford seconded by Councilmember Pierce to approve the Consent Calendar as submitted (Passed; 5-0 vote).

(a) Approved the minutes of the regular meeting of March 1, 2011.

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

(c) Adopted Resolution 03-2011 approving the terms of purchase and authorizing payment for and acceptance of an easement deed from the Mt. Diablo Unified School District for construction and use of a public driveway and appurtenant drainage facilities adjacent to the Diablo View Middle School and Clayton Community Gymnasium in association with the Clayton Community Park parking lot expansion project (CIP No. 10413).

(d) Adopted Resolution 04-2011 modifying the terms of appointed office for Trails and Landscaping Committee members to end on calendar year basis rather than the current fiscal year term.

(e) Adopted Resolution 05-2011 establishing the City's 2011-2012 ERU Assessment Rate for Federal and State Mandated National Pollution Discharge Elimination System (NPDES) Program (Storm Water Pollution Prevention).

(f) Adopted Resolution 06-2011 authorizing the City of Clayton to access state and local summary criminal history information for City employment purposes and adopting a City Employment Fingerprint Policy.

(g) Adopted Resolution 07-2011 approving a First Amended Joint Litigation Agreement, a Second Fee Sharing Resolution, and a Legal Services Agreement for the City to join other Contra Costa County cities and special districts in retaining the special legal services of Benjamin P. Fay of Jarvis, Fay, Doporto & Gibson, LLP, to challenge a plan by the Contra Costa County Auditor-Controller on the allocation of refunded property taxes to Chevron Corporation for its refinery located in the city of Richmond, CA.

(h) Accepted the Annual Report to be filed with the State of California Housing and Community Development (HCD) on City Housing Element progress.

4. RECOGNITIONS AND PRESENTATIONS

(a) Remarks by County Supervisor Karen Mitchoff (4th District, Contra Costa County).

Supervisor Karen Mitchoff greeted the Council and then introduced her District Representative Carolina Salazar. She stated there are many things going on in the County including redistricting for the County Supervisor districts. She stated the Board is working on the County budget and meeting with employee groups in negotiations on benefit packages and retirement issues. She stated the unrepresented management staff just agreed to no longer have vacation buyback options. She stated employees are being asked to share the sacrifice and are still looking at a 6% payroll rollback.

Mayor Shuey stated the City of Clayton has moved to a Tier II program for new employees but many other cities have not done so. He asked Supervisor Mitchoff if she would consider having the County put together a roundtable with other cities countywide to consider getting buy in on a joint effort, so that all cities are on a more level paying field.

5. REPORTS

(a) Planning Commission – No meeting held to report.

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

(c) The Assistant to the City Manager reported there are many ideas floating around Sacramento to help with the State budget crisis. She reported the City's Solid Waste and Recycling Diversion report was approved by the State.

(d) City Council

Councilmember Pierce attended an ABAG meeting and stated ABAG released their vision scenario. She indicated the plan focuses on new growth at the urban core, and intensifying development in areas where major transit exists. She stated for Clayton the projection for the next 21 years is only 124 homes. She attended the Bike Rodeo at the Diablo View Middle School and encouraged children to bike or walk to school. She also attended a Transportation Authority meeting and a TRANSPAC meeting.

Vice Mayor Geller asked when the bike racks around town would be installed. Councilmember Pierce stated the racks are on order.

Vice Mayor Geller attended the Creekside Arts Festival and the grand opening of Hair by Jim's new location in downtown Clayton. He also attended the Mayors Conference and spoke with the Contra Costa Water District regarding water reclamation projects.

Councilmember Stratford participated in Junior Achievement at Mt. Diablo Elementary School and attended a Do the Right Thing meeting. He also stated the Clayton Cleans Up event is April 16th.

Mayor Shuey attended the Mayors' Conference and has been working with the school district on many issues.

(e) Other – None.

6. **PUBLIC COMMENTS** – None.

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS**

(a) Second Reading and Adoption of Ordinance No. 431 that amends certain chapters of the *Clayton Municipal Code* to bring the City's Building, Electrical, Plumbing, Mechanical and Residential Codes into compliance with the 2010 Editions of the respective California Construction Codes (aka the CA Green Building Standards Codes, or CALGreen). ZOA 01-11

The Community Development Director presented the staff report and stated the code was updated at the state and county level and includes changes to the construction, building, electrical, plumbing and mechanical codes and adds new green building codes. He stated the County adopted these codes on February 15th and since they provide building services for the City it is necessary to approve this Ordinance for consistency.

Mayor Shuey asked the Community Development Director to explain the City and the County relationship in regards to building inspections.

The Community Development Director stated the County Building Inspection Division does plan checks for new construction, issues building permits, and does inspections on building permits issued as well as building code enforcement. The City staff looks at plans for construction to ensure compliance with local development and zoning requirement and then the County looks at the projects compatibility with the building code. He stated the County staff looks at the detailed construction documents.

No public comments were received.

It was moved by Councilmember Stratford, seconded by Councilmember Pierce to have the City Clerk read Ordinance No. 431 by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 431 by title and number only.

It was moved by Vice Mayor Geller, seconded by Councilmember Pierce to adopt Ordinance No. 431 (Passed; 5-0 vote).

(b) Consideration of the City's Annual Report regarding the collection and disposition of development impact mitigation fees for FY 2009-2010, in compliance with the *CA Government Code* (AB 1600).

The Assistant to the City Manager presented the staff report and stated State law requires a review of development impact fees on an annual basis. She stated the City has a number of impact fees but since development is down there has been no real revenue collection and most of the changes in the funds are interest earnings. She did note that the Open Space In Lieu money was expended on Lydia Lane Park but those fees were expended in the current fiscal year so they are not shown on this report. She stated there is still a nexus between the fees and their need to make improvements. She stated the childcare facilities fee of $36,000 could provide for capital expenditures at the Clayton Community Gym for after-school programs.

Mayor Shuey asked if AOSL was aware of this fund. The Assistant to the City Manager stated the staff had talked to them about this fund in the past.

It was moved by Councilmember Pierce, seconded by Vice Mayor Geller to adopt Resolution 08-2011 with findings there is a reasonable relationship between current needs for the development impact mitigation fees and the purposes for which they were originally levied and collected (Passed; 5-0 vote).

(c) Request for modification to the Mayor's appointment of the City's Alternate Representative to Central Contra Costa Transit Authority (CCCTA or "County Connection").

Mayor Shuey volunteered to replace Vice Mayor Geller as the Alternate Representative to the CCCTA.

It was moved by Councilmember Pierce, seconded by Councilmember Medrano to designate Mayor Shuey as the Alternate Representative to the CCCTA (Passed; 5-0 vote).

9. COUNCIL ITEMS – None.

10. ADJOURNMENT– On call by Mayor Shuey the meeting adjourned at 8:04 p.m.

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

David T. Shuey, Mayor

CITY OF CLAYTON
Founded 1857 .. Incorporated 1964

Agenda Date: 4/5/11

Agenda Item: 4b

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER mp

DATE: APRIL 5, 2011

SUBJECT: INVOICE SUMMARY

RECOMMENDATION	**Approve the following Invoices.**	
3/16/11	Invoice Expense Allocation Report	$300.00
4/1/11	Cash Requirements Report	$358,883.66
2/22/11	CALCARD Program Report	$20,308.10

Attachments:
Invoice Expense Allocation Report, dated 3/16/11 (1 page)
Cash Requirements Report, dated 4/1/11 (5 pages)
CALCARD Program Report, dated 2/22/11 (2 pages)

City of Clayton
Invoice Expense Allocation Report
CC Meeting 4/5/11

Vendor Name Tax Identification Number	Transaction Date Transaction Number	Description Transaction Type	Status	Account Number	Account Description	Amount
Neopost (add postage)						
Neopost (add postage)	3/15/2011 3/15/11	Postage Added 3/15/11 Invoice	Paid	101-7314-05	Postage	$300.00
					Totals for Neopost (add postage):	*$300.00*

City of Clayton
Cash Requirements Report
CC Meeting 4/5/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Airgas								
Airgas	3/31/2011	12/31/2010	102773062	Argon - 6 months	$77.58	$0.00		$77.58
				Totals for Airgas:	*$77.58*	*$0.00*		*$77.58*
All City Management Services, Inc.								
All City Management Services, Inc.	3/31/2011	3/14/2011	22220	Crossing Guard 2/27-3/12/11	$465.00	$0.00		$465.00
All City Management Services, Inc.	4/1/2011	2/28/2011	22076	Crossing Guard 2/13-2/26/11	$372.00	$0.00		$372.00
				Totals for All City Management Services, Inc.:	*$837.00*	*$0.00*		*$837.00*
AT&T/ CalNet 2								
AT&T/ CalNet 2	4/1/2011	3/21/2011	32111	Master Billings 2/3-3/21/11	$1,725.14	$0.00		$1,725.14
				Totals for AT&T/ CalNet 2:	*$1,725.14*	*$0.00*		*$1,725.14*
BAE Urban Economics Inc								
BAE Urban Economics Inc	3/16/2011	3/7/2011	1712-Feb11	CChurch Impact Study 2/11	$13,915.75	$0.00		$13,915.75
				Totals for BAE Urban Economics Inc:	*$13,915.75*	*$0.00*		*$13,915.75*
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	3/31/2011	3/11/2011	268521	Spray Chalk	$44.74	$0.00		$44.74
Bay Area Barricade Serv.	3/31/2011	3/11/2011	268369	Signs & Decals	$314.64	$0.00		$314.64
				Totals for Bay Area Barricade Serv.:	*$359.38*	*$0.00*		*$359.38*
CA Dept of Motor Vehicles								
CA Dept of Motor Vehicles	3/17/2011	3/8/2011	3/7/11	PD 2011 Vehicle Code	$176.01	$0.00		$176.01
				Totals for CA Dept of Motor Vehicles:	*$176.01*	*$0.00*		*$176.01*
CalPERS Health								
CalPERS Health	4/1/2011	3/15/2011	402	Health Premiums for April 2011	$28,656.62	$0.00		$28,656.62
				Totals for CalPERS Health:	*$28,656.62*	*$0.00*		*$28,656.62*
Caltronics Business Systems, Inc								
Caltronics Business Systems, Inc	4/1/2011	3/15/2011	820471	March Service	$166.72	$0.00		$166.72
				Totals for Caltronics Business Systems, Inc:	*$166.72*	*$0.00*		*$166.72*
CCC Auditor-Controller (Booking)								
CCC Auditor-Controller (Booking)	4/1/2011	3/10/2011	31011	Booking Fees February 2011	$98.00	$0.00		$98.00
				Totals for CCC Auditor-Controller (Booking):	*$98.00*	*$0.00*		*$98.00*
CCC General Services (Traffic)								
CCC General Services (Traffic)	3/31/2011	2/24/2011	4111		$4,276.40	$0.00		$4,276.40
				Totals for CCC General Services (Traffic):	*$4,276.40*	*$0.00*		*$4,276.40*
CCC Office of the Sheriff - Forensic Svc Division (Lab)								
CCC Office of the Sheriff - Forensic Svc	4/1/2011	3/11/2011	CLPD-1102	Forensic Svc February	$1,500.00	$0.00		$1,500.00
				Totals for CCC Office of the Sheriff - Forensic Svc Division (Lab):	*$1,500.00*	*$0.00*		*$1,500.00*

City of Clayton
Cash Requirements Report
CC Meeting 4/5/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
City of Concord								
City of Concord	3/17/2011	3/4/2011	24049	PD Dispatch & Router Svc 2/11	$13,285.00	$0.00		$13,285.00
City of Concord	3/17/2011	3/4/2011	24059	PD Vehicle Maintenance 2/11	$307.84	$0.00		$307.84
				Totals for City of Concord:	*$13,592.84*	*$0.00*		*$13,592.84*
Clayton K9 Coalition								
Clayton K9 Coalition	3/16/2011	3/10/2011	Libr 1/30/11	Refund Library Deposit less fees 1/30/11	$158.00	$0.00		$158.00
				Totals for Clayton K9 Coalition:	*$158.00*	*$0.00*		*$158.00*
Clayton Pioneer								
Clayton Pioneer	3/16/2011	3/8/2011	11156	LMI Ad 268 Stranahan 3/11	$300.00	$0.00		$300.00
				Totals for Clayton Pioneer:	*$300.00*	*$0.00*		*$300.00*
Contra Costa Water Dist.								
Contra Costa Water Dist.	4/1/2011	3/9/2011	1 Series 1/6to3/7/11	1 Series 1/6-3/7/11	$4,843.21	$0.00		$4,843.21
				Totals for Contra Costa Water Dist.:	*$4,843.21*	*$0.00*		*$4,843.21*
CR Fireline Inc								
CR Fireline Inc	3/31/2011	2/28/2011	87304	Endeavor Hall Svc	$218.28	$0.00		$218.28
				Totals for CR Fireline Inc:	*$218.28*	*$0.00*		*$218.28*
CSAC Excess Insurance Authority								
CSAC Excess Insurance Authority	4/1/2011	4/1/2011	1120366-IN	EAP April-June 2011	$304.98	$0.00		$304.98
				Totals for CSAC Excess Insurance Authority:	*$304.98*	*$0.00*		*$304.98*
Diamond Terrace c/o PAM								
Diamond Terrace c/o PAM	3/17/2011	3/16/2011	#8 Payment	Payment #8 on Loan Agreement 2011	$200,000.00	$0.00		$200,000.00
				Totals for Diamond Terrace c/o PAM:	*$200,000.00*	*$0.00*		*$200,000.00*
Gary Dobson Construction								
Gary Dobson Construction	4/1/2011	3/23/2011		Minor SWP 0002-Refund	$500.00	$0.00		$500.00
				Totals for Gary Dobson Construction:	*$500.00*	*$0.00*		*$500.00*
Goldfarb & Lipman								
Goldfarb & Lipman	4/1/2011	3/15/2011	100765	RDA General legal through 2/28/11	$49.00	$0.00		$49.00
				Totals for Goldfarb & Lipman:	*$49.00*	*$0.00*		*$49.00*
Graybar Electric Co, Inc								
Graybar Electric Co, Inc	3/31/2011	2/18/2011	952527751	Property Damage Light Pole Replacement	$3,004.38	$0.00		$3,004.38
				Totals for Graybar Electric Co, Inc:	*$3,004.38*	*$0.00*		*$3,004.38*
Hammons Supply Company								
Hammons Supply Company	3/31/2011	3/18/2011	65391	Janitorial Supplies	$308.19	$0.00		$308.19
Hammons Supply Company	3/31/2011	3/8/2011	65225	Janitorial Supplies	$332.12	$0.00		$332.12
Hammons Supply Company	3/31/2011	3/11/2011	65199-1	Latex Gloves	$39.33	$0.00		$39.33

City of Clayton
Cash Requirements Report
CC Meeting 4/5/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Hammons Supply Company	3/31/2011	3/4/2011		Janitorial Supplies - Towels - TP	$1,348.13	$0.00		$1,348.13
				Totals for Hammons Supply Company:	*$2,027.77*	*$0.00*		*$2,027.77*
Health Care Dental Trust								
Health Care Dental Trust	4/6/2011	3/10/2011	122487	Dental Premiums 4/11	$2,517.24	$0.00		$2,517.24
				Totals for Health Care Dental Trust:	*$2,517.24*	*$0.00*		*$2,517.24*
J & R Floor Services								
J & R Floor Services	3/31/2011	3/30/2011	33011	Janitorial for the month of March	$4,969.98	$0.00		$4,969.98
				Totals for J & R Floor Services:	*$4,969.98*	*$0.00*		*$4,969.98*
John Deere Landscapes Inc								
John Deere Landscapes Inc	3/31/2011	2/15/2011	56877162		$110.31	$0.00		$110.31
John Deere Landscapes Inc	3/31/2011	3/16/2011	57100806	CVLL Field Prep Materials	$459.83	$0.00		$459.83
				Totals for John Deere Landscapes Inc:	*$570.14*	*$0.00*		*$570.14*
LarryLogic Productions								
LarryLogic Productions	4/1/2011	3/16/2011	1128	City Council Meeting 3/15+Camera repair	$360.00	$0.00		$360.00
				Totals for LarryLogic Productions:	*$360.00*	*$0.00*		*$360.00*
Lexipol LLC								
Lexipol LLC	4/1/2011	3/1/2011	5199	Training Bulletins 4/1/11-3/31/12	$2,000.00	$0.00		$2,000.00
				Totals for Lexipol LLC:	*$2,000.00*	*$0.00*		*$2,000.00*
LSA Associates Inc								
LSA Associates Inc	4/1/2011	3/14/2011	106494	CCC EIR	$4,669.87	$0.00		$4,669.87
				Totals for LSA Associates Inc:	*$4,669.87*	*$0.00*		*$4,669.87*
Marken Mechanical Services Inc								
Marken Mechanical Services Inc	3/31/2011	2/23/2011	411-1148	City Hall HVAC Mtn 1/11	$332.50	$0.00		$332.50
Marken Mechanical Services Inc	3/31/2011	3/22/2011	411-1148-3	City Hall HVAC Mtn March	$332.50	$0.00		$332.50
Marken Mechanical Services Inc	3/31/2011	3/16/2011	411-1551-3	City Hall HVAC Controls Mtn March	$150.00	$0.00		$150.00
Marken Mechanical Services Inc	3/31/2011	3/23/2011	411-1146	Library HVAC Mtn January 2011	$502.17	$0.00		$502.17
Marken Mechanical Services Inc	3/31/2011	3/22/2011	411-1146-3	Library HVAC Equip Mtn March	$502.17	$0.00		$502.17
Marken Mechanical Services Inc	3/31/2011	3/16/2011	411-1152-3	Library HVAC Controls Mtn March	$150.00	$0.00		$150.00
				Totals for Marken Mechanical Services Inc:	*$1,969.34*	*$0.00*		*$1,969.34*
Michel & Fackler APC								
Michel & Fackler APC	3/31/2011	3/3/2011	10870	Clayton vs MPA Litigation 2/7-2/28/11	$3,420.65	$0.00		$3,420.65
				Totals for Michel & Fackler APC:	*$3,420.65*	*$0.00*		*$3,420.65*
Moore's A-1 Doors								
Moore's A-1 Doors	3/31/2011	3/9/2011	11524	Endeavor Hall Doors	$1,328.63	$0.00		$1,328.63
Moore's A-1 Doors	3/31/2011	3/9/2011	11525	Keller House Doors	$1,523.16	$0.00		$1,523.16
				Totals for Moore's A-1 Doors:	*$2,851.79*	*$0.00*		*$2,851.79*

City of Clayton
Cash Requirements Report
CC Meeting 4/5/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Municipal Pooling Authority								
Municipal Pooling Authority	4/5/2011	3/17/2011	4/11	LTD, Life, AD&D Premiums 4/11	$1,158.96	$0.00		$1,158.96
				Totals for Municipal Pooling Authority:	*$1,158.96*	*$0.00*		*$1,158.96*
NBS Govt. Finance Group								
NBS Govt. Finance Group	4/1/2011	3/20/2011	C03201106	Adm Fees April-June 2011	$4,754.73	$0.00		$4,754.73
				Totals for NBS Govt. Finance Group:	*$4,754.73*	*$0.00*		*$4,754.73*
Pacific Telemanagement Svc								
Pacific Telemanagement Svc	4/1/2011	3/23/2011	261672	Outside Phone Booth April Svc	$73.00	$0.00		$73.00
				Totals for Pacific Telemanagement Svc:	*$73.00*	*$0.00*		*$73.00*
Pamela R. McDowell								
Pamela R. McDowell	4/1/2011	3/31/2011		C&D Deposit Refund	$2,000.00	$0.00		$2,000.00
				Totals for Pamela R. McDowell:	*$2,000.00*	*$0.00*		*$2,000.00*
Paramount Elevator Corp.								
Paramount Elevator Corp.	3/31/2011	3/17/2011	149184	Bi-Monthly Svc	$220.00	$0.00		$220.00
				Totals for Paramount Elevator Corp.:	*$220.00*	*$0.00*		*$220.00*
PERMCO, Inc.								
PERMCO, Inc.	3/31/2011	3/29/2011	9385	General Engineering Svc	$5,340.25	$0.00		$5,340.25
PERMCO, Inc.	3/31/2011	3/29/2011	9389	ABAG Haz Mitigation Plan Update 2010	$115.50	$0.00		$115.50
PERMCO, Inc.	3/31/2011	3/29/2011	9390	Community Park CIP 10413	$16,286.45	$0.00		$16,286.45
PERMCO, Inc.	3/31/2011	3/29/2011	9391	Diablo Estates SPR	$750.00	$0.00		$750.00
PERMCO, Inc.	3/31/2011	3/29/2011	9386	PG&E EP 2911,2912,2915 Inspections	$62.25	$0.00		$62.25
PERMCO, Inc.	3/31/2011	3/29/2011	9387	CCWD EP 2913 Inspections	$373.50	$0.00		$373.50
PERMCO, Inc.	3/31/2011	3/29/2011	9388	Weisendanger SWP13-09 Inspection	$62.25	$0.00		$62.25
PERMCO, Inc.	3/31/2011	3/29/2011	9388	O'Meara SWP 01-10 Inspection	$62.25	$0.00		$62.25
PERMCO, Inc.	3/31/2011	3/29/2011	9388	Hedges SWP-CAP 0004	$62.25	$0.00		$62.25
				Totals for PERMCO, Inc.:	*$23,114.70*	*$0.00*		*$23,114.70*
PG&E								
PG&E	4/1/2011	3/18/2011	7293447797-6-3	Master Acct Gas 1/25-2/23/11 & Ele 1/18-3/	$16,183.69	$0.00		$16,183.69
PG&E	4/1/2011	3/21/2011	1199663768-9-3	Small Traffic & Irrigation March	$445.78	$0.00		$445.78
				Totals for PG&E:	*$16,629.47*	*$0.00*		*$16,629.47*
Raney Planning & Management, Inc.								
Raney Planning & Management, Inc.	3/16/2011	3/8/2011	1107P-1	Growth Management Element Update 2/11	$1,250.00	$0.00		$1,250.00
				Totals for Raney Planning & Management, Inc.:	*$1,250.00*	*$0.00*		*$1,250.00*
Robert Cohen								
Robert Cohen	4/1/2011	3/23/2011	08-11	Refund HOP & Bus License	$206.00	$0.00		$206.00
				Totals for Robert Cohen:	*$206.00*	*$0.00*		*$206.00*

City of Clayton
Cash Requirements Report
CC Meeting 4/5/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
San Diego Police Equipment Co.								
San Diego Police Equipment Co.	3/31/2011	3/14/2011	596680	Ammunition	$583.69	$0.00		$583.69
				Totals for San Diego Police Equipment Co.:	*$583.69*	*$0.00*		*$583.69*
Sprint Comm (PW & ADM)								
Sprint Comm (PW & ADM)	3/31/2011	3/1/2011	531409315-106	Public & Admin Works Nextel 1/26-2/25/11	$219.04	$0.00		$219.04
				Totals for Sprint Comm (PW & ADM):	*$219.04*	*$0.00*		*$219.04*
State Water Resources Control Board-Division Water Quality								
State Water Resources Control Board-Di	3/31/2011	3/18/2011	413276	CC Park CIP 10413 SWRCB Permit	$200.00	$0.00		$200.00
				Totals for State Water Resources Control Board-Division Water Quality:	*$200.00*	*$0.00*		*$200.00*
Steven Woerner								
Steven Woerner	4/1/2011	3/21/2011	32111	Refund Endeavor Hall Dep 3/18/11 Event	$500.00	$0.00		$500.00
				Totals for Steven Woerner:	*$500.00*	*$0.00*		*$500.00*
Valley Yellow Pages								
Valley Yellow Pages	3/16/2011	3/1/2011	4/11-6/11	EH Valley Yellow Pgs 4/11-6/11	$346.50	$0.00		$346.50
				Totals for Valley Yellow Pages:	*$346.50*	*$0.00*		*$346.50*
Waraner Brothers Tree Service								
Waraner Brothers Tree Service	3/31/2011	2/22/2011	9202	Marsh Crk Rd & Peacock Dr Pruning 1/28-2	$7,200.00	$0.00		$7,200.00
				Totals for Waraner Brothers Tree Service:	*$7,200.00*	*$0.00*		*$7,200.00*
Western Exterminator								
Western Exterminator	3/16/2011	2/28/2011	546800		$311.50	$0.00		$311.50
				Totals for Western Exterminator:	*$311.50*	*$0.00*		*$311.50*
				GRAND TOTALS:	**$358,883.66**	**$0.00**		**$358,883.66**

Vendor #2349
CALCARD PROGRAM

US Bank Corp Payment System
PO Box 790428
St Louis MO 63179-0428

Statement Date: 2/22/11 **2/11**

Admin Dept/ Description	Inv #	Sub-Totals	Totals	Account #s	Project ID		Attribute
Safeway-CC mtg. refreshments	ADM 2/11	$20.46	$673.78	101-7312-05			
Ofs. Depot-Shredder maint.		$36.62					
Ofs. Depot-Shredder		$324.46					
Ofs. Depot-Office Supplies		$18.86					
Ofs. Depot-Office Supplies		$39.32					
Ofs. Depot-Office Supplies		$132.13					
Ofs. Depot- OfficeSupplies		$88.74					
Walgreens-Office Supplies		$13.19					
MMANC Membership		$65.00	$65.00	101-7324-02			
Geoconsultants Well Monitoring (8/09)		$1,546.50	$1,546.50	101-7430-08			
Adv. Bus. Equip--Typewriter Repair		$263.25	$263.25	101-7345-05			
MMANC Women's Conf.		$90.00	$90.00	101-7372-02			
Land Use Navigators-Sub Map Act Seminar		$195.00	$195.00	101-7373-04			
		Totals	**$2,833.53**				

Public Works Dept/ Description		Sub-Totals	Totals	Account #s	Project ID		Attribute
Redwing-Boots	PW 2/11	$157.86	$521.52	101-7311-03			
OSH-Bug Spray		$26.19					
OSH-Cleaning Supplies		$44.18					
Ofs. Depot-Printer Cartridge		$74.27					
Staples-Office Supplies		$154.85					
Staples-Office Supplies		$64.17					
Kully Supply-Drinking Fountain Parts Park		$435.70	$497.84	101-7329-09			
Tap Plastics-Plastic for Board at Park		$62.14					
OSH-City Hall Lights		$40.37	$40.37	101-7341.03			
US Marker Board-Library Board		$719.16	$766.08	101-7341-07			
Ace Hardware-Library Fawcet Aerator		$4.36					
Osh-Library Board Supplies		$42.56					
Shell-Gas		$79.77	$79.77	101-7343-03			
Vehicle Gas		$59.59	$1,525.40	101-7344-03			
Vehicle Gas		$788.04					
Vehicle Gas		$225.00					
Vehicle Gas		$452.77					
Glover & Sons-Heating System Maint.		$7,472.00	$8,272.00	101-7347-03			
Glover & Sons-Vent Installation		$800.00					
Dolan's Lumber-Wood for trees		$40.64	$846.38	210-7311			
Dolan's Lumber-Landscape Trails		$805.74					
Valero-Fuel		$56.71	$56.71	210-7344			
Dolan's Lumber-Grove Park		$537.59	$537.59	211-7310			
OSH-Street Lights Res.		$102.63	$102.63	214-7311			
OSH-Flowers EH		$48.41	$48.41	702-7311			
		Totals	**$13,294.70**				

Police Dept/ Description		Sub-Totals	Totals	Account #s	Project ID		Attribute
Zee Medical - Medical Supplies	PD 2/11	$92.82	$97.18	101-7311-06			
CVS-Krazy Glue to fix PAS		$4.36					
Office Depot - Office Supplies		$339.24	$339.24	101-7312-06			
Proforce Mrktg.-Taser Cartridges		$511.48	$774.19	101-7313-06			
Galls-Pepper Spray & Spit Hood		$88.00					
Taser-Taser Cartridges		$76.42					
Galls-N95 Respirators		$98.29					
Postage		$16.62	$78.77	101-7314-06			
Postage		$33.24					
Postage		$28.91					
Car Wash		$7.50	$7.50	101-7343-06			
Vehicle Gas		$92.94	$2,827.53	101-7344-06			
Vehicle Gas		$139.83					
Vehicle Gas		$79.72					
Vehicle Gas		$236.56					
Vehicle Gas		$117.48					
Vehicle Gas		$54.72					

Vehicle Gas		$321.59					
Vehicle Gas		$104.26					
Vehicle Gas		$101.45					
Vehicle Gas		$408.86					
Vehicle Gas		$646.23					
Vehicle Gas		$304.31					
Vehicle Gas		$219.58					
Devil's Mtn - Employee Recognition		$50.00	$50.00	101-7364-06			
Burger King-Training Class		$5.46	$5.46	101-7373-06			
		Totals	**$4,179.87**				

Check Figures

Adm	$2,833.53
PW	$13,294.70
PD	$4,179.87
Total bill	**$20,308.10**

City Manager 03-30-11 Date

usbank.

P.O. BOX 6343
FARGO ND 58125-6343

ACCOUNT NUMBER	4246 0445 5565 0674
STATEMENT DATE	02-22-2011
AMOUNT DUE	$47,603.58
NEW BALANCE	$47,603.58

PAYMENT DUE ON RECEIPT

AMOUNT ENCLOSED
$ 20,308.10

Please make check payable to "U.S. Bank"

000000659 2 AT 0.482 106481969138435 P

CITY OF CLAYTON
LYNN CUPIT
6000 HERITAGE TRAIL
CLAYTON CA 94517-1249

U.S. BANK CORPORATE PAYMENT SYST
P.O. BOX 790428
ST. LOUIS, MO 63179-0428

4246044555650674 004760358 004760358

Please tear payment coupon at perforation.

CORPORATE ACCOUNT SUMMARY

CITY OF CLAYTON 4246 0445 5565 0674	Previous Balance	+ Purchases And Other Charges	+ Cash Advances	+ Cash Advance Fees	+ Late Payment Charges	- Credits	- Payments	= New Balance
Company Total	$27,295.48	$20,566.62	$0.00	$.00	$0.00	$258.52	$0.00	$47,603.5

NEW ACTIVITY

MARK JANNEY	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
4246-0400-1392-6722	$185.71	$11,572.81	$0.00	$11,387.10

Post Date	Tran Date	Reference Number	Transaction Description	Amount
01-31	01-28	24427331029120003797583	PACHECO VALERO PACHECO CA	56.71
02-02	02-01	24492151032849371678374	USMARKERBOARD 800-791-2946 MA	719.16
02-03	02-02	24275391033900017700256	TAP PLASTICS #14 925-7980420 CA	62.14
02-03	02-02	24492791033118000100024	GLOVER & SON HEATING & AI 510-6576741 CA	8,272.00
02-03	02-02	24717051033640334393239	DOLAN'S OF CONCORD CONCORD CA	1,343.33
02-07	02-04	74425131036513004010034	RED WING SHOE CO, INC. CONCORD CA	185.71 CR
02-07	02-04	24425131036513004010021	RED WING SHOE CO, INC. CONCORD CA	185.71
02-07	02-04	24425131036513004010047	RED WING SHOE CO, INC. CONCORD CA	157.86
02-08	02-04	24387751038004038042825	ORCHARD SUPPLY #0251 CONCORD CA	26.19
02-08	02-04	24387751038004038043583	ORCHARD SUPPLY #0251 CONCORD CA	44.18
02-11	02-09	24316051041548586039084	SHELL OIL 57444673503 CONCORD CA	59.59
02-11	02-10	24388941041230186670585	BILLS ACE(925)228-6150 CONCORD CA	4.36
02-11	02-10	24717051041640414503293	DOLAN'S OF CONCORD CONCORD CA	40.64
02-14	02-10	24387751042004045041467	ORCHARD SUPPLY #0251 CONCORD CA	48.41
02-17	02-16	24692161047000179040660	GOOGLE *KULLY SUPPLY GOOGLE.COM/CH CA	435.70
02-21	02-18	24445741050200071623638	OFFICE DEPOT 1135 800-463-3768 CA	74.27
02-22	02-18	24387751052004044032597	ORCHARD SUPPLY #0251 CONCORD CA	42.56

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C/O U.S.

20,533.62
228.52
20,308.10

ACCOUNT NUMBER	
46-0445-5565-0674	
EMENT DATE	DISPUTED AMOUNT
2/22/11	.00

AMOUNT DUE
47,603.58

ACCOUNT SUMMARY	
PREVIOUS BALANCE	27,295.48
PURCHASES & OTHER CHARGES	20,566.62
CASH ADVANCES	.00
CASH ADVANCE FEES	.00
LATE PAYMENT CHARGES	.00
CREDITS	258.52
PAYMENTS	.00
ACCOUNT BALANCE	47,603.58

Company Name: CITY OF CLAYTON
Corporate Account Number: 4246 0445 5565 0674
Statement Date: 02-22-2011

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NEW ACTIVITY

MERRY PELLETIER 4246-0400-1392-6730	CREDITS $0.00	PURCHASES $1,809.75	CASH ADV $0.00	TOTAL ACTIVITY $1,809.75

Post Date	Tran Date	Reference Number	Transaction Description	Amount
01-26	01-24	24269281025980004168569	GEOCONSULTANTS, INC. 408-453-2541 CA	1,546.50
02-11	02-09	24335451042004100009011	ADVANCED BUSINESS EQUIPME CONCORD CA	263.25

ED BRYCE 4246-0400-1392-6748	CREDITS $0.00	PURCHASES $225.00	CASH ADV $0.00	TOTAL ACTIVITY $225.00

Post Date	Tran Date	Reference Number	Transaction Description	Amount
01-27	01-25	24427331026120002173623	F & T VALERO CONCORD CONCORD CA	75.00
02-04	02-02	24427331034120002087161	F & T VALERO CONCORD CONCORD CA	75.00
02-17	02-15	24427331047120002325251	F & T VALERO CONCORD CONCORD CA	75.00

DAN JOHNSTON 4246-0400-1392-6755	CREDITS $0.00	PURCHASES $788.04	CASH ADV $0.00	TOTAL ACTIVITY $788.04

Post Date	Tran Date	Reference Number	Transaction Description	Amount
01-26	01-24	24316051025548574005618	SHELL OIL 57444673503 CONCORD CA	80.00
01-27	01-25	24427331026120002173938	F & T VALERO CONCORD CONCORD CA	50.67
01-31	01-27	24316051028548596035962	SHELL OIL 57444673503 CONCORD CA	78.39
02-02	01-31	24316051032548637033541	SHELL OIL 57444673503 CONCORD CA	74.80
02-03	02-01	24427331033120002057660	F & T VALERO CONCORD CONCORD CA	35.04
02-04	02-02	24427331034120002086585	F & T VALERO CONCORD CONCORD CA	75.00
02-07	02-03	24427331035120002228004	F & T VALERO CONCORD CONCORD CA	37.24
02-09	02-07	24316051039548576042944	SHELL OIL 57444673503 CONCORD CA	80.00
02-10	02-08	24427331040120002244608	F & T VALERO CONCORD CONCORD CA	51.90
02-18	02-16	24316051048548598016776	SHELL OIL 57444673503 CONCORD CA	75.00
02-21	02-17	24427331049120002398736	F & T VALERO CONCORD CONCORD CA	75.00
02-21	02-18	24427331050120002675147	F & T VALERO CONCORD CONCORD CA	75.00

JOHN JOHNSTON 4246-0400-1392-6763	CREDITS $0.00	PURCHASES $441.79	CASH ADV $0.00	TOTAL ACTIVITY $441.79

Post Date	Tran Date	Reference Number	Transaction Description	Amount
01-25	01-21	24387751024004039040212	ORCHARD SUPPLY #0251 CONCORD CA	40.37
01-31	01-28	24164071029105092932042	STAPLES 00113654 CONCORD CA	154.85
02-01	01-29	24387751031004042191839	ORCHARD SUPPLY #0251 CONCORD CA	102.63
02-07	02-04	24316051036548617051139	SHELL OIL 57444673503 CONCORD CA	79.77
02-14	02-12	24164071044105117584316	STAPLES 00113654 CONCORD CA	64.17

RICHARD ENEA II 4246-0400-1392-6797	CREDITS $0.00	PURCHASES $321.59	CASH ADV $0.00	TOTAL ACTIVITY $321.59

Company Name: CITY OF CLAYTON
Corporate Account Number: 4246 0445 5565 0674
Statement Date: 02-22-2011

NEW ACTIVITY

Post Date	Tran Date	Reference Number	Transaction Description	Amount
01-27	01-25	24316051026548573024411	SHELL OIL 57444673503 CONCORD CA	42.00
01-31	01-27	24316051028548594035881	SHELL OIL 57444673503 CONCORD CA	33.00
02-01	01-29	24316051031548571045353	SHELL OIL 57444673503 CONCORD CA	45.50
02-04	02-02	24316051034548524006947	SHELL OIL 57444673503 CONCORD CA	47.00
02-09	02-07	24316051039548571042857	SHELL OIL 57444673503 CONCORD CA	31.58
02-10	02-08	24316051040548585034749	SHELL OIL 57444673503 CONCORD CA	46.01
02-16	02-14	24316051046548588006235	SHELL OIL 57444673503 CONCORD CA	39.50
02-21	02-17	24316051049548613009441	SHELL OIL 57444673503 CONCORD CA	37.00

SCOTT DANSIE 4246-0400-1392-6839	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
	$0.00	$117.48	$0.00	$117.48

Post Date	Tran Date	Reference Number	Transaction Description	Amount
01-31	01-27	24316051028548596036176	SHELL OIL 57444673503 CONCORD CA	39.60
02-14	02-12	24164071044619199281997	UNION 76 10011146 CONCORD CA	37.88
02-21	02-19	24316051051548587052026	SHELL OIL 57444673503 CONCORD CA	40.00

ALLEN WHITE 4246-0400-1392-6847	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
	$0.00	$101.45	$0.00	$101.45

Post Date	Tran Date	Reference Number	Transaction Description	Amount
01-26	01-25	24164071025619951993881	UNION 76 10011146 CONCORD CA	7.50
02-03	02-02	24164071033619068637892	UNION 76 10011146 CONCORD CA	43.50
02-15	02-14	24164071045619233203576	UNION 76 10011146 CONCORD CA	50.45

DAN LAWRENCE 4246-0400-1392-6854	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
	$0.00	$92.94	$0.00	$92.94

Post Date	Tran Date	Reference Number	Transaction Description	Amount
02-01	01-31	24164071031619042157282	UNION 76 10011146 CONCORD CA	39.53
02-11	02-10	24164071041619176605328	UNION 76 10011146 CONCORD CA	53.41

RICHARD MCEACHIN 4246-0400-1392-6862	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
	$0.00	$532.54	$0.00	$532.54

Post Date	Tran Date	Reference Number	Transaction Description	Amount
01-26	01-23	24316051025548572005545	SHELL OIL 57444673503 CONCORD CA	24.26
01-26	01-24	24316051025548573005817	SHELL OIL 57444673503 CONCORD CA	34.52
01-28	01-26	24316051027548585013641	SHELL OIL 57444673503 CONCORD CA	52.09
01-28	01-27	24692161027000361641162	UPS*1ZT29F260294592084 800-811-1648 GA	23.63
01-31	01-28	24692161028000542142337	UPS*2920P1ESLIO 800-811-1648 GA	5.28
02-04	02-02	24316051034548525006946	SHELL OIL 57444673503 CONCORD CA	46.61
02-09	02-07	24445001039100191886138	CVS PHARMACY #6526 CLAYTON CA	4.36
02-09	02-08	24692161039000703060812	GAL*GALLS INC 800-504-0328 KY	88.00

Company Name: CITY OF CLAYTON
Corporate Account Number: 4246 0445 5565 0674
Statement Date: 02-22-2011

NEW ACTIVITY

Post Date	Tran Date	Reference Number	Transaction Description	Amount
02-10	02-08	24316051040548585034582	SHELL OIL 57444673503 CONCORD CA	23.82
02-10	02-10	24692161041000932844966	TI *TASER INTL 800-418-9283 AZ	76.42
02-11	02-09	24316051041548588039009	SHELL OIL 57444673503 CONCORD CA	23.20
02-16	02-15	24692161046000028578465	GAL*GALLS INC 800-504-0328 KY	98.29
02-18	02-16	24316051048548596016695	SHELL OIL 57444673503 CONCORD CA	32.06

LAURA HOFFMEISTER	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
4246-0400-1392-6870	$0.00	$13.19	$0.00	$13.19

Post Date	Tran Date	Reference Number	Transaction Description	Amount
02-07	02-05	24445001037600122625507	WALGREENS #2112 CLAYTON CA	13.19

LYNN CHRIST	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
4246-0400-1392-6888	$0.00	$960.16	$0.00	$960.16

Post Date	Tran Date	Reference Number	Transaction Description	Amount
02-03	02-02	24164071033418225481835	USPS 05159603133502543 CLAYTON CA	16.62
02-04	02-03	24493981035286706800017	ZEE MEDICAL SERVICE 800-369-9881 CA	92.82
02-08	02-07	24275391038900013800022	PROFORCE MARKETING INC 928-7767192 AZ	511.48
02-21	02-18	24445741050200071623711	OFFICE DEPOT 1135 800-463-3768 CA	339.24

SANDRO ARIAS	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
4246-0400-1392-6896	$0.00	$452.77	$0.00	$452.77

Post Date	Tran Date	Reference Number	Transaction Description	Amount
01-28	01-26	24316051027548588013473	SHELL OIL 57444673503 CONCORD CA	38.06
01-31	01-28	24427331029120002640123	F & T VALERO CONCORD CONCORD CA	72.71
02-07	02-04	24316051036548618051138	SHELL OIL 57444673503 CONCORD CA	80.00
02-09	02-07	24427331039120002224231	F & T VALERO CONCORD CONCORD CA	75.00
02-11	02-09	24316051041548587039083	SHELL OIL 57444673503 CONCORD CA	37.00
02-21	02-17	24427331049120002399171	F & T VALERO CONCORD CONCORD CA	75.00
02-21	02-18	24427331050120002675634	F & T VALERO CONCORD CONCORD CA	75.00

LACI JACKSON	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
4246-0400-1392-6912	$0.00	$815.59	$0.00	$815.59

Post Date	Tran Date	Reference Number	Transaction Description	Amount
01-31	01-28	24445741029100216396116	OFFICE DEPOT #5125 800-463-3768 CA	18.86
01-31	01-28	24445741029100216396298	OFFICE DEPOT 1135 800-463-3768 CA	39.32
01-31	01-28	24445741029100216396371	OFFICE DEPOT 1135 800-463-3768 CA	132.13
02-02	01-31	24445741032100217998782	OFFICE DEPOT 1135 800-463-3768 CA	88.74
02-03	02-01	24164071033221011480544	SAFEWAY STORE00011957 CLAYTON CA	20.46
02-09	02-07	24445741039100191886212	OFFICE DEPOT 1135 800-463-3768 CA	36.62
02-10	02-08	24445741040100187526258	OFFICE DEPOT 1135 800-463-3768 CA	324.46

Company Name: CITY OF CLAYTON
Corporate Account Number: 4246 0445 5565 0674
Statement Date: 02-22-2011

NEW ACTIVITY

Post Date	Tran Date	Reference Number	Transaction Description	Amount
02-21	02-17	24632691049049234625806	MUNICIPAL MGMT. ASSOC. OF 707-5433341 CA	65.00
02-21	02-17	24632691049049234625905	MUNICIPAL MGMT. ASSOC. OF 707-5433341 CA	90.00

JASON SHAW	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
4246-0400-1392-6920	$39.19	$348.96	$0.00	$309.77

Post Date	Tran Date	Reference Number	Transaction Description	Amount
01-26	01-25	24186161025200799300838	BURGER KING #9343 SALIDA CA	5.46
01-31	01-28	24316051030548645049978	SHELL OIL 57444673503 CONCORD CA	39.19
01-31	01-28	24316051030548645049978	SHELL OIL 57444673503 CONCORD CA	39.19
02-01	01-28	24316051030548645049978	SHELL OIL 57444673503 CONCORD CA	39.19CR
02-01	01-30	24316051031548538009435	SHELL OIL 57444673503 CONCORD CA	33.50
02-04	02-02	24164071034619072087844	UNION 76 10011146 CONCORD CA	24.97
02-07	02-04	24316051036548613051349	SHELL OIL 57444673503 CONCORD CA	30.30
02-08	02-06	24316051038548507016356	SHELL OIL 57444673503 CONCORD CA	63.81
02-14	02-11	24316051044548587040294	SHELL OIL 57444673503 CONCORD CA	37.77
02-21	02-17	24316051049548613009359	SHELL OIL 57444673503 CONCORD CA	41.48
02-21	02-18	24316051051548582051569	SHELL OIL 57444673503 CONCORD CA	33.29

RUSS EDDY	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
4246-0400-1392-6946	$0.00	$54.72	$0.00	$54.72

Post Date	Tran Date	Reference Number	Transaction Description	Amount
02-07	02-05	24164071037619114463901	UNION 76 10011146 CONCORD CA	14.30
02-14	02-12	24164071044619211045891	UNION 76 10011146 CONCORD CA	40.42

SHANNA DECOITE	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
4246-0400-1463-1263	$0.00	$104.26	$0.00	$104.26

Post Date	Tran Date	Reference Number	Transaction Description	Amount
01-26	01-24	24316051025548574005816	SHELL OIL 57444673503 CONCORD CA	30.69
02-18	02-16	24316051048548591016781	SHELL OIL 57444673503 CONCORD CA	39.03
02-22	02-20	24316051052548522045175	SHELL OIL 57444673503 CONCORD CA	34.54

DAREN BILLINGTON	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
4246-0400-1488-5976	$33.62	$687.35	$0.00	$653.73

Post Date	Tran Date	Reference Number	Transaction Description	Amount
01-28	01-26	24316051027548581013488	SHELL OIL 57444673503 CONCORD CA	46.59
01-28	01-26	24316051027548586013640	SHELL OIL 57444673503 CONCORD CA	17.76
01-31	01-27	24316051028548597035961	SHELL OIL 57444673503 CONCORD CA	49.70
01-31	01-28	24316051030548647049760	SHELL OIL 57444673503 CONCORD CA	33.62
01-31	01-28	24316051030548647049760	SHELL OIL 57444673503 CONCORD CA	33.62
02-01	01-28	24316051030548647049760	SHELL OIL 57444673503 CONCORD CA	33.62CR

Company Name: CITY OF CLAYTON	
Corporate Account Number: 4246 0445 5565 0674	
Statement Date: 02-22-2011	

NEW ACTIVITY

Post Date	Tran Date	Reference Number	Transaction Description	Amount
02-01	01-29	24316051031548575045094	SHELL OIL 57444673503 CONCORD CA	47.76
02-04	02-03	24164071034619077287290	UNION 76 10011146 CONCORD CA	7.50
02-04	02-02	24316051034548523007003	SHELL OIL 57444673503 CONCORD CA	45.76
02-07	02-03	24316051035548575038509	SHELL OIL 57444673503 CONCORD CA	22.11
02-07	02-04	24316051036548611051143	SHELL OIL 57444673503 CONCORD CA	31.08
02-07	02-05	24316051037548554038874	SHELL OIL 57444673503 CONCORD CA	36.13
02-11	02-09	24316051041548587039265	SHELL OIL 57444673503 CONCORD CA	36.14
02-14	02-10	24316051042548593057441	SHELL OIL 57444673503 CONCORD CA	43.10
02-14	02-11	24316051043548651017831	SHELL OIL 57444673503 CONCORD CA	44.41
02-14	02-12	24316051044548584040396	SHELL OIL 57444673503 CONCORD CA	30.82
02-18	02-16	24316051048548592016780	SHELL OIL 57444673503 CONCORD CA	53.88
02-21	02-17	24316051049548614009440	SHELL OIL 57444673503 CONCORD CA	26.02
02-21	02-18	24316051050548668011959	SHELL OIL 57444673503 CONCORD CA	36.73
02-21	02-19	24316051051548588051654	SHELL OIL 57444673503 CONCORD CA	44.62

DAVID WOLTERING	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
4246-0400-1514-0918	$0.00	$195.00	$0.00	$195.00

Post Date	Tran Date	Reference Number	Transaction Description	Amount
01-25	01-24	24692161024000886522494	GOOGLE *LAND USE NAVIG GOOGLE.COM/CH CA	195.00

ALLAN PIKE	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
4246-0400-1546-0803	$0.00	$408.86	$0.00	$408.86

Post Date	Tran Date	Reference Number	Transaction Description	Amount
01-31	01-27	24316051028548597036175	SHELL OIL 57444673503 CONCORD CA	45.45
02-01	01-29	24316051031548576045093	SHELL OIL 57444673503 CONCORD CA	43.30
02-03	02-02	24164071033619064663140	UNION 76 10011146 CONCORD CA	7.50
02-07	02-03	24316051035548576038508	SHELL OIL 57444673503 CONCORD CA	45.30
02-07	02-05	24316051037548551038612	SHELL OIL 57444673503 CONCORD CA	57.01
02-14	02-10	24316051042548594057440	SHELL OIL 57444673503 CONCORD CA	49.00
02-14	02-12	24316051044548581040621	SHELL OIL 57444673503 CONCORD CA	55.55
02-21	02-17	24316051049548615009621	SHELL OIL 57444673503 CONCORD CA	52.75
02-21	02-19	24316051051548581051669	SHELL OIL 57444673503 CONCORD CA	53.00

TODD SORRELL	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
4246-0400-1559-0260	$0.00	$219.58	$0.00	$219.58

Post Date	Tran Date	Reference Number	Transaction Description	Amount
02-07	02-03	24316051035548578038423	SHELL OIL 57444673503 CONCORD CA	38.40
02-07	02-05	24316051037548552038611	SHELL OIL 57444673503 CONCORD CA	45.10
02-08	02-06	24316051038548503016657	SHELL OIL 57444673503 CONCORD CA	47.14
02-14	02-12	24316051044548588040293	SHELL OIL 57444673503 CONCORD CA	47.65
02-21	02-17	24316051049548614009358	SHELL OIL 57444673503 CONCORD CA	41.29

Company Name: CITY OF CLAYTON
Corporate Account Number: 4246 0445 5565 0674
Statement Date: 02-22-2011

NEW ACTIVITY

LAUREN GEHRING	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
4246-0400-1682-5251	$0.00	$223.07	$0.00	$223.07

Post Date	Tran Date	Reference Number	Transaction Description	Amount
01-25	01-24	24164071024619938561786	UNION 76 10011146 CONCORD CA	27.85
01-27	01-26	24164071026619965828304	UNION 76 10011146 CONCORD CA	35.83
02-01	01-31	24164071031418215490541	USPS 05159603133502543 CLAYTON CA	16.62
02-03	02-02	24164071033619066756215	UNION 76 10011146 CONCORD CA	32.00
02-04	02-02	24226451034980019548912	DEVIL S MOUNTAIN AWARDS CONCORD CA	50.00
02-09	02-08	24164071039418235472570	USPS 05159603133502543 CLAYTON CA	5.54
02-10	02-09	24164071040418195472708	USPS 05159603133502543 CLAYTON CA	11.08
02-10	02-09	24164071040619158256679	UNION 76 10011146 CONCORD CA	44.15

TIM MARCHUT	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
4246-0441-0105-4355	$0.00	$79.72	$0.00	$79.72

Post Date	Tran Date	Reference Number	Transaction Description	Amount
02-02	01-31	24316051032548638033540	SHELL OIL 57444673503 CONCORD CA	42.75
02-16	02-14	24316051046548587006061	SHELL OIL 57444673503 CONCORD CA	36.97

Department: 00000 Total:	$20,308.10
Division: 00000 Total:	$20,308.10

CITY OF CLAYTON
Founded 1857... Incorporated 1964

Agenda Date: 4-5-11

Agenda Item: 4c

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER

DATE: APRIL 5, 2011

SUBJECT: INVESTMENT PORTFOLIO REPORT SECOND QUARTER FY 2010-2011

RECOMMENDATION:

Accept the Investment Portfolio Report for the First and Second Quarter Fiscal Year 2010-11 ending December 31, 2010.

BACKGROUND

With adoption of the revised Investment Policy reviewed on July 18, 2006, the Finance Manager is required to submit a quarterly investment report to the City Council. The First and Second Quarter 2010-11 Fiscal Year reports are combined and provided herein.

FISCAL IMPACT

With the first and second quarters of the fiscal year completed, interest earnings for the General Fund are now at 81.4% of the '10-11 Budget for a total of $69,201. Average annual interest yield for the past 3 months was 2.91% compared to 3.17% in the prior period however the interest yield has dropped 6.4% compared to a year ago when the rate was 3.11%. City interest earnings through the second quarter totaled $351,455 compared to $379,340 a year ago. Over 12.29% of the current investment portfolio is invested in Local Agency Investment Funds (LAIF) a decrease of 5.4% compared to the prior period and a decrease of 77.9% ($5.8 million) compared to a year ago. From January 2010 through August 2010 $3,435,000 was used to call RDA bonds and an additional $1,374,542 was given to the State of California for its mandatory SERAF payments. Further funds ($1.3 million) were used from July 2010 through December 2010 for our Capital Improvement Projects. The LAIF quarterly apportionment rate for December was .46% a decrease from .60% in the prior quarter. Our Certificates of Deposit (CD) total 87.9% of our portfolio a decrease of 3.6% from the prior period. Only .19% of our portfolio is temporarily held in a cash money market fund. (These funds are due to maturing investments or interest allocations that have not been reinvested at this time). At this time last year, 37.8% of our investments were in LAIF with a rate of .60% interest. The LAIF interest rate has declined over the past twenty four months from 2.353% in December 2008 to the current .46% rate marking a devastating decline of 80.5%. This decline has continued to decrease our rate of return. The market value of the total investment portfolio as of December 31, 2010 was $13,559,702 compared to $19,940,694 in December 2009. While the market value has declined considerably over the past 12 months our investment portfolio carrying value (amount actually invested) of $13,206,815 is $352,887 less than current market value showing the continued strength of our investments in a continual declining economy.

CONCLUSION

As many of our investments come to maturity the higher interest earnings are dwindling. There has been a decrease in our interest revenues from a high of $1.3 million in June 2008 to a low of $685,474 in June 2010. LAIF interest rates continued to decline to .46% in December. This rate is the lowest rate on record since 1977. Market yields for 12 month CD's have drastically decreased from a high of 5.0% in July 2008 to a low of 1.5% in October 2010. Interest rates have declined for short term investments but, we are seeing rates increase for longer term maturities (60 months). We have been diligent to diversify our portfolio with investments immediately available in LAIF and cash (13%) and then staggered to one year (22%), two years (25%), three years (25.5%), 4 years (12%) and 5 years (2.5%). By staggering our investment portfolio in this manner the impact of rate changes are lessened.

Respectively submitted,

Merry Pelletier

Merry Pelletier
Finance Manager

Attachments:
City of Clayton Investment Portfolio First and Second Quarter Fiscal Year 2010-11 Report
(July 1, 2010 – December 31, 2010)

City of Clayton Investment Portfolio
July 1, 2010 - December 31, 2010

Investment Description	Carrying Value	Rate	Current Yield to Maturity	Purchase Date	Maturity Date	Market Value
Local Agency Investment Fund						
Account # 98-07-162						
TOTAL LAIF:	**$ 1,664,225.27**	**0.46%**				**1,666,657.24**
Financial North Eastern CD's						
1st Financial Bank USA (Dakota)	$ 98,000.00	1.40%	1.10%	12/17/10	12/17/13	$ 96,503.00
American Chartered Bank	$ 99,000.00	2.40%	2.36%	05/21/10	05/21/14	$ 100,544.00
Bank of Fairfield (Wash)	$ 99,000.00	4.50%	4.41%	07/18/08	07/18/11	$ 101,101.00
Bank of Nevada	$ 99,000.00	3.75%	3.72%	03/26/08	03/28/11	$ 99,736.00
Banner Bank, Walla Walla, WA	$ 98,000.00	2.65%	2.60%	04/08/09	10/11/11	$ 99,549.00
Barclays Bank, Del	$ 99,000.00	3.15%	3.04%	09/23/09	03/23/14	$ 102,722.00
Bay Cities Bank, Tampa, FL	$ 99,000.00	4.55%	4.43%	09/02/08	09/02/11	$ 101,616.00
BB&T Finl FSB Columbus, GA	$ 100,000.00	3.00%	2.92%	03/18/09	03/19/12	$ 102,615.00
Beacon Federal (Syracuse, NY)	$ 99,000.00	3.20%	3.07%	04/15/09	04/15/14	$ 103,168.00
BMW BK North Amer (Salt Lake)	$ 99,000.00	4.00%	3.86%	03/19/08	03/19/12	$ 102,770.00
BMW BK North Amer (Salt Lake)	$ 50,000.00	2.00%	2.02%	11/12/10	11/12/15	$ 49,573.00
Business First Bank (Baton Rouge)	$ 99,000.00	4.00%	3.90%	03/26/08	09/26/11	$ 101,459.00
Carolina First Bank	$ 98,000.00	2.60%	2.56%	04/22/09	04/24/11	$ 99,566.00
Clayton Bank & Trust (TN)	$ 99,000.00	4.65%	4.41%	07/09/08	07/09/12	$ 104,437.00
Cole Taylor Bank (IL)	$ 99,000.00	5.00%	4.61%	07/11/08	07/11/13	$ 107,475.00
Commerce National Bank, Geneva, MN	$ 99,000.00	3.60%	3.57%	03/28/08	03/28/11	$ 99,702.00
Community Bank Pickens County	$ 198,000.00	2.00%	1.97%	05/21/10	08/21/13	$ 201,491.00
Community First Bank (Corydon, IN)	$ 99,000.00	3.00%	2.91%	01/15/09	07/16/12	$ 102,035.00
Community First Bank (Harrison, AR)	$ 99,000.00	3.70%	3.67%	03/28/08	03/28/11	$ 99,725.00
Discover Bank (Greenwood, DE)	$ 100,000.00	4.16%	3.88%	12/18/08	12/18/13	$ 107,115.00
Doral Bank (Catano, PR)	$ 99,000.00	3.05%	2.97%	4/8/2009	04/09/12	$ 101,738.00
Doral Bank (Catano, PR)	$ 100,000.00	2.75%	2.67%	02/03/10	02/03/14	$ 102,973.00
Fifth Third Bank	$ 100,000.00	2.28%	2.30%	12/28/09	12/28/12	$ 102,156.00
Fifth Third Bank (Cincinnati, OH)	$ 99,000.00	3.30%	3.17%	12/28/09	12/28/14	$ 103,157.00
First Bank of Highland Park (IL)	$ 98,000.00	3.20%	3.06%	04/22/09	04/22/14	$ 102,479.00
First Guarantee Bank, Jacksonville	$ 99,000.00	5.00%	4.80%	12/15/06	12/15/11	$ 103,011.00
First Peoples Bank (Port St. Lucie, FL)	$ 99,000.00	2.90%	2.81%	04/24/09	04/24/12	$ 102,101.00
First Reliance Bank (Florence, SC)	$ 99,000.00	3.25%	3.12%	04/17/09	04/17/14	$ 103,321.00
First Republic Bank (SF, CA)	$ 250,000.00	2.90%	2.81%	11/17/09	11/19/12	$ 257,938.00
Flagstar Bank FSB Troy, MI	$ 99,000.00	5.00%	4.59%	09/19/08	09/19/13	$ 107,926.00
Franklin Templeton (SLC, Ut)	$ 99,000.00	4.00%	3.85%	04/18/08	04/18/12	$ 102,974.00
FSG Bank(Chattanooga, TN)	$ 99,000.00	3.00%	2.90%	12/11/09	06/11/14	$ 102,390.00
GE Capital Financial, Inc (Holladay, UT)	$ 99,000.00	4.15%	3.93%	12/18/08	12/18/12	$ 104,548.00
GE Capital Financial, Inc (Salt Lake City, UT)	$ 99,000.00	1.50%	1.51%	10/21/10	10/21/14	$ 98,519.00
GE Money Bank (SLC, UT)	$ 99,000.00	4.15%	3.93%	12/18/08	12/18/12	$ 104,548.00
GE Money Bank (Draper, UT)	$ 50,000.00	2.00%	2.02%	11/12/10	11/12/15	$ 49,550.00
Goldman Sachs Bank (New York)	$ 99,000.00	4.45%	4.16%	05/07/08	05/07/13	$ 105,855.00
Horry County State Bank (Loris,S. Carolina)	$ 99,000.00	2.50%	2.45%	05/28/10	01/28/15	$ 100,892.00
Integra Bank N.A.	$ 99,000.00	2.10%	2.07%	04/29/10	02/28/13	$ 100,609.00
Integrity First Bank (Wausau, WI)	$ 99,000.00	4.10%	3.86%	04/25/08	04/25/13	$ 105,029.00
Investors Bank (Wisconsin-42 Mo)	$ 99,000.00	3.00%	2.91%	04/08/09	10/09/12	$ 102,245.00
Investors Community Bank (WI)	$ 99,000.00	3.90%	3.80%	04/18/08	10/18/11	$ 101,563.00
Lehman Commercial Bank (UT)	$ 100,000.00	5.00%	4.71%	06/30/08	07/01/13	$ 106,239.00
M&T Bank(Oakfield NY)	$ 99,000.00	4.41%	4.12%	05/27/08	05/27/13	$ 105,880.00
Midfirst Bank (Oklahoma City)	$ 99,000.00	2.75%	2.67%	10/14/09	10/15/13	$ 102,030.00
Minnwest Bank Metro (Rochester, MN)	$ 98,000.00	2.85%	2.78%	04/29/09	04/30/12	$ 100,534.00
Monona State Bank	$ 99,000.00	3.80%	3.67%	03/28/08	03/28/12	$ 102,596.00
National City Bank (Cleveland, OH)	$ 99,000.00	4.00%	3.85%	03/31/08	04/02/12	$ 102,857.00
Newbank	$ 100,000.00	4.25%	4.00%	01/23/08	01/24/11	$ 100,177.00
Nexity Bank, Alabama	$ 99,000.00	3.10%	3.03%	01/16/09	01/16/12	$ 101,396.00
Nicolet Bank (Greenbay, WI)	$ 100,000.00	4.00%	3.90%	03/14/08	09/14/11	$ 102,384.00
Pacific Cap Bank (Santa Barbara)	$ 99,000.00	2.50%	2.44%	10/15/09	10/15/12	$ 101,383.00
Paragon Commercial Bank, Raleigh NC	$ 100,000.00	4.00%	3.95%	05/09/08	05/09/11	$ 101,189.00
Paragon Commercial Bank, Raleigh NC	$ 100,000.00	2.30%	2.26%	05/05/10	05/05/14	$ 101,629.00
Parkway Bank & Trust (Harwood, ILL)	$ 99,000.00	1.25%	1.25%	10/13/10	10/15/13	$ 99,010.00
Peach St Bank (Gainesville)	$ 99,000.00	4.00%	3.94%	06/06/08	06/06/11	$ 100,441.00
Primesouth Bank (Alabama)	$ 99,000.00	4.05%	3.82%	04/18/08	04/18/13	$ 104,891.00
Private Bank of Buckhead (Atlanta, Georgia)	$ 100,000.00	3.10%	2.99%	02/27/09	02/27/13	$ 103,731.00
Republic Bank (Bountiful, UT)	$ 99,000.00	3.15%	3.03%	05/11/09	05/13/13	$ 102,927.00
Saehan Bank, Los Angeles, CA	$ 99,000.00	3.00%	2.92%	04/21/09	04/23/12	$ 101,732.00
Sallie Mae Bank, Murray, UT	$ 100,000.00	5.00%	4.57%	12/05/08	12/05/13	$ 109,459.00
Signature Bank, Chicago, IL	$ 98,000.00	3.00%	2.90%	04/23/09	04/23/13	$ 101,515.00
State Bk India Chicago, IL	$ 99,000.00	3.00%	2.91%	02/26/10	12/26/14	$ 102,016.00
Summit Community Bank (Moorefield, WV)	$ 100,000.00	3.20%	3.08%	08/19/09	08/19/14	$ 103,995.00
Tennessee Commerce Bank (Franklin, TN)	$ 99,000.00	2.30%	2.27%	05/10/10	05/12/14	$ 100,487.00
Toyota Financial Savings Bank (Henderson, NV)	$ 98,000.00	3.45%	3.29%	04/17/09	04/16/14	$ 102,880.00
Union National Bank & Trust	$ 100,000.00	3.00%	3.00%	01/22/09	01/22/11	$ 100,113.00
VIST Bank, Wiomissing, PA	$ 99,000.00	3.40%	3.31%	12/29/08	12/29/11	$ 101,615.00
Wachovia Bank, Houston TX	$ 97,000.00	4.50%	4.37%	01/16/08	01/17/12	$ 99,828.00
Wachovia Bank, Las Vegas NV	$ 97,000.00	4.60%	4.39%	01/16/08	01/16/13	$ 101,735.00
Washington Mutual Bank, Henderson	$ 97,000.00	4.50%	4.43%	01/16/08	01/14/11	$ 97,056.00
Washington Mutual Bank, Pk City	$ 99,000.00	3.90%	3.88%	03/19/08	03/18/11	$ 99,527.00
Worlds Foremost Bank Lincoln, NE	$ 100,000.00	5.06%	4.62%	11/10/08	11/12/13	$ 109,497.00
Dreyfus General Money Market	$ 101,784.00	0.05%	0.05%	12/28/10		$ 101,784.00
Net cash balance	$ 15,453.00					$ 15,453.00
TOTAL Financial North Eastern	**$ 7,497,237.00**					**$ 7,736,410.00**

Investment Description		Carrying Value	Rate	Current Yield to Maturity	Purchase Date	Maturity Date		Market Value
Multi-Bank Securities, Inc. CD's								
Wachovia Bk FSB, Houston, TX	$	98,000.00	4.30%	4.10%	02/29/08	03/07/13	$	102,776.52
TOTAL Multi-Bank Securities:	$	**98,000.00**					$	**102,776.52**
Morgan Stanley								
Cash Account	$	10,210.71					$	10,210.71
Commerce National Bk, Columbus, Ohio	$	99,000.00	4.50%	4.49%	01/10/08	01/10/11	$	99,037.62
American Chartered Bank	$	98,000.00	3.95%	3.92%	03/19/08	03/21/11	$	98,707.56
Crescent St Bank, North Carolina	$	99,000.00	3.75%	3.71%	04/23/08	04/22/11	$	99,949.41
Medallion Bank, Salt Lake City	$	98,000.00	3.90%	3.86%	04/25/08	04/25/11	$	99,000.58
M&I Marshall & Isley Bank	$	98,000.00	4.00%	3.94%	05/23/08	05/23/11	$	99,298.50
Merrick Bank, UT	$	97,000.00	4.30%	4.22%	06/20/08	06/20/11	$	98,667.43
Washington TR RI	$	97,000.00	4.50%	4.41%	07/09/08	07/11/11	$	98,972.01
First Bank, Puerto Rico	$	99,000.00	2.10%	1.73%	08/25/09	08/29/11	$	99,796.95
First Business BK, Madison, WI	$	98,000.00	4.10%	3.98%	05/16/08	11/16/11	$	100,916.48
Morgan Stanley Bank, SLC, UT	$	97,000.00	4.45%	4.30%	11/28/08	11/28/11	$	100,281.51
American Express Centurion, SLC, UT	$	98,000.00	3.75%	3.64%	12/24/08	12/27/11	$	100,898.84
Capmark Bank, Midvale, UT	$	98,000.00	3.00%	2.93%	01/28/09	01/30/12	$	100,337.30
First Business BK, Madison, WI	$	99,000.00	2.39%	2.02%	08/17/09	02/17/12	$	100,403.82
Capital One Bank, Glen Allen, VA	$	98,000.00	4.00%	3.85%	03/12/08	03/12/12	$	101,683.82
Byron Bank, Michigan	$	98,000.00	3.90%	3.76%	03/14/08	03/14/12	$	101,581.90
BMW Bank of NA, SLC, UT	$	99,000.00	2.20%	2.16%	09/16/09	03/16/12	$	100,637.46
Alliance Bank, Syracuse, NY	$	98,000.00	4.05%	3.89%	03/24/08	03/21/12	$	101,799.46
Atlanta Business BK, GA	$	99,000.00	4.20%	4.01%	05/28/08	05/29/12	$	103,519.35
Centennial BK, Fountain Vy, CA	$	99,000.00	4.25%	4.06%	05/30/08	05/30/12	$	103,600.53
CIT Bank, Salt Lake City, UT	$	147,000.00	2.95%	2.95%	07/01/09	07/02/12	$	147,000.00
Firstbank Puerto Rico Santurce PR	$	99,000.00	2.25%	2.20%	01/11/10	07/11/12	$	100,906.74
Queensborough Nat'l Bk, Louisville, GA	$	99,000.00	4.65%	4.40%	07/16/08	07/16/12	$	104,508.36
World Financial Network (Columbus, OH)	$	100,000.00	2.60%	2.54%	10/28/09	10/29/12	$	102,057.00
Enterprise Bk & TR, Clayton, MO	$	150,000.00	3.00%	2.90%	07/08/09	01/08/13	$	155,157.00
Mercantile Bank Mich Grand Rapids	$	99,000.00	2.00%	1.96%	02/17/10	02/19/13	$	100,818.63
Waccamaw Bank Whiteville NC	$	98,000.00	1.85%	1.82%	03/17/10	03/18/13	$	99,582.70
Ally Bank, Midvale Utah	$	98,000.00	3.20%	3.07%	04/03/09	04/03/13	$	101,922.94
American Cmnty BK, Woodstock	$	99,000.00	4.10%	3.86%	04/25/08	04/25/13	$	105,029.10
Ally Bank, Midvale Utah	$	148,000.00	2.04%	2.01%	05/07/10	05/07/13	$	150,357.64
Firstbank Puerto Rico Santurce PR	$	50,000.00	2.10%	2.06%	05/07/10	05/07/13	$	50,809.50
Capmark Bank, Midvale, UT	$	147,000.00	3.35%	3.20%	7/1/2009	7/1/2013	$	153,613.53
Scotiabank (Puerto Rico, San Juan)	$	99,000.00	2.00%	1.97%	7/2/2010	7/2/2013	$	100,202.85
Mercantile Bank of Grand Rapids, MI	$	148,000.00	2.00%	1.96%	5/7/2010	8/7/2013	$	150,550.04
American Express Bank, SLC, UT	$	97,000.00	4.75%	4.36%	12/24/08	12/24/13	$	105,538.91
CIT Bank, Salt Lake City, UT	$	98,000.00	3.40%	3.22%	4/1/2009	4/1/2014	$	103,219.48
Bank Little Rock, ARK	$	99,000.00	3.20%	3.07%	04/08/09	04/08/14	$	103,180.77
GE Money Bank (Draper, UT)	$	98,000.00	2.30%	2.26%	08/13/10	08/13/15	$	99,321.04
TOTAL Morgan Stanley	$	**3,849,210.71**					$	**3,953,077.47**
RBC Wealth Management								
Cash Account	$	142.06					$	142.06
North Milwaukee Stk. Bank, WI	$	98,000.00	3.50%	3.50%	12/18/08	12/23/11	$	100,639.14
Total RBC Wealth Management	$	**98,142.06**					$	**100,781.20**

Investment Description		Carrying Value	Percentage of Portfolio	Average Yield to Maturity		Market Value
Local Agency Investment Funds	$	1,664,225.27	12.29%	0.460%	$	1,666,657.24
Financial Northeastern	$	7,497,237.00	57.05%	3.258%	$	7,736,410.00
Multi-Bank Securities	$	98,000.00	0.59%	4.100%	$	102,776.52
Morgan Stanley	$	3,849,210.71	29.15%	3.208%	$	3,953,077.47
RBC Dain Rauscher	$	98,142.06	0.74%	3.500%	$	100,781.20
Grand Total Investment Portfolio:	$	**13,206,815.04**	**100%**		$	**13,559,702.43**

2010-11 Budgeted Interest-General Fund	$	85,000	
2010-11 Budgeted interest Received-General Fund	$	69,201	
Percent of General Fund Budget Received		81.41%	
2010-11Average Annual Yield			**2.91%**
2010-11Total Interest Income to date		351,455	

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

Finance Manager Merry Peleter Date: 3/31/11

City Treasurer M C N[illegible] Date: 3/31/11

CITY OF CLAYTON
Founded 1857 ... Incorporated 1964

Agenda Date: 4-5-11

Agenda Item: 9a

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: DAVID WOLTERING, COMMUNITY DEVELOPMENT DIRECTOR DW

DATE: APRIL 5, 2011

SUBJECT: 2010 CALIFORNIA FIRE CODE (ORDINANCE NO. 432)

RECOMMENDATION

It is recommended that the City Council approve Introduction and First Reading of Ordinance No. 432 (see **Attachment 1**) which adopts citywide the 2010 California Fire Code with specified changes, additions, and deletions.

BACKGROUND

The County Board of Supervisors, acting as the Board of Directors of the Contra Costa County Fire Protection District (the Fire District that serves the City of Clayton) adopted the 2010 California Fire Code with specified changes, additions, and deletions in December of 2010. Representatives of the Fire District, subsequently, asked the jurisdictions served by this District to adopt the same modified code. This Fire Code is State-mandated, although it can be amended as long as the proposed requirements are more restrictive and required for operational needs or limitations and related to local conditions of climate, geography, and/or topography. Fire and Building Codes, typically, are updated every three years. This Fire Code was last updated in 2007.

Staff received the County's adopted 2010 Fire Code, Findings for the adoption of that Code, a handout explaining the need to reduce thresholds for the installation of fire sprinklers, and a PowerPoint presentation explaining the need for and key aspects of this adopted Code from the District Fire Marshall. Staff has excerpted from the County's ordinance, Ordinance No. 2010-15, the County's amendments to the 2010 California Fire Code and the Findings used by the County as part of their adoption of this Code. Staff has attached these excerpts to proposed Ordinance No. 432 to assure that the City of Clayton is consistent with the Contra Costa Fire Protection District's adopted version of the 2010 California Fire Code. Additionally, staff has attached the County's handout explaining the need for reduced thresholds for installing fire sprinkler systems in residential and commercial buildings (see **Attachment 2**) and the County's PowerPoint presentation on the matter (see **Attachment 3**).

The amendments that the County has adopted and the City of Clayton would likewise adopt include modification to fire hydrant spacing and fire sprinkler installation requirements as follows:

- A standard or 500 foot spacing for fire hydrants as opposed to the prior 300 foot standard (This new standard is consistent with all other jurisdictions in the County and is supported by the more stringent lower fire sprinkler installation threshold); and
- The 2010 State Code requires fire sprinklers in all new Group R-3 (all residential buildings irrespective of size) occupancies – an amendment would additionally require the installation of fire sprinklers in all existing Group R-3 occupancies when adding more than 50% fire area to the existing dwelling and the total fire area of the dwelling exceeds 3600 square feet.

As explained in **Attachment 2**, the County has necessitated the adoption of more stringent fire sprinkler installation requirements than the State Fire Code because of reduced staffing levels (0.6 /1000 pop. full-time sworn vs. the national standard of 1.0/1000 pop.) and the desire to offset the inability to meet standard response times because of the reduced staffing levels with more effective fire suppression systems.

The Fire Marshall from the Contra Costa County Fire Protection District will be attending the City Council meeting on April 5th to provide an overview of the County's adopted 2010 Fire Code as well as answer questions regarding this Code.

Attachments:

1. Ordinance No. 432
2. Contra Costa County Fire Protection District *2010 Fire Code Amendments Presentation and Discussion* PowerPoint Presentation
3. Contra Costa County Fire Protection District 2010 Fire Code Amendments Handout – *Why do we need reduced thresholds for automatic sprinklers in commercial occupancies?*

ORDINANCE NO. 432

AN ORDINANCE ADDING CHAPTER 15.09 TO THE CLAYTON MUNICIPAL CODE THEREBY ADOPTING THE 2010 CALIFORNIA FIRE CODE WITH CHANGES, ADDITIONS, AND DELETIONS AS ALLOWED BY STATE LAW (ZOA 03-11)

THE CITY COUNCIL
City of Clayton, California

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

Section 1 Purpose, Intent, and Findings

This ordinance is adopted by the City Council of the City of Clayton ("City") to adopt the 2010 California Fire Code (California Code of Regulations, Title 24, Part 9 [based on the 2009 International Fire Code published by the International Code Council]), including Chapters 1-45 and 47-49, Appendix Chapter 4, Appendix B, Appendix C, Appendix D, Appendix F, Appendix H, Appendix I, and Appendix J, as amended by the changes, additions, and deletions as set forth in Exhibit A to this ordinance. The 2010 California Fire Code, with the changes, additions, and deletions set forth in attached Exhibit A, is adopted by this reference as though fully set forth in this ordinance. As of the effective date of this ordinance, the provisions of this Fire Code are controlling and enforceable within the limits of this jurisdiction. Further, this ordinance is adopted based upon the findings set forth in attached Exhibit B, which are incorporated herein by reference.

The action of the City Council to place into force this State-mandated Fire Code is in accordance with Government Code Section 50022.2.

Section 2 Action to Challenge This Ordinance

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

Section 3 Conflicting Ordinances Repealed

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

Section 4 Severability

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

Section 5 Effective Date and Publication

This ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after the passage of the ordinance, the City Clerk shall cause this ordinance and its Exhibits A and B to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices.

Section 6 Penalty for Violations

Any violation of this ordinance shall be subject to applicable provisions of Clayton Municipal Code Section 1.20.010. Penalty for Violations - Infractions and Misdemeanors.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on the 5th day of April, 2011.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

The City Council of Clayton, California

____
David T. Shuey, Mayor

ATTEST:

____
Laci J. Jackson, City Clerk

APPROVED AS TO FORM: APPROVED AS TO ADMINISTRATION:

J. Daniel Adams, City Attorney

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on the 5th day of April, 2011 and was duly adopted, passed and ordered posted at a regular meeting of the City Council held on

______________________.

Laci J. Jackson, City Clerk

Attachments:
Exhibit A: Chapter 15.09 of the Clayton Municipal Code
Exhibit B: Findings for Adoption of Ordinance No. 432

ZOA\2011\03-11.Ordinance

Exhibit A

CHAPTER 15.09

2010 CALIFORNIA FIRE CODE WITH AMENDMENTS

Sections:

ORDINANCES OF THE COUNTY OF CONTRA COSTA, THE CROCKETT-CARQUINEZ FIRE PROTECTION DISTRICT, AND THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT ADOPTING THE 2010 CALIFORNIA FIRE CODE WITH AMENDMENTS.

The Contra Costa County Board of Supervisors, as the Board of Supervisors for Contra Costa County and as the Board of Directors of the Crockett-Carquinez Fire Protection District and the Contra Costa County Fire Protection District, ordains as follows:

15.09.001 Adoption.

The fire code of this City is the 2010 California Fire Code (California Code of Regulations, Title 24, Part, 9 [based on the 2009 International Fire Code published by the International Code Council]), including Chapters 1-45 and 47-49, Appendix Chapter 4, Appendix B, Appendix C, Appendix D, Appendix F, Appendix H, Appendix I, and Appendix J, as amended by the changes, additions and deletions set forth in this ordinance.

15.09.002 Amendments.

The 2010 California Fire Code is amended by the changes, additions and deletions set forth in this chapter. Chapter and Section numbers used below are those of the 2010 California Fire Code.

Chapter 1. Administration.

Section 101.1 is amended to read:

101.1 Title. This code is the Fire Code of Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District, and is hereinafter referred to as "this code".

Section 102.1 is amended to add item 5, to read:

102.1 Construction and design provisions. The construction and design provisions of this code shall apply to:

5. Where not otherwise limited by law, the provisions of this code shall apply to vehicles, ships, and boats that are permanently affixed to a specific location within the boundaries of this jurisdiction.

Section 105.6 is amended to read:

105.6 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Chapter 1, Sections 105.6.1 through 105.6.54.

Section 105.6 is amended by adding subsections 105.6.48 through 105.6.54, to read:

105.6.48 Asbestos removal. A permit is required to conduct asbestos-removal operations regulated by Section 1418.

105.6.49 Battery systems. A permit is required to operate stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189 L) pursuant to Section 608.

105.6.50 Christmas tree sales. A permit is required to use a property for the purpose of selling cut Christmas trees.

105.6.51 Firework aerial display. A permit is required to conduct a firework display regulated by California Code of Regulations, Title 19 and Chapter 33 of this code.

105.6.52 Model rockets. A permit is required to sell or launch model rockets pursuant to California Code of Regulations, Title 19, Division 1, Article 17.

105.6.53 Temporary water supply. A permit is required to use a temporary water supply for construction of residential projects or subdivisions pursuant to Section 1412.1.

105.6.54 Tire storage. A permit is required to store more than 1,000 cubic feet (28.3m3) of tires inside buildings pursuant to Chapter 25.

Section 105.7 is amended to read:

105.7 Required construction permits. The fire code official is authorized to issue construction permits for the operations set forth in Chapter 1, Sections 105.7.1 through 105.7.21.

Section 105.7 is amended by adding sections 105.7.15 through 105.7.21 as follows:

105.7.15 Access for fire apparatus. Plans shall be submitted and a permit is required to install, improve, modify, or remove public or private roadways, driveways, and bridges for which Fire District access is required by the Fire Code. A permit is required to install a gate across a fire apparatus access road pursuant to Section 503.

105.7.16 Construction, alteration, or renovation of a building for which a building permit is required. Plans shall be submitted to the fire code official for all land developments or for the construction, alteration, or renovation of a building within the jurisdiction where a building permit is required.

Exception: Non-sprinklered Group R-3 Occupancies where work does not involve a substantial addition or expansion.

105.7.17 Medical gas systems. A construction permit is required for the installation of or modification to a medical gas system pursuant to Section 3006.

105.7.18 Refrigeration equipment. A permit is required to install a mechanical refrigeration unit or system regulated by Chapter 6.

105.7.19 Land Development, Subdivisions. Plans shall be submitted to the fire code official for all land developments or improvements proposed within the jurisdiction that involve the subdivision of land.

105.7.20 Water supply for fire protection. Plans shall be submitted to the fire code official for the purpose of determining whether adequate water supplies, fire hydrants, and associated systems are provided for all facilities, buildings or portions of buildings either constructed or moved into the District pursuant to Section 507.

105.7.21 Solar photovoltaic power systems. A construction permit is required to install or modify Solar photovoltaic power systems.

Section 108.1 is amended to read:

108.1 Board of Appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there is hereby created a board of appeals. The board of appeals is comprised of the Board of Directors.

Section 108.3 is deleted.

Section 109.3 is amended in its entirety to read:

109.3 Violation penalties. Every person who violates any provision of this fire code is guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of the aforesaid penalty shall not be held to prevent the enforced removal of prohibited conditions. This section is a declaration of Health and Safety Code section 13871 and is not intended to create a different or separate penalty.

Section 111.4 is amended to read:

111.4 Failure to comply. Any person who continues any work after having been served with a stop work order is subject to citation, except any work that a person is directed by the fire code official to perform to remove a violation or unsafe condition.

Chapter 2. Definitions

Section 202 is amended by adding the following definitions to read:

Administrator. Fire Chief.

All-weather driving surface. A roadway with a minimum surface finish of one layer of asphalt or concrete that is designed to carry the imposed weight loads of fire apparatus.

Board of Directors. The Contra Costa County Board of Supervisors as the governing body of the Crockett-Carquinez Fire Protection District and the Contra Costa County Fire Protection District.

Board of Fire Commissioners. An advisory commission appointed by the Board of Directors to act as set forth in this ordinance and by resolutions of the Board of Directors.

Driveway. A private roadway that provides access to no more than two (2) single-family dwellings.

Fire Code Official. In the Contra Costa County Fire Protection District, the Fire Code Official is the Fire Marshal. In the Crockett-Carquinez Fire Protection District , the Fire Code Official is the Fire Chief.

Firebreak. A continuous strip of land upon and from which all rubbish, weeds, grass or other growth that could be expected to burn has been abated or otherwise removed in order to prevent extension of fire from one area to another.

Firetrail. A graded firebreak of sufficient width, surface, and design to provide access for personnel and equipment to suppress and to assist in preventing a surface extension of fires.

Nuisance Fire Alarm. The activation of any fire protection or alarm system which results in the response of the Fire District and is caused by malfunction, improper maintenance, negligence, or misuse, of the system by an owner, occupant, employee, or agent, or any other activation not caused by excessive heat, smoke, fire, or similar activating event.

Response time. The elapsed time from receipt of call to the arrival of the first unit on scene.

Rural area. An area generally designated for agricultural or open space uses with parcels more than 10 acres (4.046873ha) in size.

Rural residential area. An area generally designated for single family residential use with parcels between three (1.2140619ha) and 10 (4.046873ha) acres in size.

Running time. The calculated time difference between leaving the first-due station and arriving on the emergency scene.

Sprinkler Alarm and Supervisory System (SASS): A Dedicated Function Fire Alarm System located at the protected premise installed specifically to monitor sprinkler water-flow alarm, valve supervisory, and general trouble conditions where a Building Fire Alarm is not required.

Substantial Addition or Expansion. Addition, expansion, remodel, or renovation of any structure where the addition of new fire area exceeds fifty percent of the existing fire area.

Temporary fire department access road for construction. An approved temporary roadway for emergency vehicle use during construction of residential subdivision projects.

Temporary fire department access road for construction of one (1) residential (R3) unit. A temporary roadway for emergency vehicle use during construction of an individual residential (R3) structure where a fire department access road is required as part of the project.

Temporary water supply. Water stored for firefighting purposes in an approved aboveground tank during combustible construction.

Tree litter. Any limbs, bark, branches and/or leaves in contact with other vegetation or left to gather on the ground.

Chapter 3. General Precautions Against Fire.

Section 304.1.2 is amended to read:

304.1.2 Vegetation. Hazards created by the growth of weeds, grass, vines, trees or other growth capable of being ignited and endangering property shall be mitigated in accordance with Section 318.

Section 304.1.4 is added to read:

304.1.4 Clothes Dryers. Clothes dryers shall be frequently cleaned to maintain the lint trap, mechanical and heating components, vent duct and associated equipment free from accumulations of lint and combustible materials.

Section 308.1.4 Exception 1 is amended to read:

Exception 1. Residential Occupancies.

Section 318 is added to Chapter 3, to read:

318 Exterior Fire Hazard Control.

318.1 General.

318.1.1 Jurisdictional Authority. The Board of Directors, as the supervising, legislative and executive authority of the jurisdiction, hereby delegates to the Board of Fire Commissioners of the jurisdiction all its powers, duties and rights to act pursuant to Part 5 (commencing with Section 14875), Division 12, of the Health and Safety Code, to clear or order the clearing of rubbish, litter or other flammable material where such flammable material endangers the public the safety by creating a fire hazard. Fire hazard abatement will be conducted in accordance with the provisions of said Part 5 and this ordinance. In the application of the provisions of said Part 5 to fire hazard abatement proceedings under this ordinance and the Fire Protection District Law of 1987, the terms "Board of Directors" or "Board," when used in Part 5, means the Board of Fire Commissioners of this jurisdiction under this section; and the officers designated in Health and Safety Code Section 14890 are the employees of the jurisdiction.

318.1.2 Retention of Jurisdictional Authority. If no Board of Fire Commissioners has been appointed for the jurisdiction, then the Board of Directors retains its powers and rights to act pursuant to said Part 5.

318.1.3 Contract for Services. The Board of Directors reserves and retains the power to award a contract for fire hazard abatement work when the employees of the jurisdiction are not used to perform the abatement work.

318.2 Definitions.

Weeds. All weeds growing upon streets or private property in the jurisdiction, including any of the following:

1. Weeds that bear seeds of a fluffy nature or are subject to flight.
2. Sagebrush, chaparral (including Chamise, Coyote Brush/Greasewood, Brooms, and Buckwheat), and any other brush or weeds that attain such large growth as to become, when dry, a fire menace to adjacent improved property.
3. Weeds that are otherwise noxious or dangerous.
4. Poison oak and poison sumac when the conditions of growth constitute a menace to public health.
5. Dry grass, brush, tree litter, litter, or other flammable materials that endanger the public safety by creating a fire hazard.

Rubbish. Waste matter, litter, trash, refuse, debris and dirt on streets, or private property in the jurisdiction which is, or when dry may become, a fire hazard.

Streets. Includes alleys, parkways, driveways, sidewalks, and areas between sidewalks and curbs, highways, public right of ways, private road, trails, easements, and fire trails.

Person. Includes individuals, firms, partnerships, and corporations.

Defensible Space. The area within the perimeter of a parcel providing the key point of defense from an approaching wildland or escaping structure fire.

Priority Hazard Zone. An area where the threat from wildfire is severe due to proximity to open space, topography, degree of space, density of homes amount of vegetation (native and ornamental) and other conditions favorable to fast moving fires.

Reduced Fuel Zone. The area that extends from thirty (30) feet to one hundred (100) feet or more away from the structure or to the property line, whichever is closer to the structure.

Cost of Abatement. Includes all expenses incurred by the jurisdiction in its work of abatement undertaken and administrative costs pursuant to Section 318.5 of this Ordinance.

318.3 Weeds and Rubbish a Public Nuisance. The Board hereby declares that all weeds growing upon private property or streets in this jurisdiction and all rubbish on private property or streets in this jurisdiction are public nuisances. Such weed nuisance is seasonal and recurrent.

318.4 Abatement of Hazard.

318.4.1 Prohibition. No person who has any ownership or possessory interest in or control of parcel of land shall allow to exist thereon any hazardous rubbish, weeds, trees, or other vegetation that constitutes a fire hazard. Destruction by burning within this jurisdiction is unlawful unless the written permission of the fire chief is first obtained, and all other applicable permits are obtained from appropriate governing agencies or jurisdictions.

318.4.2 Specific Requirements. The District shall develop minimum abatement standards for land in residential, rural and/or rural residential, business, industrial areas, or land which is unused or vacant. Such standards may be modified periodically as circumstances dictate.

318.4.2.1 Clearance of Weeds from Streets. The Fire Code Official is authorized to cause areas within 10 feet (3048 mm) on each side of portions of streets which are improved, designed or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The Fire Code Official is authorized to enter upon private property to do so, to the extent allowed by law.

318.5 Abatement Procedures.

318.5.1 Abatement Order. The fire code official may order the abatement of the weeds and rubbish described in Sections 304.1.2 and 318.2. On making the order, the fire code official will mail a copy of a notice to the owners of the affected property as their names and addresses appear upon the last county equalized assessment roll, or as their names and addresses are known to the fire code official. As an alternative to mailing, the notice may be posted upon the affected property and published in the jurisdiction, not less than 15 days prior to the date of the abatement hearing. Copies of the notice will be headed with the words "Notice to Abate Weeds and Rubbish" in letters at least one inch high. The notice will be in substantially the following form:

NOTICE TO ABATE WEEDS AND RUBBISH

You are hereby notified that weeds and rubbish constitute a fire hazard on the following described property owned by you:

(Describe property by common street designation, by metes and bounds, Assessor's code area and parcel number, or by reference to attached map).

You must remove the weeds and rubbish within fifteen (15) days from the date of this notice. If you fail to do so, the (jurisdiction) Fire Protection District will remove it, and the cost of the abatement, including administrative costs, will be collected as property taxes and will be a lien on your property until paid.

You are further notified that the Board of Supervisors has declared that such weeds and rubbish constitute a public nuisance and that such weeds also constitute a seasonal and recurring nuisance.

You may appear before the Board of Fire Commissioners of this jurisdiction on (time and date) at (place-room, street, address, and city) to show cause why this order should not be enforced.

(Signed): (Name of fire code official of name of jurisdiction)

318.5.2 Hearing Date. A date for hearing on the notice will be sent at least 15 days after the date of the notice. The date of the notice is the date on which the notice is placed in the United States mail or the date on which it is posted on the property. At the hearing, the property owner or his agent may appear to show cause why the order should not be enforced. For good cause shown, the Board of Fire Commissioners may extend the time for compliance with the order or may rescind the order.

318.5.3 Contract Award. If the owner fails to comply with the order, the fire code official may have the weeds and rubbish abated either by employees of this jurisdiction or by contract. If a contract is awarded, it will be by public bid, awarded to the lowest responsible bidder. A contract may include work on more than one parcel. Concerning any contract previously awarded as provided in this subsection and that has been fully extended as provided in that contract, it may thereafter be extended on its same terms and conditions for a further period (not to exceed one year) by agreement of the Board of Supervisors and the involved contractor.

318.5.4 Abatement Report of Costs. The fire code official or his or her designee abating the nuisance will keep an account of the cost of abatement in front of or on each separate parcel of land and will render an itemized report in writing to the Board of Fire Commissioners showing the cost of removing the weeds and rubbish on or in front of each separate lot or parcel of land, or both. Before the report is submitted to the Board of Fire Commissioners, a copy of it will be posted for at least three days on or near the chamber door of the Board with a notice of the time and when the report will be submitted to the Board for confirmation. At the time fixed for receiving and considering the report, the Board of Fire Commissioners will hear it and any objections of any of the property owners liable to be assessed for the work of abatement. Thereupon, the Board of Fire Commissioners may make such modifications in the report as it deems necessary, after which the report will be confirmed. The amount of the cost, including administrative costs, of abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed will constitute special assessment against the respective parcels of land, and are a lien on the property for the amount of the respective assessments. Such lien attaches upon recordation, in the office of the County Recorder, of a certified copy of the Resolution of Confirmation.

318.5.5 Cost Assessments. Upon confirmation of the report of cost by the Board of Fire Commissioners and the recordation of the Resolution of Confirmation, a copy of the report of cost will be sent to the County Auditor, who will enter the amount of the assessments against the parcels. Thereafter the amount of the assessments will be collected at the same time and in the same way as County taxes are collected. The owners are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to these assessment taxes.

318.6 Alternate Mitigation. In lieu of ordering abatement as provided in Section 318.5.1, the fire code official of this jurisdiction may order the preparation of firebreaks/fuelbreaks around parcels of property where combustible weeds, crops, or brush are present. In determining the proper width for firebreaks/fuelbreaks, the fire code official will consider the height of the growth, weather condition, topography, and the accessibility to the property for fire protection equipment. The procedure set forth in Section 318.5.1 for the abatement of weeds and rubbish shall apply to the preparation of firebreaks/fuelbreaks.

318.7 Subsurface Fires.

318.7.1 Peat Fire. It is the duty of each person, firm, corporation, or association not to permit a peat fire in or a fire involving combustible vegetable matters under the surface of the natural ground to remain upon the property. It is hereby declared that it is the duty of any person as herein defined to take all necessary precautions to extinguish any subsurface fire involving peat or vegetable material at the owner's own cost and expense.

318.7.2 Fire Suppression Costs. If there exists upon the lands or property of any person as herein defined a subsurface fire involving the burning or combustion of peat, vegetable matter or vegetation, and the owner or occupant thereof has not taken reasonable precautions within a reasonable time to extinguish or minimize such fire or combustion, this jurisdiction may, in addition to its regular duties to extinguish or minimize such fire or combustion, go upon the lands of any person as herein defined and extinguish such fire or combustion. Any costs incurred by the Fire District in fighting the fire and for the cost of proving rescue or emergency medical services shall be a charge against the property owner. The charge shall constitute a debt of the property owner and is collectable by the jurisdiction incurring those costs in the same manner as in the case of an obligation under a contract, express or implied. (See Health and Safety Code, §13009.)

Section 319 is added to Chapter 3 to read:

319 Automobile Wrecking Yards.

319.1 General. The operation of automobile wrecking yards shall be in accordance with this section.

319.2 Definitions.

Automobile Wrecking Yard. An area that stores or dismantles salvaged vehicles.

Automobile Dismantling. The operation of dismantling or removing parts from salvaged vehicles including engines or engine parts.

319.3 Requirements.

319.3.1 Permits. An operation permit is required for all automobile wrecking yards, automobile dismantling operations, and similar operations.

319.3.2 Fire Apparatus Access Roads. Fire apparatus access roads shall be constructed throughout the site in accordance with this code and shall be maintained clear of all vehicles and stored items.

319.3.3 Welding and cutting. Welding and cutting operations shall be conducted in an approved location, clear of all flammable liquids and combustible materials, including weeds, tires and all other debris.

319.3.4 Housekeeping. Combustible rubbish accumulated on site shall be collected and stored in approved containers, rooms or vaults of noncombustible materials. Combustible vegetation, cut or uncut, shall be removed when determined by the fire code official to be a fire hazard.

319.3.5 Fire Protection. Offices, storage buildings and vehicles used for site operations shall each be provided with at least one portable fire extinguisher with not less than a 4-A: 40-B-C rating. When required by the fire code official, additional fire extinguishers shall be provided.

319.3.6 Tire storage. Tires shall be stored in racks or in a manner as approved by the fire code official.

319.3.6.1 Distance from Water Supply. Tire storage shall be located on-site and no further than 500 feet from a fire hydrant or an approved water supply as determined by the fire code official.

319.3.7 Storage Piles. Storage piles shall be located a minimum of 20 feet from property lines and shall have an unobstructed access road on all sides of not less than 20 feet.

319.3.8 Burning operations. The burning of salvaged vehicles and salvaged or waste materials is prohibited.

319.3.9 Motor vehicle fluids. Motor vehicle fluid shall be drained from salvaged vehicles when such liquids are leaking onto the ground and prior to dismantling or removing engine/motor parts.

319.3.9.1 Mitigation of leaking fluids. Precautions shall be taken to prevent fluids from salvaged vehicles from leaking onto the ground. Supplies or equipment capable of mitigating leaks from fuel tanks, crankcases, brake systems and transmissions shall be kept available on site. Single-use plugs, diking and absorbent materials shall be disposed of as hazardous waste and removed from the site in a manner in accordance with federal, state and local requirements.

319.3.10 Fuel tanks. Fuel tanks of salvaged vehicles shall be emptied of all flammable (gasoline, diesel) fuels in an approved manner and stored in approved tanks.

319.3.10.1 Repair of vehicle fuel tanks. The repair of fuel tanks, including cutting, welding or drilling of any kind, is prohibited.

319.3.11 Lead acid batteries. Lead acid batteries shall be removed from all salvaged vehicles and stored in an approved manner in a location approved by the fire code official.

Chapter 4. Emergency Planning and Preparedness.

Section 401.3.1 is amended by adding a new subsection 401.3.1.1 to read:

401.3.1.1 Nuisance Fire Alarm fee. A fee may be charged for false and/or nuisance fire alarms in accordance with a fee schedule adopted by the Board of Directors.

Chapter 5. Fire Service Features.

Section 503.1 is amended to add subsection 503.1.4 to read:

503.1.4 Access to Open Spaces. When existing access to open land or space, or to fire trail systems maintained for public or private use, is obstructed by new development of any kind, the developer shall provide an alternate means of access into the area that is sufficient to allow access for fire personnel and apparatus. The alternate means of access must be approved by the fire code official.

Section 503.2.1 is amended by adding the following exception:

Exception: A minimum 16 foot wide driveway is acceptable for access to one or two single-family dwellings.

Section 505 is amended by adding Section 505.3, to read:

505.3 Street names and addressing. Street names and addressing shall be submitted for review and approval to the fire code official, whose approval will not be unreasonably withheld. The purpose of the review is to verify that new street names and addressing will not duplicate existing street names and addressing.

Section 507.2 is amended by adding subsection 507.2.3, to read:

507.2.3 Suburban and rural water supply storage. Swimming pools and ponds shall not be considered water storage for the purposes of Section 507.1.

Section 510.1.1 is added to read:

Section 510.1.1 Emergency Responder Radio Installation. Installations of emergency responder radios shall be in accordance with Appendix J of this code.

Chapter 6. Building Services and Systems.

Section 603.6 is amended by adding subsection 603.6.6, to read:

603.6.6 Sparks from chimneys. A chimney that is used with either a fireplace or heating appliances in which solid or liquid fuel is used shall be maintained with spark arresters that are required for incinerators pursuant to the California Mechanical Code.

Section 605.11 is added to Chapter 6 to read:

605.11 Solar Photovoltaic Power Systems. Solar photovoltaic power systems shall be installed in accordance with this code, the California Building Code and California Electrical Code.

> **Exception:** Detached Group U non-habitable structures such as parking shade structures, carports, solar trellises, similar type structures, and Group R-3 Occupancies where less than 50% of the roof area is covered with solar panels are not subject to the requirements of this section.

605.11.1 Marking. Marking is required on all interior and exterior DC conduit, enclosures, raceways, cable assemblies, junction boxes, combiner boxes, and disconnects.

605.11.1.1 Materials. The materials used for marking shall be reflective, weather resistant and suitable for the environment. Marking as required in sections 605.11.1.2 through 605.11.1.4 shall have all letters capitalized with a minimum height of 3/8 inch (9.5 mm) white on red background.

605.11.1.2 Marking content. The marking shall contain the words "WARNING: PHOTOVOLTAIC POWER SOURCE"

605.11.1.3 Main service disconnect. The marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the disconnect is operated.

605.11.1.4 Location of Marking. Marking shall be placed on all interior and exterior DC conduit, raceways, enclosures and cable assemblies every 10 feet (3048 mm) within 1 foot (305 mm) of all turns or bends and within 1 foot (305 mm) above and below all penetrations of roof/ceiling assemblies and all walls and/or barriers.

605.11.2 Locations of DC conductors. Conduit, wiring systems, and raceways for photovoltaic circuits shall be located as close as possible to the ridge or hip or valley and from the hip or valley as directly as possible to an outside wall to reduce trip hazards and maximize ventilation opportunities. Conduit runs between sub arrays and to DC combiner boxes shall be installed in a manner that minimizes total amount of conduit on the roof by taking the shortest path from the array to the DC combiner box. The DC combiner boxes shall be located such that conduit runs are minimized in the pathways between arrays. DC wiring shall be installed in metallic conduit or raceways when located within enclosed spaces in a building. Conduit shall run along the bottom of load bearing members.

605.11.3 Access and pathways. When a solar photovoltaic power system installed on a roof, roof access, pathways, and spacing requirements shall be provided in order to ensure access to the roof; provide pathways to specific areas of the roof; provide for smoke ventilation operations; and to provide emergency egress from the roof.

Exceptions:

1. Requirements relating to ridge, hip, and valleys do not apply to roofs with slopes with a ratio of two units vertical to twelve units horizontal (2:12) or less.
2. Residential structures shall be designed so that each array is no greater than 150 feet (45 720 mm) by 150 feet (45 720 mm) in either axis.
3. The fire chief may allow panels/modules to be located up to the ridge when an alternative ventilation method acceptable to the fire chief has been provided or where the fire chief has determined vertical ventilation techniques will not be employed.

605.11.3.1 Roof access. When a solar photovoltaic power system is installed on a roof, roof access must be provided in an area that does not place ground ladders over openings such as windows or doors, and at strong points of building construction in locations where the access point does not conflict with overhead obstructions such as tree limbs, wires, or signs.

605.11.3.2 Residential systems for one- and two-family residential dwellings. A solar photovoltaic power system installed on the roof of a one- or two-family residential dwelling shall be installed in accordance with Sections 605.11.3.2.1 through 605.11.3.2.4

605.11.3.2.1 Residential buildings with hip roof layouts. Panels /modules shall be located in a manner that provides a 3 foot (914 mm) wide clear access pathway from the eave to the ridge on each roof slope where panels/modules are located. The access pathway shall be located at a structurally strong location on the building capable of supporting the live load of fire fighters accessing the roof.

605.11.3.2.2 Residential buildings with a single ridge. Panels/modules shall be located in a manner that provides two three-foot (3') wide access pathways from the eave to the ridge on each roof slope where panels/modules are located.

605.11.3.2.3 Hips and Valleys. Panels/modules shall be located no closer than 18 inches (457 mm) to a hip or valley if panels/modules are to be placed on both sides of a hip or valley. If the panels are to be located on only one side of a hip or valley that is of equal length then the panels may be placed directly adjacent to the hip or valley.

605.11.3.2.4 Smoke Ventilation. Panels/modules shall be located no higher than 3 feet (914 mm) below the ridge in order to allow for fire department smoke ventilation operations.

605.11.3.3 All other occupancies. A solar photovoltaic power system installed on the roof of any occupancy other than a one- or two-family residential dwelling shall be installed in accordance with 605.11.3.3.1 through 605.11.3.3.3.

> **Exception:** Where it is determined by the fire code official that the roof configuration is similar to a one- or two-family dwelling, the fire code official may approve the residential access and ventilation requirements provided in 605.11.3.2.1 through 605.11.3.2.4.

605.11.3.3.1 Access. There shall be a minimum 6 foot (1829 mm) wide clear perimeter around the edges of the roof.

> **Exception:** If either axis of the building is 250 feet (76 200 mm) or less, there shall be a minimum four 4 foot (1290 mm) wide clear perimeter around the edges of the roof.

605.11.3.3.2 Pathways. The solar installation shall be designed to provide designated pathways. The pathways shall meet the following requirements:

1. The pathway shall be over areas capable of supporting the live load of fire fighters accessing the roof
2. The center line axis pathways shall be provided in both axes of the roof. Center line axis pathways shall run where the roof structure is capable of supporting the live load of firefighters accessing the roof.
3. There shall be a straight pathway, at least four feet (1290 mm) wide, clear to each skylight and/or ventilation hatch.
4. There shall be a straight pathway, at least four feet (1290 mm) wide, clear to each roof standpipe.
5. There shall be a straight pathway, at least four feet (1290 mm) wide, around each roof access hatch, with at least one pathway at least four feet (1290 mm) wide, clear to each parapet or roof edge.

605.11.3.3.3 Smoke Ventilation. The solar installation shall be designed to meet the following requirements:

1. Arrays shall be no greater than 150 feet (45 720 mm) by 150 feet (45 720 mm) in distance in either axis in order to create opportunities for smoke ventilation operations.
2. Smoke ventilation options between array sections shall be one of the following:
    - 2.1. A pathway 8 feet (2438 mm) or greater in width;
    - 2.2. A 4 foot (1290 mm) or greater in width pathway and bordering roof skylights or smoke and heat vents;
    - 2.3. **A** 4 foot (1290 mm) or greater in width pathway and bordering 4 foot (1290 mm) x 8 foot (2438 mm) "venting cutouts" every 20 feet (6096 mm) on alternating sides of the pathway

605.11.4 Ground mounted photovoltaic arrays. Ground mounted photovoltaic arrays shall be installed to comply with Sections 605.11 through 605.11.2 and this section. Access and pathway requirements do not apply to ground-mounted, free standing photovoltaic arrays. A clear brush area of 10 feet (3048 mm) is required for ground mounted photovoltaic arrays.

Chapter 8. Interior Finish, Decorative Materials and Furnishings.

Section 806 is amended by adding subsections 806.1.4, 806.1.5 and 806.1.6, to read:

806.1.4 Flame retardants. Cut trees shall be treated by a California State Fire Marshal-licensed fire retardant applicator. Trees shall be properly treated with an approved flame retardant.

806.1.5 Tags. Trees shall bear a tag stating date of placement in the public building, type of flame-retardant treatment used, name of the person who applied the flame retardant, the name of the person affixing the tag, a permit expiration date and the name of the designated individual making daily tests.

806.1.6 Daily tests. Trees shall be tested daily by a designated individual. The test shall include a check for dryness and adequate watering.

Chapter 9. Fire Protection Systems.

Section 901.6.2.2 is added to read:

901.6.2.2 Inspection Records. Records of all Inspections, testing and maintenance for all water based fire suppression systems shall be completed on the forms found in annex B of NFPA 25, California Edition.

Section 902 is amended to add:

Substantial Addition or Expansion. Addition, expansion, remodel, or renovation of any structure where the addition of new fire area exceeds fifty percent of the existing fire area.

Section 903.2 is adopted in its entirety except as amended below:

903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for Group A-1 occupancies where one of the following conditions exists:

1. The fire area exceeds 5000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi-theater complex.

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The structure exceeds 10,000 square feet, contains more than one fire area containing exhibition and display rooms, and is separated into two or more buildings by fire walls of less than four hour fire resistance rating without openings.

903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for Group A-4 occupancies where one of the following conditions exists:

1. The fire area exceeds 5000 square feet
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

903.2.2.1 Group B. An automatic sprinkler system shall be provided for Group B occupancies where the fire area exceeds 5,000 square feet.

903.2.3 Group E. Except as provided for in Section 903.2.3.1 for a new public school campus an automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 5000 square feet in area.
2. Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.

   Exception: An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has at least one exterior exit door at ground level.
3. In rooms or areas with special hazards such as laboratories, vocational shops and other such areas where hazardous materials in quantities not exceeding the maximum allowable quantity are used or stored.
4. Throughout any Group E structure greater than 10,000 square feet in area, which contains more than one fire area, and which is separated into two or more buildings by fire walls of less than four hour fire resistance rating without openings.

903.2.4 Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 fire area exceeds 5000 square feet.
2. A Group F-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds 5000 square feet.
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 10000 square feet
4. A Group M occupancy is used for the display and sale of upholstered furniture.
5. The structure exceeds 10,000 square feet, contains more than one fire area containing a Group M occupancy, and is separated into two or more buildings by fire walls of less than 4-hour fire-resistance rating.

903.2.8.1 Group R-3 Substantial Addition or Expansion. An automatic sprinkler system shall be provided throughout all existing Group R-3 dwellings where a substantial addition or expansion occurs **and** the new total fire area of the structure exceeds 3,600 square feet.

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing **a** Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 5000 square feet
2. A Group S-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 10000 square feet.

903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406 of the California Building Code, as shown:

1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 5000 square feet.
2. Buildings no more than one story above grade plane, with a fire area containing a repair garage exceeding 5000 square feet
3. Buildings with repair garages servicing vehicles parked in basements.

903.2.10 Group S-2 enclosed parking garages. An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.4 of the California Building Code as follows:

1. Where the fire area of the enclosed parking garage exceeds 5000 square feet; or
2. Where the enclosed parking garage is located beneath other occupancy groups.

Section 903.3.1.1.2 is added to read:

903.3.1.1.2 Undeclared Use. In buildings of undeclared use with floor to structure height greater than 14 feet (356 mm), the fire sprinkler system shall be designed to conform to Extra Hazard Group I design density. In buildings of undeclared use with floor to structure height less than 14 feet (356 mm), the fire sprinkler system shall be designed to conform to Ordinary Group II design density. Where a subsequent occupancy requires a system with greater capability, it shall be the responsibility of the owner and/or the occupant to upgrade the system.

Section 903.3.5 is amended to add subsection 903.3.5.3 to read:

903.3.5.3 Non-permissible water supply storage. Swimming pools and ponds shall not be considered water storage for the purposes of Section 903.3.5.

Section 903.3.8 is added to read:

903.3.8. Floor control valves. Individual floor control valves and waterflow detection assemblies shall be provided for each floor in multi-floor buildings at an approved location.

Exception: Group R-3 and R-3.1 Occupancies

Section 903.4.2 is amended to read:

903.4.2 Alarms. One approved audible and visual device shall be connected to every automatic sprinkler system at an approved location. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Audible and visual alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Section 903.6 is amended by adding subsections 903.6.3 and 903.6.4 to read:

903.6.3 Substantial Addition or Expansion. An automatic sprinkler system shall be provided throughout all existing buildings where a substantial addition or expansion occurs ***and*** the total fire area of the structure exceeds 5,000 square feet. Group R-3 substantial additions or expansions shall comply with Section 903.2.8.1.

903.6.4 Change of occupancy classification. Any existing building that undergoes a change of occupancy classification into a higher hazard category shall comply with the requirements of Section 903.2. Relative hazard categories of occupancy groups shall be established based upon the Heights and Areas Hazard Categories of Table 912.5 of the current edition of the International Existing Building Code, as published by the International Code Council. The requirements of Section 903.2 shall not be required when a change of occupancy classification is made to an equal or lesser hazard category. Group L occupancies shall be considered a relative hazard of 1 (highest hazard). R-3.x occupancies shall be considered a relative hazard of 4 (lowest hazard).

Section 907.5.4 is added to read:

907.5.4 Monitoring of other fire systems. In buildings equipped with a fire alarm system or sprinkler alarm and supervisory service (SASS) system, where other fire suppression or extinguishing systems are installed in the building (including but not limited to commercial kitchen suppression systems, pre-action fire suppression systems, dry chemical systems, and clean agent systems), these other suppression systems shall be monitored by the SASS dedicated function fire alarm system and transmitted as a specific signal to the Central Station. The system shall be monitored and comply with the UL Certification requirements contained herein.

Section 907.6.2.3.1 is amended to read:

907.6.2.3.1 Public and common areas. Visible alarm notification appliances shall be provided in public use areas and common use areas, including but not limited to:

1. Sanitary facilities including restrooms, bathrooms, shower rooms and locker rooms.
2. Corridors, hallways, aisles with shelving and/or fixtures obstructing the required light intensity for that area.
3. Music practice rooms.
4. Band rooms.
5. Gymnasiums.
6. Multipurpose rooms.
7. Occupational shops.
8. Occupied rooms where ambient noise impairs hearing of the fire alarm.
9. Lobbies
10. Meeting/Conference rooms.
11. Classrooms.
12. Medical exam rooms.
13. Open office areas.
14. Sales floor areas.
15. Break or lunch rooms
16. Copy or work rooms.

17. Computer server rooms exceeding 200 sq. ft.
18. File or Storage rooms exceeding 200 sq. ft.

Section 907.7.5 is amended to read:

907.7.5 Monitoring of fire alarm systems. A fire alarm system required by this chapter, or by the California Building Code, shall be monitored by a UL-listed Central Station service in accordance with NFPA 72 and this code.

Exception: Monitoring by a UL listed central station is not required for:

1. Single and multiple station smoke alarms required by section 907.2.11
2. Group I-3 occupancies shall be monitored in accordance with section 907.2.6.3.4
3. Residential Day Care Facilities (occupancy load of 14 or less)
4. One and two family dwellings
5. Residential Care Facilities licensed by the state with an occupant load of 6 or less.
6. Occupancies with a local fire alarm system that will give an audible and visible signal at a constantly attended location, as approved by the Fire Code Official.

Section 907.8.4 is added to read:

907.8.4 Certification. New fire alarm systems shall be UL-Certified. A Certificate of Completion and other documentation as listed in NFPA 72 shall be provided for all new fire alarm system installations. It is the responsibility of the building owner or owner's representative to obtain and maintain a current and valid Certificate.

Section 907.8.5 is added to read:

907.8.5 Posting of Certificate. The UL Certificate shall be posted in a durable transparent cover within 3 feet of the fire alarm control panel within 45 days of the final acceptance test/inspection.

Chapter 10. Means of Egress.

Section 1027.6 is amended by adding a new subsection 1027.6.1, to read:

1027.6.1 Exit discharge surface. Exterior exit pathway surfaces shall be suitable for pedestrian use in inclement weather, and shall terminate at a public way as defined in the California Building Code.

Chapter 14. Fire Safety During Construction and Demolition.

Section 1401.3 is added to read:

1401.3 Permits. Permits shall be obtained for asbestos removal operations, temporary fire department access roads for construction, and temporary water supplies as set forth in sections 105.6 and 105.7.

Section 1418 is added to read:

Section 1418 Asbestos removal.

1418.1 General. Operations involving removal of asbestos or asbestos-containing materials from buildings shall be in accordance with Section 1418.

Exception: Section 1418 does not apply to the removal of asbestos from:

1. Pumps, valves, gaskets and similar equipment.
2. Pipes, ducts, girders or beams that have a length less than 21 linear feet (6400 mm).
3. Wall or ceiling panels that have an area of less than 10 square feet (0.93 m2) or a dimension of less than 10 linear feet (3048 mm).
4. Floor tiles when their removal can be completed in less than four hours.
5. Group R-3 occupancies.

1418.2 Notification. The fire code official shall be notified 24 hours prior to the commencement and closure of asbestos-removal operations. The permit applicant shall notify the building official when asbestos abatement involves the removal of materials that were used as a feature of the building's fire resistance.

1418.3 Plastic Film. Plastic film that is installed on building elements shall be flame resistant as required for combustible decorative material, in accordance with Section 807.

1418.4 Signs. Approved signs shall be posted at the entrance, exit and exit-access door, decontamination areas and waste disposal areas for asbestos-removal operations. The signs shall state that asbestos is being removed from the area, that asbestos is a suspected carcinogen, and that proper respiratory protection is required. Signs shall have a reflective surface. Lettering shall be a minimum of 2 inches (51 mm) high.

Chapter 27. Hazardous Materials – General Provisions.

Section 2701.5 is amended by adding subsection 2701.5.3 to read:

2701.5.3 Emergency response support information. Floor plans, material safety data sheets, Hazardous Materials Management Plans (HMMP), Hazardous Material Inventory Statements (HMIS), and other information must be stored at a readily accessible location, as determined by the fire code official. This location may be in cabinets located outside of facilities or buildings. Information may be required to be maintained in a specific electronic media format to facilitate computer aided dispatching.

Section 2703.9.1 is amended by adding subsection 2703.9.1.2 to read:

2703.9.1.2 Documentation. Evidence of compliance with provisions of this chapter as well as with state and federal hazardous material regulations shall be maintained on site and available for inspection by fire department personnel.

Chapter 33 Explosives and Fireworks.

Section 3301 is amended to add Sections 3301.2, 3301.3, 3301.4 and 3301.5, to read:

3301.2 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited. The possession, manufacture, storage, sale, handling and use of fireworks or pyrotechnic materials within the jurisdiction of the District are prohibited.

Exceptions:

1. Fireworks may be temporarily stored only if they are aerial or theatrical piece fireworks stored in conjunction with an approved and permitted aerial or set display.
2. Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

3301.2.1 Prohibited and Limited Acts. The storage of explosive materials is prohibited in any central business district and in all zoning districts except districts zoned for industrial or agricultural uses. In districts where the storage of explosive materials is permitted, the quantities of explosives and distances shall be in accordance with International Fire Code Sections 3301.8.1 and 3301.8.1.1.

3301.3 Rocketry. The storage, handling and use of model and high-power rockets shall comply with the requirements of the California Code of Regulations, Title 19, Chapter 6, Article 17 and, when applicable, NFPA 1122, NFPA 1125, and NFPA 1127.

3301.3.1 Ammonium nitrate. The storage and handling of ammonium nitrate shall comply with the requirements of Chapter 40 and NFPA 490.

Exception: The storage of ammonium nitrate in magazines with blasting agents shall comply with the requirements of NFPA 495.

3301.4 Residential uses. No person shall keep or store, nor shall any permit be issued to keep or store, any explosives, fireworks or pyrotechnic material at any place of habitation, or within 100 feet (30 480mm) thereof.

Exception: Storage of smokeless propellant, black powder, and small arms primers for personal use and not for resale in accordance with Section 3306.

3301.5 Sale and retail display. The possession, manufacture, storage, sale, handling and use of fireworks or pyrotechnic materials is prohibited.

Exception: Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

Section 3308 is amended by adding Sections 3308.2 and 3308.3 to read:

3308.2 Permit required. A permit is required to conduct an aerial display in accordance with California Code of Regulations, Title 19, Chapter 6. (See Chapter 1, Section 105.6.52.)

Exception: Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

3308.3 Financial responsibility. Before a permit is issued pursuant to Section 3308.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of $1,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

Chapter 34. Flammable and Combustible Liquids.

Section 3404.2.9.6.1 is amended to read:

> **3404.2.9.6.1 Locations where above-ground tanks are prohibited.** The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all zoning districts except districts zoned for commercial, industrial, or agricultural uses.
>
> > **Exception:** Protected above-ground tanks for the purpose of emergency power generator installations in areas zoned commercial, industrial, agricultural, central business district, rural or rural residential, and for facilities on an individual basis consistent with the intent of this provision. Tank size shall not exceed 500 gallons (1892.706L) for Class I or II liquids, or 1,000 gallons (3785.412L) for Class III liquids.

Section 3406.2.4.4 is amended to read:

> **3406.2.4.4 Locations where above-ground tanks are prohibited.** Storage of Class I and II liquids in above-ground tanks is prohibited in all zoning districts except district zoned for commercial, industrial, or agricultural use.

Chapter 35. Flammable Gases and Flammable Cryogenic Fluids.

Section 3506.2 is amended to read:

> **3506.2 Limitation.** The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in any area which is zoned for other than industrial use.
>
> > Exception: Liquid hydrogen fuel systems in compliance with section 3506.3 or 3506.4.

Chapter 38. Liquefied Petroleum Gases.

Section 3803.2.1.7 is amended in its entirety to read:

> **3803.2.1.7 Use for food preparation.** Individual portable L-P containers used, stored, or handled inside a building classified as a Group A or Group B occupancy for the purposes of cooking, food display, or a similar use, shall be limited in size to one quart capacity and shall be of an approved type. The number of portable containers permitted will be at the discretion of the fire code official. LP-gas appliances used for food preparation shall be listed for such use in accordance with the International Fuel Gas Code, the International Mechanical Code, and NFPA 58.

Section 3804.2 is amended to read:

> **3804.2 Maximum capacity within established limits.** The storage of liquefied petroleum gas is prohibited in any central business district and in all zoning districts except districts zoned for commercial, industrial, rural, or agricultural uses. The aggregate capacity of any one installation used for the storage of liquefied petroleum gas shall not exceed a water capacity of 2,000 gallons (7570 L).

Appendix B. Fire-Flow Requirements for Buildings.

Section B105.2, the exception, is amended to read:

> **Exception:** A reduction in required fire-flow of 50 percent, as approved by the fire code official, when the building is provided with an approved automatic sprinkler system and installed in accordance with Section 903.3.1.1. The resulting fire-flow shall be not less than 1,500 gallons per minute (5678L/min) for the prescribed duration as specified in Table B105.1.

Appendix C. Fire Hydrant Locations and Distribution.

Table C105.1 footnote f and g are added to read:

f. A fire hydrant shall be provided within 250 feet of a fire trail access point off a public or private street.

g. For infill projects within existing single-family residential developments, Section 507.5.1 applies.

Appendix D. Fire Apparatus Access Roads

Section D102.1 is amended to read:

> **D102.1 Access and loading.** Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other approved *all-weather driving surface* capable of supporting the imposed load of fire apparatus weighing at least 74,000 pounds (33 566 kg) in accordance with CalTrans Design Standard HS-20-44.
>
> > **Exception:** *Driveways* serving one or two single-family *dwellings* may be constructed of an alternate surface material, providing the imposed weight load design minimums are met and the grade does not exceed 10 percent.

Section D103.1 is deleted in its entirety.

Section D103.2 is deleted in its entirety and replaced by the following, to read:

> **D103.2 Grade.** Fire department access roadways having a grade of between 16 percent and 20 percent shall be designed to have a finished surface of grooved concrete sufficient to hold a 44,000 pound (19 958 kg) traction load. The grooves in the concrete surface shall be ½ inch (13 mm) wide by ½ inch (13 mm) deep and 1 ½ inch (38 mm) on center and set at a 30 to 45 degree angle across the width of the roadway surface. No grade shall exceed 20 percent, nor shall the cross slope exceed 8%, unless authorized in writing by the fire code official.

Section D103.2.1 is added to read:

> **D103.2.1 Angles of approach and departure.** The angles of approach and departure for any means of access shall not exceed 10 percent at 10 feet of the grade break.

Section D103.3 is deleted in its entirety and replaced by the following, to read:

D103.3 Turning radius. Based on a minimum unobstructed width of 20 feet, a fire apparatus access roadway shall be capable of providing a minimum standard turning radius of 25 feet (7620 mm) inside and 45 feet (13 716 mm) outside.

Table D103.4 is amended to read:

Table D103.4

REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS

LENGTH (feet)	MINIMUM WIDTH (feet)	TURNAROUNDS REQUIRED
0 – 150	20[a]	None required
151 – 750	20[a]	100-foot Hammerhead, 50-foot "Y", 75-foot Shunt or 90-foot-diameter cul-de-sac in accordance with figure D103.1
Over 750	Special approval required[b]	

a. A *driveway* with a minimum width of 16 feet is acceptable for access to no more than two single-family *dwellings*.

b. Any fire apparatus access roadway or *driveway* that is approved to be less than 20 feet wide and to exceed 750 feet in length shall have outsets or turnouts every 300 feet along the length of the road or driveway, or at locations approved by the fire code official. Each outset or turnout shall be of the following dimensions: an 8 foot wide turnout that extends at least 40 feet in length.

Figure D103.1 is amended to read:

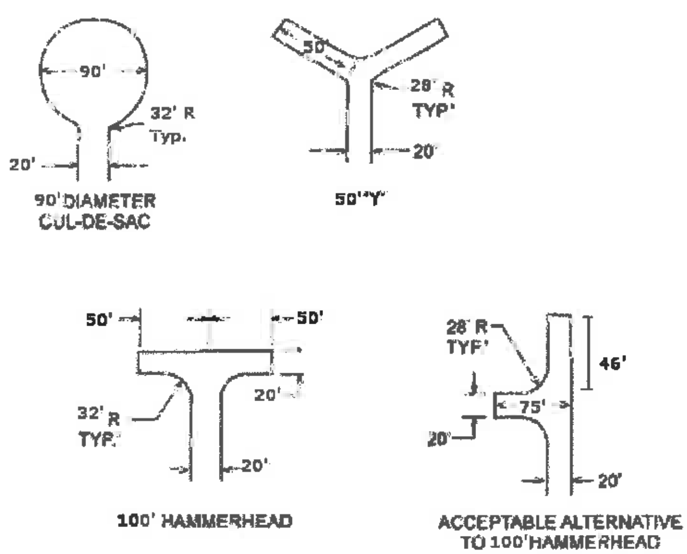


Figure D103.1

Dead-end Fire Apparatus Access Road Turnaround

Section D103.5 is amended by amending criteria 1 and adding criteria 10, to read:

1. The minimum clear width shall be 20 feet (6096mm.)
   Exception: For access to one or two single-family *dwellings*, 16 feet clear width is acceptable.

10. All gates shall be installed and located a minimum of 30 feet off the street.

Section D103.6.1 is amended to read:

D103.6.1 Roads less than 28 feet in width. Fire apparatus access roads less than 28 feet wide shall be posted on both sides as a *fire lane*.

Section D103.6.2 is amended to read:

D103.6.2 Roads 28 feet in width or greater, but less than 36 feet in width. Fire apparatus access roads 28 feet wide or greater, but less than 36 feet wide, shall be posted on one side of the road as a *fire lane*.

Section D106.1 is amended to delete the exception and read:

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 *dwelling units* shall be provided with two separate and *approved* fire apparatus access roads and shall meet the requirements of Section D104.3.

Section D106.2 is deleted in its entirety.

15.09.003 REPEAL OF 2007 FIRE CODE.

The 2007 California Fire Code with amendments (County Ordinance No. 2007-47) is hereby repealed.

Exhibit B

CITY OF CLAYTON
FINDING OF NEED FOR CHANGES OR MODIFICATIONS IN THE 2010 CALIFORNIA BUILDING STANDARDS CODE, TITLE 24, PART 9, CALIFORNIA FIRE CODE DUE TO LOCAL CONDITIONS

I. Changes or Modifications

Pursuant to Section §17958 of the State of California Health and Safety Code, the City Council of the City of Clayton, in its ordinance (Ordinance No. 432) adopting and amending the 2010 California Building Standards Code, Title 24, Part 9, California Fire Code, changes, modifies, and amends Section 903.1 through Section 907.8.5.

II. Finding

Pursuant to Section §17958.5 and §17958.7 of the State of California Health and Safety Code, the City Council of the City of Clayton finds that the above referenced change, modification, and amendment is needed and is reasonably necessary because of certain local climatic, geological, and topographic conditions as described below.

A. Climatic

1. Precipitation and Relative Humidity

(a) Conditions

Precipitation ranges from 15 to 24 inches per year with an average of approximately 20 inches per year. Ninety-six (96) percent falls during the months of October through April and four (4) percent from May through September. This is a dry period of at least five (5) months each year. Additionally, the area is subject to occasional drought. Relative humidity remains in the middle range most of the time. It ranges from forty-five (45) to sixty-five (65) percent during spring, summer, fall, and from sixty (60) to ninety (90) percent in the winter. It occasionally falls as low as fifteen (15) percent.

(b) Impact

Locally experienced dry periods cause extreme dryness of untreated wood shakes and shingles on buildings and non-irrigated grass, brush and weeds, which are often near buildings with wood roofs and sidings. Such dryness causes these materials to ignite very readily and burn rapidly and intensely.

Because of dryness, a rapidly burning grass fire or exterior building fire can quickly transfer to other buildings by means of radiation or flying brands, sparks and embers. A small fire can rapidly grow to a magnitude beyond the control capabilities of the Fire District resulting in an excessive fire loss.

2. Temperature

(a) Conditions

Temperatures have been recorded as high as 114^0 F. Average summer highs are in the 90^0 range, with average maximums of 105^0 F.

(b) Impact

High temperatures cause rapid fatigue and heat exhaustion of firefighters, thereby reducing their effectiveness and ability to control large building and wildland fires.

Another impact from high temperatures is that combustible building material and non-irrigated weeds, grass and brush are preheated, thus causing these materials to ignite more readily and burn more rapidly and intensely. Additionally, the resultant higher temperature of the atmosphere surrounding the materials reduces the effectiveness of the water being applied to the burning materials. This requires that more water be applied, which in turn requires more Fire District resources in order to control a fire on a hot day. High temperatures directly contribute to the rapid growth of fires to an intensity and magnitude beyond the control capabilities of the Fire District.

3. Winds

(a) Conditions

Prevailing winds in the area are from the south or southwest in the mornings and from the north or northwest in the afternoons. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the fourteen (14) mph to twenty-three (23) mph ranges, gusting to twenty-five (25) to thirty-five (35) mph. Forty (40) mph winds are experienced occasionally and winds up to fifty-five (55) mph have been registered locally. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days creating extremely dry conditions.

(b) Impact

Winds such as those experienced locally can and do cause fires, both interior and exterior, to burn and spread rapidly. Fires involving non-irrigated weeds, grass and brush can grow to a magnitude and be fanned to intensity beyond the control capabilities of the Fire District very quickly even by relatively moderate winds. When such fires are not controlled, they can extend to nearby buildings, particularly those with untreated wood shakes or shingles.

Winds of the type experienced locally also reduce the effectiveness of exterior water streams used by the Fire District on fires involving large interior areas of buildings, fires which have vented through windows and roofs due to inadequate built-in fire protection and fires involving wood shake and shingle building exteriors. Local winds will continue to be a definite factor towards causing major fire losses to buildings not provided with fire resistive roof and siding materials and buildings with inadequately separated interior areas or lacking automatic fire protection systems. National statistics frequently cite wind conditions, such as those experienced locally, as a major factor where conflagrations have occurred.

4. Summary

These local climatic conditions affect the acceleration, intensity, and size of fire in the community. Times of little or no rainfall, of low humidity, and high temperatures create extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires and conflagrations. The winds experienced in this area can have a tremendous impact upon structure fires. During wood shake and shingle roof fires, or exposure fires, winds can carry sparks and burning brands to other structures, thus spreading the fire and causing conflagrations. In building fires, winds can literally force fires back into the building and can create a blow torch effect, in addition to preventing "natural" ventilation and cross-ventilation efforts.

B. Geological and Topographic

1. Seismicity

(a) Conditions

Contra Costa County is located in Seismic Risk Zone 4, which is the worst earthquake area in the United States. Buildings and other structures in Zone 4 can experience major seismic damage. Contra Costa County is in close proximity to the San Andreas Fault and contains all or portions of the Hayward, Calaveras, Concord, Antioch, Mt. Diablo, and other lesser faults. A 4.1 earthquake with its epicenter in Concord occurred in 1958, and a 5.4 earthquake with its epicenter also in Concord occurred in 1955. The Concord and Antioch faults have a potential for a Richter 6 earthquake and the Hayward and Calaveras faults have the potential for a Richter 7 earthquake. Minor tremblers from seismic activity are not uncommon in the area.

The fire environment of a community is primarily a combination of two factors: the area's physical **geologic** characteristics and a historic pattern of urban-suburban development. These two factors, alone and combined, create a mixture of environments which ultimately determines the area's fire protection needs. The Fire District has 3 distinct areas. They are: the West, which includes the City of San Pablo and the communities of North Richmond, El Sobrante, and East Richmond Heights. The Central includes the Cities of Lafayette, Martinez, Pleasant Hill, Concord, Walnut Creek, Clayton and the communities of Clyde, Pacheco, Alhambra Valley and Alamo. The East includes the Cities of Antioch, Pittsburg and the community of Bay Point.

Because of the size of the Contra Costa County Fire Protection District (304 Square miles) the characteristics of the fire environment changes from one location to the next. Therefore the District has not one, but a number of fire environments, each of which has its individual fire protection needs from two major oil refineries, to heavy industrial facilities, freeways, rail lines, waterways, port facilities, wildland areas, urban and suburban town settings and major downtown areas.

Interstates 80 and 680, State Highways 4, 24 and 242, Bay Area Rapid Transit District (BART) and major thoroughfares travel throughout the District. There are 2 major rail lines which run through the District. An overpass or underpass crossing collapse would alter the response route and time for responding emergency equipment. This is due to the limited crossings of the major highways and rail lines.

Earthquakes of the magnitude experienced locally can cause major damage to electrical transmission facilities, which, in turn, cause power failures while at the same time starting fires throughout the Fire District. The occurrence of multiple fires will quickly deplete existing fire district resources; thereby reducing and/or delaying their response to any given fire. Additionally, without electrical power, elevators, smoke management systems, lighting systems, alarm systems and other electrical equipment urgently needed for building evacuation and fire control in large buildings without emergency generator systems would be inoperative, thereby resulting in loss of life and/or major fire losses in such buildings.

(b) Impact

A major earthquake could severely restrict the response of the Fire District and its capability to control fires involving buildings of wood frame construction, with ordinary wood shake and shingle exteriors, or with large interior areas not provided with automatic smoke and fire control systems.

2. Soils

(a) Conditions

The area is replete with various soils, which are unstable, clay loam and alluvial fans being predominant. These soil conditions are moderately to severely prone to swelling and shrinking, are plastic, and tend to liquefy.

Throughout the Fire District, the topography and development growth has created a network of older, narrow roads. These roads vary from gravel to asphalt surface and vary in percent of slope, many exceeding twenty- (20) percent. Several of these roads extend up through the winding passageways in the hills providing access to remote, affluent housing subdivisions. Many of these roads are private with no established maintenance program. During inclement weather, these roads are subject to rock and mudslides, as well as down trees, obstructing all vehicle traffic. It is anticipated that during an earthquake, several of these roads would be practically impassable.

3. Topographic

(a) Conditions

i. Vegetation

The service area of the Contra Costa County Fire Protection District has a varied topography and vegetative cover. A conglomeration of flat lands, hills, and ridges make up the terrain. Development has occurred on the flat lands in the District and in the past 15 years development has spread into the hills, valleys and ridge lands of the District.

Highly combustible dry grass, weeds, and brush are common in the hilly and open space areas adjacent to built-up locations six (6) to eight (8) months of each year. Many of these areas frequently experience wildland fires, which threaten nearby buildings, particularly those with wood roofs, or sidings. This condition can be found throughout the Fire District, especially in those fully developed areas and those areas marked for future development.

ii. Surface Features

The arrangement and location of natural and manmade surface features, including hills, creeks, canals, freeways, housing tracts, commercial development, fire stations, streets and roads, combine to limit efficient response routes for Fire District resources into and through many areas.

iii. Buildings, Landscaping and Terrain

Many of the "newer" large buildings and building complexes have access and landscaping features or designs which preclude, or greatly limit, efficient approach or operational access to them by Fire District vehicles. In addition, the presence of security gates, roads of inadequate width and grades which are too steep for Fire District vehicles create an adverse impact on fire suppression efforts.

When Fire District vehicles cannot gain access to buildings involved with fire, the potential for complete loss is realized. Difficulty reaching a fire site often requires additional fire personnel and resources to successfully and safely mitigate the event. Access problems often result in severely delaying, misdirecting, or making fire and smoke control efforts unsuccessful.

(b) Impact

The above local geological and topographical conditions increase the magnitude, exposure, accessibility problems, and fire hazards presented to the Contra Costa County Fire Protection District. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number, should a significant seismic event occur. Public Safety resources would have to be prioritized to mitigate the greatest threat, and may likely be unavailable for smaller single dwelling or structure fires.

Other variables may intensify the situation:

1. The extent of damage to the water system.
2. The extents of isolation due to bridge and/or freeway overpass collapse.
3. The extent of roadway damage and/or amount of debris blocking the roadways.
4. Climatic conditions (hot, dry weather with high winds).
5. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours.
6. The availability of timely mutual aid or military assistance.
7. The large portion of dwellings with wood shake or shingles coverings could result in conflagrations.

III. Summary

Local climatic, geologic, and topographic conditions impact fire prevention efforts, and the frequency, spread, acceleration, intensity, and size of fire involving buildings in this community. Further, they impact potential damage to all structures from earthquake and subsequent fire. This was the case in the October 17, 1989 Loma Prieta earthquake that measured 6.9 and occurred on the San Andreas fault, centered near Santa Cruz. This event caused several residential fires and numerous commercial buildings were damaged.

Therefore, based on the findings declared in this document, it is found reasonably necessary that the 2010 California Fire Code be changed or modified to mitigate the effects of the above conditions.

The changes and/or modifications to the 2010 California Fire Code, as expressed in City of Clayton Ordinance No. 432, are found to be necessary to mitigate the above described impacts which are caused by the above described local climatic, geological and topographic conditions.

Attachment 2

Contra Costa County Fire Protection District

2010 Fire Code Amendments

Presentation and Discussion

Why are we making amendments?

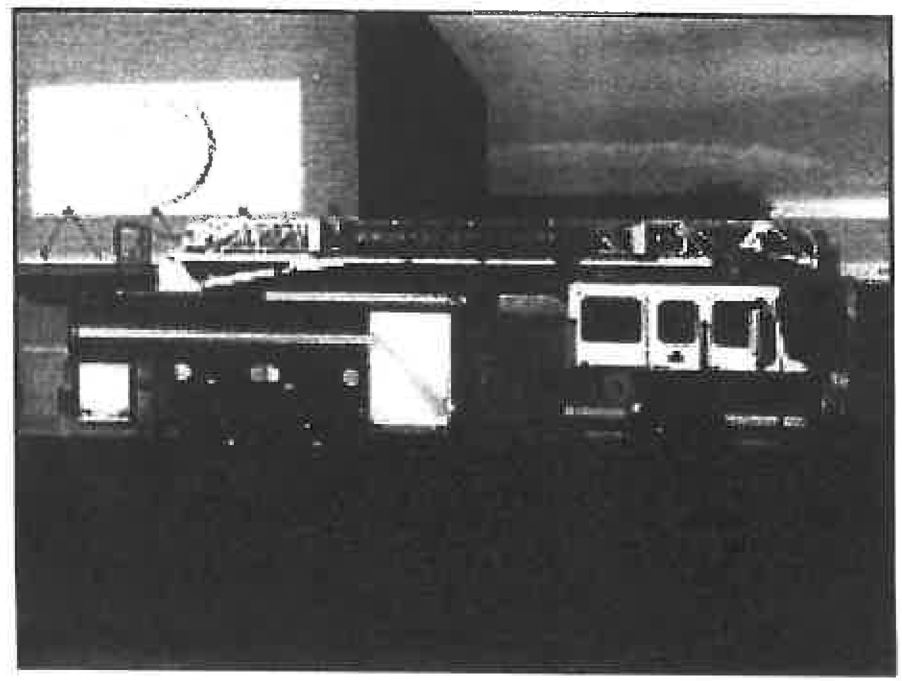
- Fire and Building Codes adopted by local jurisdictions every 3 years
- Local jurisdictions allowed to make amendments for more restrictive requirements
- Amendments needed based on climatic, geographic, or topographical conditions
- More importantly – amendments proposed for operational needs, limitations, and local conditions.

Overview of Amendments

- Water Supply
  - Eliminated the “old way” of hydrant distribution
    - Old Fire District Standard: 300 foot spacing
    - Proposed Standard: 500 foot spacing
      - Consistent with all other jurisdictions in the County
  - Pools are not considered water supplies for firefighting purposes
  - Use of NFPA 1142 for rural water supply
    - Elimination of long-standing Con Fire Standard

Overview of Amendments

- Access (No major changes)
  - Adopted Appendix D
    - Minimum performance standards for:
      - Imposed weight load of Quint apparatus
      - Width of Quint apparatus
      - Turning radius of Quint apparatus
    - Grade Issues



Overview of Amendments

- Fire Flow Reduction
  - 50% for all buildings equipped with an automatic fire sprinkler system.

Overview of Amendments

- Photovoltaic Systems (new addition)
  - Firefighter safety and access issues to roof
    - Used the 2013 IBC/IFC code language
      - Based largely on the CA State Fire Marshal installation guidelines published in 2008.

Overview of Amendments

- Residential Fire Sprinklers
  - Required in all Group R-3 Occupancies
    - Minimum state code
  - Required in all existing Group R-3 Occupancies when:
    - Adding more than 50% fire area to the existing dwelling

      AND

    - The total fire area of the dwelling exceeds 3600 sq. ft.

Overview of Amendments

- Commercial Fire Sprinklers
  - Required in all new commercial occupancies when:
    - Total fire area exceeds 5000 sq. ft.
      - Formerly 3000 sq. ft. in Ordinance 2007-47
  - Required in existing buildings when:
    - Addition of new fire area exceeds 50% of existing

      AND
    - Total fire area exceeds 5000 sq. ft.

Overview of Amendments

- Commercial Fire Sprinklers
  - Change of Occupancy
    - Formerly ANY change of occupancy in Ord. 2007-47
    - Now must be a change to a higher hazard classification as defined by the International Existing Building Code.
      - Not required if changing to an equal or lesser hazard category

The Total Fire Protection Picture

- Emergency services stretched thin due to budget restraints and staffing limitations.
  - Con Fire well below the Bay Area average for staffing per 1,000 people
    - 0.6 Firefighters vs. 0.9 Bay Area average
      - 1.0 per 1,000 people is the national average
  - EMS and other emergency services delivery

The Total Fire Protection Picture

- Abandonment of long-standing Con Fire standards:
  - Fire Hydrant Spacing and Distribution
  - Fire Flow Reduction
  - Post Indicator Valve eliminated as standard
    - Control valve can be housed inside the building
    - Control valve can be the water district valve
  - Fire Department Connection
    - Can be wall mounted
  - Fire Sprinklers Installed

Conclusion

- 2010 Fire Code Amendments
  - Reasonable balance between planning, development, economic, and safety concerns.
  - Reduced costs from:
    - Elimination of Post Indicator Valve
    - Elimination of Separate Fire Department Connection
    - New fire hydrant spacing

CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT

2010 Fire Code Amendments

Why do we need reduced thresholds for automatic sprinklers in commercial occupancies?

Fire District Staffing and Fire Suppression Service Delivery

The latest LAFCO Municipal Service Review (MSR) revealed the median staffing levels for urban fire departments in the Bay Area was 0.9 per 1,000 people. The median staffing levels for staffing levels for urban fire departments in Contra Costa County was 0.8 full-time sworn staff per 1,000 people. This fire district has staffing levels of just 0.6 full-time sworn staff per 1,000 people. The national standard for staffing is 1.0 staff per 1,000 people.

In a mature urban area the staffing configuration is typically four paid firefighters per station at all times. None of the jurisdictions in Contra Costa County have achieved this staffing level. The Occupational Safety and Health Administration (OSHA) requires at least 4 firefighters be present at a fire scene prior to making entry into a building – this alone requires two of our crews as each crew only contains 3 firefighting staff. In addition, OSHA requirements and National Fire Protection Association (NFPA) standards dictate additional personnel to be assigned to command and control positions to adequately and safely supervise fire ground operations – even at smaller fires. Based on the recommendations and conclusions of the Fire District's Michele Drive Line of Duty Deaths Investigation as well as the National Institute for Occupational Safety and Health (NIOSH) report on the incident, a safety officer is staffed as an additional layer of safety and oversight. This requires an additional staff position at each fire scene.

As determined by standards established by the International Code Council included in the California Fire Code, Insurance Service Office (ISO), and the NFPA, the fire flow required (flow rate of water supply, measured at 20 pounds per square inch (psi) residual pressure, that is available for firefighting) for a 5,000 square foot building with common wood frame construction is 2,000 gallons per minute (gpm). In order to fully and properly staff a fire requiring 2000 gpm of fire flow, a total of 20-24 firefighters would be needed assuming the largest firefighting hoses were deployed. This is the equivalent of a two alarm fire given that a one alarm assignment to a commercial structure fire includes 14 firefighting personnel in our district.

Using national response standards established by NFPA, fire suppression resources should be deployed to provide for the arrival of an engine company within a 4 minute travel time to 90 percent of fire incidents. The standard goes on to state the fire department shall have the capability to deploy an initial full alarm assignment within a 6 minute travel time to 90 percent of these incidents. The fire district is currently not capable of meeting this response standard throughout all the communities we serve; the installation of automatic fire sprinklers will help offset the staffing shortfalls of the fire district by providing effective fire suppression systems in these new buildings, reducing the need and reliance on a stressed emergency services delivery system.

The responsibility of the Fire District to cover first responder advanced life support (ALS – Paramedic) services throughout the communities we serve must also be balanced against all the other emergency services we provide. The need to keep fire crews available for emergency medical responses is critical as these represent almost 80% of all calls for service. The timely release of resources from fire scenes, or the ability to fight smaller fires with fewer fire crews is paramount to keeping adequate coverage for additional fire and emergency medical responses throughout the fire district.

In addition, the staffing figures presented above (0.6 per 1,000 people) for this district are representative through the last fiscal year. The current economic climate, which is forecast to affect local government and public safety funding for the foreseeable future, has reduced our ability to provide staffing at these levels. Like almost every fire agency in the Bay Area, and throughout the state, we are looking at the concept of "browning out" fire stations. This will have a lasting effect on our continued ability to provide the same quantity of staffing in the same response time as compared to previous years – there are not enough fire engines to cover all the needs in all the areas – and this isn't going to change in the foreseeable future.

RECENT AUTOMATIC FIRE SPRINKLER SYSTEM SUCCESS STORY IN WALNUT CREEK

1677 N. Main Street – An employee tried to extinguish a pan fire by throwing water on it and created a fire ball. The heat and flames traveled 20 plus feet, activating 4 sprinkler heads in its path. The fire was immediately extinguished by the sprinkler system and there was no extension of fire into the attic space. Minor damage from smoke to kitchen area only – business resumed within hours of the fire.

The Non-Residential Structure Fire Problem (Nationally) 2004-2009

Year	Fires	Civilian deaths	Civilian injuries	Direct property damage (in billions) As reported	Direct property damage (in billions) In 2009 dollars
2004	115,500	80	1,350	$2.40	$2.70
2005	115,000	50	1,500	$2.30	$2.50
2006	111,500	85	1,425	$2.60	$2.80
2007	116,500	105	1,350	$3.11	$3.21
2008	112,000	120	1,400	$3.81	$3.81
2009	103,500	105	1,690	$3.00	$3.00

This trend shows an increase in civilian injuries as well as a generally increasing trend in civilian deaths. Property damage, as reported, and in 2009 dollars is also generally increasing. This is significant as the number of fires is generally decreasing over this 5 year period.

CONCLUSION

According to the NFPA, when sprinklers are present, the chances of dying in a fire and the average property loss per fire are both cut by one-half (50%) to two-thirds (66%), as compared to fires in buildings where sprinklers are not present. Aside from firefighter and explosion-related fatalities, there has never been a multiple loss of life in a fully sprinklered building due to fire or smoke, according to the National Fire Sprinkler Association.

The installation of automatic fire sprinklers in all commercial buildings exceeding 5,000 square feet will assist the fire district in managing our resources more effectively and eliminating the need to commit additional resources to fires in these buildings. In addition, civilian fire deaths and injuries can be greatly reduced, if not almost eliminated, in these sprinklered buildings. Property loss, business revenue loss and continuity issues, and tax revenue loss to local government can be minimized through the installation of automatic fire sprinklers in commercial occupancies greater than 5,000 square feet.

CITY OF CLAYTON

Founded 1857 · Incorporated 1964

Agenda Date: 4-5-11

Agenda Item: 9b

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER

MEETING DATE: APRIL 5, 2011

SUBJECT: CALIFORNIA FRANCHISE TAX BOARD RECIPROCAL AGREEMENT

RECOMMENDATION

Adopt the attached Resolution approving a reciprocal agreement with the California Franchise Tax Board to exchange tax data specific to City Business License information for mutual tax administration and collection purposes, and authorizing the City Manager to execute the agreement in behalf of the City of Clayton.

BACKGROUND

The City of Clayton, like many other cities within the state, has a local ordinance (No 181 approved in May 17, 1978) which requires each business, trade, and profession calling and conducting business within the City's jurisdiction to obtain a license tax, commonly referred to as a "City Business License". The ordinance specifies that it is unlawful for a person to transact business, trade, profession, calling or occupation within the city without a City Business License or without compliance with City Ordinance No. 181.

Despite its best efforts within available budgetary resources, and a City Business License Amnesty Program declared during FY 2009-10, the City routinely has difficulty ensuring every business or trade conducting transactions within the city obtains and pays its fair share for a City Business License, thereby resulting in the potential loss of general tax revenues for the operations of its local government as intended by Ordinance No. 181. The California Tax Franchise Board ("FTB") shares similar difficulties in ensuring every business or trade, as an individual or an entity, conducting transactions within the state is paying its annual fair share of state income taxes.

In order to address this situation Senate Bill 1146 (Chapter 345, Statutes of 2008) was enacted and became effective January 2009. This legislation allows the FTB and participating cities in the state to begin exchanging data with one another through a reciprocal agreement to enhance and improve the identification of businesses conducting transactions within a city and within the state for the purpose of respective tax requirements.

The legislation does not allow the City to share any of the collected information received from the FTB with a third party. Section 5.04.090 B. of Chapter 5.04 – Business Licenses And Taxes Generally of the *Clayton Municipal Code* (i.e. City Ordinance No. 181) requires City confidentiality of all information concerning the business affairs and operations set forth in a City Business License application but expressly does not prohibit the disclosure of this information to state officials if a reciprocal agreement exists.

The exchange of City Business License data helps the FTB identify self-employed individuals who are not filing required individual and business entity state income tax returns, and the FTB data will aid the City in identifying businesses that may have a City Business License tax filing obligation

FISCAL IMPACT

Other than a nominal expense to share respective data information there is no cost to either party for the exchange of this data, and 84 cities, including the nearby cities of Berkeley, Concord, Oakland, Pittsburg, Pleasant Hill, Pleasanton, San Francisco, San Jose, and Walnut Creek have each previously exercised this FTB reciprocal agreement with positive program results along with approximately 70 other cities in the state presently in the process of participation.

CONCLUSION

The execution of this agreement will allow the exchange of City Business License data helps the FTB identify self-employed individuals who are not filing required individual and business entity state income tax returns, and the FTB data will aid the City in identifying businesses that may have a City Business License tax filing obligation. Other cities who have been using this exchange have been able to increase their business license revenues with nominal cost – some minor additional staff time and mailing cost for sending out notification letters. Of the cities contacted the increased revenues has more than offset any minor costs for implementation.

Respectively submitted,

Merry Pelletier

Merry Pelletier
Finance Manager

Attachments:

- Resolution Approving Reciprocal Agreement with the California Franchise Tax Board and Authorizing the City Manager to execute the agreement
- Sample letters from City of Pittsburg program
- Agreement No. C1000205 with the California Franchise Tax Board

RESOLUTION NO. – 2011

A RESOLUTION APPROVING AGREEMENT NO. C1000205 WITH THE CALIFORNIA FRANCHISE TAX BOARD ALLOWING THE CITY OF CLAYTON TO ENTER INTO A RECIPROCAL AGREEMENT TO EXCHANGE TAX DATA SPECIFIC TO CITY BUSINESS LICENSE INFORMATION FOR MUTUAL TAX ADMINISTRATION AND COLLECTION PURPOSES, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT IN BEHALF OF THE CITY OF CLAYTON, CA

THE CITY COUNCIL
City of Clayton, California

WHEREAS, on 17 May 1978 by Ordinance No. 181, the City Council of Clayton, California ("City") did impose upon each business, trade, profession, calling and occupation conducting business within the City's jurisdiction a license tax commonly referred to as a "City Business License"; and

WHEREAS, by authority established in said local ordinance, it is unlawful for a person to transact business, trade, profession, calling or occupation within the city without a City Business License or without compliance with City Ordinance No. 181; and

WHEREAS, despite its best efforts within available budgetary resources and a City Business License Amnesty Program declared during FY 2009-10, the City routinely has difficulty ensuring every business or trade conducting transactions within the city obtains and pays its fair share for a City Business License, thereby resulting in the potential loss of general tax revenues for the operations of its local government as intended by Ordinance No. 181; and

WHEREAS, the California Tax Franchise Board ("FTB") shares similar difficulties with the City ensuring every business or trade, as an individual or an entity, conducting transactions within the state is paying its annual fair share of state income taxes; and

WHEREAS, effective January 2009, and as a result of the enactment of Senate Bill 1146 (Chapter 345, Statutes of 2008), the FTB and participating cities in the state may begin exchanging data with one another through a reciprocal agreement to enhance and improve the identification of businesses conducting transactions within a city and within the state for the purpose of respective tax requirements; and

WHEREAS, the exchange of City Business License data helps the FTB identify self-employed individuals who are not filing required individual and business entity state income tax returns, and the FTB data will aid the City in identifying businesses that may have a City Business License tax filing obligation; and

WHEREAS, Section 5.04.090 B. of Chapter 5.04 – Business Licenses And Taxes Generally of the *Clayton Municipal Code* (i.e. City Ordinance No. 181) requires City confidentiality of all information concerning the business affairs and operations set forth in a City Business License application but expressly does not prohibit the disclosure of this information to state officials if a reciprocal agreement exists; and

WHEREAS, other than a nominal expense to share respective data information there is no cost to either party for the exchange of this data, and 84 cities, including the nearby cities of Berkeley, Concord, Oakland, Pittsburg, Pleasant Hill, Pleasanton, San Francisco, San Jose, and Walnut Creek have each previously exercised this FTB reciprocal agreement with positive program results along with approximately 70 other cities in the state presently in the process of participation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby find and determine the above Recitals are true and correct statements of fact and thereby individually and collectively form a substantial basis for its approval of a Reciprocal Agreement with the California Franchise Tax Board (No. C1000205, attached hereto as "Exhibit A" and incorporated herein as if fully set forth in this Resolution) to establish and initiate the City's participation in the Franchise Tax Board's data exchange program authorized by California Senate Bill 1146 (2008 Statutes); and

BE IT FURTHER RESOLVED that the Clayton City Council does hereby authorize its City Manager to execute and administer the FTB Reciprocal Agreement (attached hereto as "Exhibit A") for and in behalf of the City of Clayton, California.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 5th day of April 2011 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

David T. Shuey, Mayor

ATTEST:

Laci J. Jackson, City Clerk

City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565-3814

EXHIBIT

Date: ________________

Business Name/Address

____

____

____

Dear Business Owner:

According to the City's records, your business does not hold a current business license. A license is an essential part of your business' ability to operate in compliance with local laws.

Under Section 5.04.050 of the Pittsburg Municipal Code, a business license is required to conduct business in the City of Pittsburg.

- This includes commercial landlords, retail stores, wholesalers, manufacturers and their representatives, service companies, self-employed professionals, independent contractors and home businesses.
- In addition, those conducting business in Pittsburg from an office located outside of the City are required to obtain a business license.

Your prompt attention to this matter is required.

An application for a City business license is enclosed with this letter. Please complete the application, including the calculation of the applicable business license tax and fees. Mail the completed form with a check for the appropriate amount to:

City of Pittsburg Finance Department
Attn: Business Licenses
65 Civic Avenue
Pittsburg CA 94565

This application is also available at the City's website, www.ci.pittsburg.ca.us or by contacting the Finance Department located in City Hall at 65 Civic Avenue (2nd Floor). To request for an application by mail, you can call the Finance Department at (925) 252-4946.

If you have questions on how to calculate your tax and fees, please contact Mary Ann Mejia in the City's Finance Department at (925) 252-4955 for assistance.

Form: NEW

City of Pittsburg

65 Civic Avenue
Pittsburg, CA 94565-3814

(SECOND NOTICE)

EXHIBIT

Date: ________________

Business Name/Address

____

____

____

Dear Business Owner:

This is the City's second attempt to contact you in regards to compliance with local laws in the operation of your business. According to the City's records, your business does not hold a current business license. Under Section 5.04.050 of the Pittsburg Municipal Code, unless otherwise exempted, it is unlawful for a person to transact and carry on a business, trade, profession, calling or occupation in the City without a license from the City.

5.04.310 Penalty for violation.
A person violating a provision of this chapter or knowingly or intentionally misrepresenting to an officer or employee of this city a material fact in procuring the license or permit provided for in this chapter is guilty of an infraction and upon conviction thereof is punishable as provided in PMC 1.12.020.

1.12.020 Penalty for infraction.
Under Government Code Section 36900, the penalty by fine for an infraction is as follows:
A violation determined to be an infraction is punishable by:
A. A fine of $100.00 for a first violation;
B. A fine of $200.00 for a second violation of the same ordinance within one year;
C. A fine of $500.00 for each additional violation of the same ordinance within one year.

An application needs to be received by the City within fifteen (15) days after notification to avoid any penalty assesments.

Please complete the attached application, including the calculation of the applicable business license tax and fees. Mail the completed form with a check for the appropriate amount to:

City of Pittsburg Finance Department
Attn: Business Licenses
65 Civic Avenue
Pittsburg CA 94565

This application is also available at the City's website, www.ci.pittsburg.ca.us or by contacting the Finance Department at the Civic Center, 65 Civic Avenue (2nd Floor). To request an application by mail, call the Finance Department at (925) 252-4946.

If you have questions on how to calculate your tax and fees, please contact Mary Ann Mejia in the City's Finance Department at (925) 252-4955.

Form: NEW(2)

"Exhibit A"

STATE OF CALIFORNIA
STANDARD AGREEMENT
STD 213 (Rev 06/03)

AGREEMENT NUMBER	REGISTRATION NUMBER
C1000205	

1. This Agreement is entered into between the State Agency and the Contractor named below:

STATE AGENCY'S NAME
Franchise Tax Board

CONTRACTOR'S NAME
City of Clayton

2. The term of this Agreement is: June 1, 2011 through December 31, 2013

3. The maximum amount of this Agreement is: $ 0.00 NON-FINANCIAL AGREEMENT

4. The parties agree to comply with the terms and conditions of the following exhibits, which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work	3 pages
Exhibit C* – General Terms and Conditions	GTC610
Exhibit D - Special Terms and Conditions	3 pages
Exhibit E - City Record Format Specifications	2 pages
Exhibit F - FTB Record Layout Specifications	1 page
Exhibit G – Confidentiality Statement	1 page

Items shown with an Asterisk (*), are hereby incorporated by reference and made part of this agreement as if attached hereto. These documents can be viewed at www.ols.dgs.ca.gov/Standard+Language/default.htm

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR

CONTRACTOR'S NAME *(if other than an individual, state whether a corporation, partnership, etc.)*
City of Clayton

BY *(Authorized Signature)*	DATE SIGNED *(Do not type)*

PRINTED NAME AND TITLE OF PERSON SIGNING

ADDRESS
6000 Heritage Trail, Clayton, CA 94517

STATE OF CALIFORNIA

AGENCY NAME
Franchise Tax Board

BY *(Authorized Signature)*	DATE SIGNED *(Do not type)*

PRINTED NAME AND TITLE OF PERSON SIGNING
Lisa Garrison, Chief Financial Officer

ADDRESS
P.O. Box 2086, Rancho Cordova, CA 95741-2086

California Department of General Services Use Only

☒ Exempt per: SCM 4.04.5.b.

EXHIBIT A

SCOPE OF WORK

This Agreement is entered into by and between the Franchise Tax Board, herein referred to as (FTB) and the City of Clayton, herein after referred to as the City.

Purpose:
This Agreement allows FTB and the City to enter into a reciprocal agreement to exchange tax data specific to city business license information for tax administration purposes. By entering into a reciprocal agreement, each party agrees to bear their own costs of providing the data and the City is precluded from obtaining reimbursement.

Both parties will abide by the legal and confidential provisions of this Agreement. Exhibits A, C, D, E, F, and G attached hereto and incorporated by reference herein, set forth additional terms to which the parties agree to be bound.

Legal Authority:
California Revenue and Taxation Code (R&TC) Section 19551.5 mandates cities to provide city business tax data to FTB. R&TC 19551.1 authorizes a reciprocal agreement for the exchange of city business tax and income tax information between a city and FTB.

City Responsibilities:
1. The City agrees that the information provided by FTB will be used exclusively to administer the City's business tax program.

2. The City agrees that information obtained under this Agreement will not be reproduced, published, sold, or released in original or in any other form for any purpose; and only accessed by City employees.

3. The City agrees to provide FTB with tax information pursuant to Exhibit E, Format Specifications, which shall include but is not limited to the following:

    - Business or owner's name.
    - Business or residence address.
    - Federal employer identification number or social security number.
    - North American Industry Classification Code or Standard Industry Classification Code.

4. The City agrees to extract and provide City data to FTB annually in June for each tax year that the Agreement is in place, June 2011, 2012, and 2013. If the Agreement is executed after June 30, 2011, the City has 30 days after execution to provide FTB with the first year's data.

5. The City agrees to submit the records to FTB using FTB's Secure Web Internet File Transfer (SWIFT).

6. The City agrees to submit the records to FTB in ASCII fixed length format, .txt, per the Format Specifications, Exhibit E.

EXHIBIT A

SCOPE OF WORK (continued)

7. The City agrees to resubmit data in the event data is initially submitted with errors. The resubmission of data must be within 30 days of notification. If data is not submitted accurately and timely, the City forfeits its rights to FTB data for that year.

8. The City agrees that each City employee having access to FTB data shall sign a Confidentiality Statement, Exhibit G. The signed statement is to be retained by the City and produced to FTB upon request.

9. The City agrees to submit to FTB a completed safeguard questionnaire prior to receiving FTB data. The safeguard questionnaire is valid for the duration of the Agreement.

10. The City agrees to provide a copy of the resolution, order, motion, or ordinance of the local governing body, authorizing the execution of the Agreement.

FTB Responsibilities:

1. FTB agrees that information provided by the City will be used for tax administration and non-tax programs that FTB administers and may be shared with other state/federal agencies as authorized by law.

2. FTB agrees that information obtained under this Agreement will not be reproduced, published, sold, or released in original or in any other form for any purpose.

3. FTB agrees to provide the City data extracted from the Taxpayer Information (TI) and Business Entities Tax System (BETS). FTB will provide the City records for taxpayers within the city's jurisdiction who indicate a business on their personal or corporation income tax return. The Record Layout, Exhibit F shall include, but is not limited to:

   - Taxpayer name.
   - Taxpayer address.
   - Taxpayer social security number or federal employer identification number.
   - Principal business activity code.

4. FTB agrees to match the data provided by the City using the social security number or federal employer identification number against FTB's data with a yes or no indicator on the Record Layout, Exhibit F. The first year's data match is at the discretion of FTB and will be based on when the data is received and processed.

5. FTB agrees to provide the City an annual extraction in December 2011 for tax year 2010, December 2012 for tax year 2011, and December 2013 for tax year 2012 via SWIFT.

6. FTB agrees to register the City for a SWIFT account, allowing for the secure electronic transmission of data.

7. FTB agrees to provide the City a unique City Business Tax Number to be used for reporting purposes only.

8. FTB agrees to allow the City to resubmit data within 30 days of notification, in the event data is initially submitted with errors.

EXHIBIT A

SCOPE OF WORK (continued)

Project Coordinators:

The project coordinators during the term of this Agreement will be:

Franchise Tax Board
Cathy McCollum
Data Resources and Services Unit
P.O. Box 1468, Mailstop A181
Sacramento, CA 95812-1468
Phone: (916) 845-4431
Fax: (916) 845-4849

City of Clayton
Rita Howe
Code Enforcement/Business License
6000 Heritage Trail
Clayton, CA 94517
Phone: (925) 673-7300

Return executed agreement to:

Franchise Tax Board
Procurement & Asset Management Bureau
Attention: Tracey Mollow
P.O. Box 2086, Mailstop A-374
Rancho Cordova, CA 95741-2086
Phone: (916) 845-5193
Fax: (916) 845-3599

EXHIBIT D

SPECIAL TERMS AND CONDITIONS

1. DATA OWNERSHIP: The classified confidential tax information being provided to the City under this Agreement remains the exclusive property of FTB. The City shall have the right to use and process the disclosed information for the purposes stated in this Agreement, which right shall be revoked and terminated immediately upon completion of this Agreement.

2. STATEMENT OF CONFIDENTIALITY: The Franchise Tax Board has tax return information and other data in its custody, which is confidential data. Unauthorized inspection or disclosure of state tax return information or other confidential data is a misdemeanor (Revenue and Taxation Code Section 19542 and 19542.1).

3. USE OF INFORMATION: The City and FTB agree that the information furnished or secured pursuant to this Agreement shall be used solely for the purposes described by this Agreement. The information obtained by FTB shall be used for tax administration and non-tax programs that FTB administers and may be shared with other state/federal agencies as authorized by law. The City and FTB further agree that information obtained under this Agreement will not be reproduced, published, sold, or released in original or in any other form for any purpose other than identified in this Agreement or as authorized by law.

4. EMPLOYEE ACCESS TO INFORMATION: Both FTB and the City agree that the information obtained will be kept in the strictest confidence and shall make information available to its own employees only on a "need to know" basis. The "need to know" standard is met by authorized employees who need information to perform their official duties in connection with the uses of the information authorized by this Agreement. Both parties recognize their responsibilities to protect the confidentiality of this information as provided by law and ensures such information is disclosed only to those individuals and of such purpose, as authorized by the Revenue and Taxation Code.

5. DISCLOSURE OF CONFIDENTIAL INFORMATION: Any unwarranted disclosure or use of state tax return information or any willful unauthorized inspection of the return information is an act punishable as a misdemeanor. Inspection is defined to mean any examination of confidential information. No one other than authorized employees may access, use, view or manipulate the data being transmitted to the City under this Agreement. The City, in recognizing the confidentiality of state tax return information, agrees to take all appropriate precautions to protect from unauthorized disclosure of the confidential information obtained pursuant to this Agreement. The City will conduct oversight of its users with access to the confidential information provided under this Agreement, and will promptly notify FTB of any suspected violations of security or confidentiality by its users.

   The City and each of the City's employees who may have access to the confidential data of FTB will be required to sign a Confidentiality Statement, Exhibit G, attesting to the fact that he/she is aware of the confidential data and the penalties for unauthorized disclosure thereof. The signed statement shall be retained by the City and furnished to FTB upon request.

EXHIBIT D

SPECIAL TERMS AND CONDITIONS (continued)

6. INCIDENT REPORTING: All unauthorized or suspected unauthorized access; use and/or disclosure (incidents) of FTB data shall be reported to FTB's contact, Cathy McCollum at (916) 845-4431, immediately upon discovery of the incident. The incident report shall contain the following: date, time, employee name, description of the incident or circumstances, and means of discovery. Upon discovery of any such incident, FTB will make the appropriate notification to affected California resident(s) pursuant to the requirements of Civil Code Section 1798.29.

7. INFORMATION SECURITY: Information security is defined as the preservation of the confidentiality, integrity, availability, authenticity, and utility of information. A secure environment is required to protect the confidential information obtained from FTB pursuant to this Agreement. The City will store information so that it is physically secure from unauthorized access. The records received by the City will be securely maintained and accessible only by employees of the city business license program who are committed to protect the data from unauthorized access, use, and disclosure.

8. DESTRUCTION OF RECORDS: All records received by the City from FTB and any database(s) created, copies made, or files attributed to the records received will be destroyed within three years of receipt. The records shall be destructed in a manner to be deemed unusable or unreadable and to the extent that an individual record can no longer be reasonably ascertained. FTB will destroy City data in accordance with the Department's data retention policies.

9. INDEMNIFICATION: Both parties agree to indemnify, defend, and save harmless each other, its officers, agents, and employees from any and all claims and losses accruing or resulting from any breach of confidentiality by either party and/or its employees.

10. SETTLEMENT OF DISPUTES: In the event of a dispute, the City shall file a "Notice of Dispute" with the Chief Counsel of the Franchise Tax Board within ten (10) days of discovery of the problem. Within ten (10) days, the Chief Counsel or his/her designee shall meet with the City and the FTB contact for purposes of resolving the dispute. The decision of the Chief Counsel shall be final.

11. SAFEGUARD QUESTIONNAIRE and REVIEW: Prior to sending data to the City, FTB requires the City to submit a safeguard questionnaire certifying the protection and confidentiality of FTB data. The FTB retains the right to conduct an on-site safeguard review of the City. The City will be provided a minimum of seven (7) days' notice prior to a safeguard review being conducted by the FTB Disclosure Office. The safeguard review will examine the adequacy of information security controls established by the City in compliance with the confidentiality requirements pursuant to this Agreement. The City will take appropriate disciplinary actions against any user determined to have violated security or confidentiality requirements.

12. LIMITED WARRANTY: Either party does not warrant or represent the accuracy or content of the material available through this Agreement, and expressly disclaims any express or implied warranty, including any implied warranty of fitness for a specific purpose.

EXHIBIT D

SPECIAL TERMS AND CONDITIONS (continued)

13. CANCELLATION: Either party may terminate this Agreement, in writing for any reason, upon thirty days' (30) prior written notice. This Agreement may be terminated by either party in the event of any breach of the terms of this Agreement. Both parties agree that in the event of a breach to the terms of this Agreement, it shall destroy all records and any databases created, copies made, or files attributed to the records received. The records shall be destructed in a manner to be deemed unusable or unreadable and to the extent that an individual record can no longer be reasonably ascertained, upon destruction.

14. NO THIRD PARTY LIABILITY: Nothing contained in this Agreement or otherwise shall create any contractual relation between either party and any other party, and no party shall relieve the City or FTB of its responsibilities and obligations hereunder. Both parties agree to be fully responsible for the acts and omissions of its third parties and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by the City or FTB. Both parties shall have no obligation to pay or to see the payment of any monies to any party or persons either directly or indirectly employed by the City or FTB.

EXHIBIT E

CITY RECORD FORMAT SPECIFICATIONS

Data Element Name	Start Pos.	End Pos.	Field Size	Usage	Description
SOCIAL SECURITY NUMBER (SSN)	1	9	9	AN	Must be present unless FEIN is provided. Fill unused field with blanks.
FEDERAL EMPLOYER ID NUMBER (FEIN)	10	18	9	AN	Must be present unless SSN is provided. Fill unused field with blanks.
OWNERSHIP TYPE	19	19	1	AN	Must be present: S = Sole Proprietorship P = Partnership C = Corporation T = Trust L = Limited Liability Company
OWNER'S LAST NAME	20	34	15	AN	Must be present if Ownership Type in position 19 = S.
OWNER'S FIRST NAME	35	45	11	AN	Must be present if Ownership Type in position 19 = S.
OWNER'S MIDDLE INITIAL	46	46	1	AN	May be left blank.
BUSINESS NAME	47	86	40	AN	Enter if business is operating under a fictitious name (Doing Business As (DBA)).
BUSINESS ADDRESS NUMBER AND STREET	87	126	40	AN	Address of the business location or the residence of the owner if sole proprietorship.
CITY	127	166	40	A	Must be present.
STATE	167	168	2	A	Enter standard state abbreviation.
ZIP CODE	169	177	9	AN	Enter the five- or nine-digit ZIP Code assigned by the U.S. Postal Service. If only the first five-digits are known, left-justify information and fill the unused fields with blanks.
BUSINESS START DATE	178	185	8	N	Enter the eight-digit date (MMDDYYYY). Zero fill if not known.
BUSINESS CEASE DATE	186	193	8	N	Enter the eight-digit date (MMDDYYYY) if out of business. Zero fill if not known or still in business.

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Agenda Date: 4-5-11

Agenda Item: 9c

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: DAVID WOLTERING, COMMUNITY DEVELOPMENT DIRECTOR

DATE: APRIL 5, 2011

SUBJECT: CALIFORNIA ASSEMBLY BILL 710 (SKINNER, 14th DISTRICT)

RECOMMENDATION

It is recommended that the City Council oppose California Assembly Bill 710 (Skinner, 14th District), "Infill Development and Sustainable Community Act of 2011", as presently written and authorize the Mayor to sign a letter to appropriate legislators and representatives indicating the City's official opposition.

BACKGROUND

On February 17, 2011, California State Assembly member Nancy Skinner introduced Assembly Bill No. 710. This proposed Bill, also referred to as the "Infill Development and Sustainable Community Act of 2011", would prohibit a city or county from requiring more than one parking space per residential unit or more than one parking space per 1,000 square feet of commercial or other non-residential development in a transit intensive area; these areas are generally referred to as areas related to transit-oriented development, infill development, and/or Town Center Development. These proposed standards would apply, as well, to mixed-use (commercial/residential) development in transit intensive areas.

The Clayton Planning Commission discussed the merits of Assembly Bill No. 710 at its meeting of March 22, 2011. The Commissioners indicated strong opposition to this Assembly Bill and requested to convey its opposition to the City Council in writing, with the desire that this opposition be communicated in a timely manner to pertinent State and local representatives. The attached March 28, 2011 memorandum from Planning Commission Chair Sandra Johnson and the other Commissioners to City Manager Gary Napper describes in some detail the concerns of the Commissioners regarding this proposed legislation.

In summary, the Commissioners found proposed AB 710 to be inflexible, not adjusting to varying land-use mixes and respective parking demands and/or the degree to which transit options may be available in the different circumstances to which this legislation could be applied. The standards in the proposed legislation may work in a setting in which the existing and proposed land uses avail themselves to shared-use of parking spaces because the land uses have lower and/or different peak periods for parking demand. However, in a circumstance in which shared use of parking may not be feasible or the parking demand is particularly large (i.e., a grocery store), the proposed standards in AB 710 would not work and could be economically and fiscally detrimental. Additionally, the Commissioners believed the proposed Assembly Bill was an inappropriate extension of a “one size fits all” State regulation into an area that is better suited for localized standards and solutions to fit particular circumstances and settings. Staff has attached a copy of the Commissioners' memorandum on this matter and a copy of the proposed legislation. Staff supports the Planning Commission's position.

Attachment: Memorandum from Planning Commission Chair Sandra Johnson and Commissioners to City Manager Gary Napper regarding AB 710, dated March 28, 2011

Memorandum

To: City Manager Gary Napper

From: Chair Johnson and Planning Commissioners

Date: March 28, 2011

Subject: March 22, 2011 Planning Commission Agenda Item 5B. Regarding Proposed State Assembly Bill 710

At its meeting of March 22, 2011, the Planning Commission discussed the recently introduced California State Assembly Bill No. 710. This Assembly Bill was introduced by Assembly Member Nancy Skinner on February 17, 2011. The Assembly Bill, also referred to as the "Infill Development and Sustainable Community Act of 2011", would prohibit a city or county from requiring more than one parking space per residential unit or more than one parking space per 1,000 square feet of commercial or other non-residential development in a transit intensive area; these areas are generally referred to as areas related to transit-oriented development, infill development, and/or Town Center Development. The proposed standards would apply, as well, to mixed-use (commercial/residential) development in transit intensive areas.

The rationale for this proposed legislation is to support and promote development that is more compact and less automobile dependent, and, thereby, reduce greenhouse gas emissions. The proposed Assembly Bill refers to "excessive" parking standards as a substantial obstacle to producing compact and less automobile dependent development.

At its meeting, the Planning Commission indicated strong concerns that this proposed Assembly Bill is overreaching and misplaced as it establishes a particular set of parking standards for a broad range of settings and existing as well as future land use mix circumstances. Not only would this be an inappropriate involvement by the State in determining "local" land-use standards for parking, this Assembly Bill fails to consider individual local circumstances and settings related to such aspects as existing and anticipated future land uses and the availability of transit options.

Proposed Assembly Bill No. 710 appears to be a "one size fits all" proposal. Major metropolitan areas that are well served by mass transit options are very different from existing suburban centers that have far few mass and public transit options and frequencies. Assembly Bill 710 must be dismissed as it is poorly thought out; it does not address the multitude of settings and circumstances which would be impacted; it inappropriately supplants local land-use authority which appropriately enables the right bundle of controls and incentives to be put in place by local decision-makers to address local settings and circumstances; and it appears that there has been no analysis of the financial or economic impacts of this proposed legislation.

The Planning Commission requests that its comments on this proposed legislation be considered by the Clayton City Council as the City council considers this matter at its April 5, 2011 meeting.

Thank you.

Attachment: Proposed State Assembly Bill No. 710

comdev/planning commission/memorandum/Memorandum from Planning Commission to City Manager regarding AB 710

ASSEMBLY BILL No. 710

Introduced by Assembly Member Skinner

February 17, 2011

An act to add Article 2 (commencing with Section 65200) to Chapter 3 of Division 1 of Title 7 of the Government Code, and to amend Section 75125 of the Public Resources Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 710, as introduced, Skinner. Local planning: infill and transit-oriented development.

(1) The Planning and Zoning Law requires specified regional transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, and requires the regional transportation plan to include, among other things, a sustainable communities strategy, for the purpose of using local planning to reduce greenhouse gas emissions.

This bill would state the findings and declarations of the Legislature with respect to parking requirements and infill and transit-oriented development, and would state the intent of the Legislature to reduce unnecessary government regulation and to reduce the cost of development by eliminating excessive minimum parking requirements for infill and transit-oriented development.

This bill would also prohibit a city or county from requiring more than one parking space per residential unit and more than one parking space per 1,000 square feet of commercial or other nonresidential space for a residential or mixed-use residential project located in a transit intensive area, as defined, or subject to an adopted downtown area plan, an adopted neighborhood plan, or an adopted redevelopment project area.

(2) Existing law sets forth the duties of the Strategic Growth Council, including the duty to recommend policies and investment strategies and priorities to the Governor, the Legislature, and to appropriate agencies to encourage the development of sustainable communities, as described.

This bill would modify the description of sustainable communities to additionally include communities that incentivize infill development.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. This article shall be known and may be cited as the Infill Development and Sustainable Community Act of 2011.

SEC. 2. (a) The Legislature finds and declares all of the following:

(1) Existing parking requirements are based on low density and single land uses.

(2) Parking is costly to build and maintain and can increase the cost of infill projects by 10 to 20 percent. The high cost of land, construction, and maintenance to provide parking adds significantly to the cost of transit-oriented development, making sites financially infeasible and hindering economic development strategies.

(3) Increases in public transportation options and the development of more walkable and bikeable neighborhoods reduce the demand for parking.

(4) Excessive governmental parking requirements for infill and transit-oriented development reduce the viability of transit by limiting the number of households or workers near transit, increasing walking distances, and degrading the pedestrian environment.

(5) Reducing excessive minimum parking requirements for infill and transit-oriented development and allowing builders and the market to decide how much parking is needed can do all of the following:

(A) Ensure sufficient amounts of parking at almost all times.

(B) Significantly reduce the cost of development and increase housing affordability.

(C) Increase density in areas with the most housing demand, and facilitate compact development and the attainment of environmental goals.

(b) It is the intent of the Legislature to reduce unnecessary government regulation and to reduce the cost of development by eliminating excessive minimum parking requirements for infill and transit-oriented development.

SEC. 3. Article 2 (commencing with Section 65200) is added to Chapter 3 of Division 1 of Title 7 of the Government Code, to read:

Article 2. Infill Development and Sustainable Community Act of 2011

65200. (a) A city, county, or city and county, including a charter city, shall not require more than one parking space per residential unit and more than one parking space per 1,000 square feet of commercial or other nonresidential space for a residential or mixed-use residential project located in a transit intensive area, or subject to an adopted downtown area plan, an adopted neighborhood plan, or an adopted redevelopment project area.

(b) For the purposes of this section, "transit intensive area" means a central business district, an area within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and an area within one-quarter mile of a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code.

SEC. 4. Section 75125 of the Public Resources Code is amended to read:

75125. The council shall do all of the following:

(a) Identify and review activities and funding programs of member state agencies that may be coordinated to improve air and water quality, improve natural resource protection, increase the availability of affordable housing, improve transportation, meet the goals of the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), encourage sustainable land use planning, and revitalize urban and community centers in a sustainable manner. At a minimum, the council shall review and comment on the five-year infrastructure plan developed pursuant to Article 2 (commencing with Section 13100) of Chapter 2 of Part 3 of Division 3 of the Government Code and the State Environmental Goals and Policy Report developed pursuant to Section 65041 of the Government Code.

(b) Recommend policies and investment strategies and priorities to the Governor, the Legislature, and to appropriate state agencies to encourage the development of sustainable communities, such as those communities that promote equity, strengthen the economy, protect the environment, *incentivize infill development,* and promote public health and safety, consistent with subdivisions (a) and (c) of Section 75065.

(c) Provide, fund, and distribute data and information to local governments and regional agencies that will assist in developing and planning sustainable communities.

(d) Manage and award grants and loans to support the planning and development of sustainable communities, pursuant to Sections 75127, 75128, and 75129. To implement this subdivision, the council may do all of the following:

(1) Develop guidelines for awarding financial assistance, including criteria for eligibility and additional consideration.

(2) Develop criteria for determining the amount of financial assistance to be awarded. The council shall award a revolving loan to an applicant for a planning project, unless the council determines that the applicant lacks the fiscal capacity to carry out the project without a grant. The council may establish criteria that would allow the applicant to illustrate an ongoing commitment of financial resources to ensure the completion of the proposed plan or project.

(3) Provide for payments of interest on loans made pursuant to this article. The rate of interest shall not exceed the rate earned by the Pooled Money Investment Board.

(4) Provide for the time period for repaying a loan made pursuant to this article.

(5) Provide for the recovery of funds from an applicant that fails to complete the project for which financial assistance was awarded. The council shall direct the Controller to recover funds by any available means.

(6) Provide technical assistance for application preparation.

(7) Designate a state agency or department to administer technical and financial assistance programs for the disbursing of grants and loans to support the planning and development of

sustainable communities, pursuant to Sections 75127, 75128, and 75129.

(e) No later than July 1, 2010, and every year thereafter, provide a report to the Legislature that shall include, but is not limited to, all of the following:

(1) A list of applicants for financial assistance.

(2) Identification of which applications were approved.

(3) The amounts awarded for each approved application.

(4) The remaining balance of available funds.

(5) A report on the proposed or ongoing management of each funded project.

(6) Any additional minimum requirements and priorities for a project or plan proposed in a grant or loan application developed and adopted by the council pursuant to subdivision (c) of Section 75126.

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CITY OF CLAYTON
Founded 1857 . Incorporated 1964

Agenda Date: 4-5-11

Agenda Item: 9d

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 05 APRIL 2011

SUBJECT: FORMATION OF COUNCIL AD-HOC COMMITTEE
TRANSITION PLANNING FOR CONTRACT CITY ATTORNEY SERVICES

RECOMMENDATION

Following discussion, it is recommended the City Council by motion form a City Council ad-hoc committee of two (2) members to work with its City Manager in drafting a Request for Proposals (RFP) and an associated time table for the recruitment and selection of new contract city attorney services to replace the City's only City Attorney law firm since incorporation in 1964.

BACKGROUND

Since the first days of incorporation, the City of Clayton has been admirably served by the law firm of Turner, Huguet & Adams (Martinez, CA) as its contract city attorney for 47 years. Maurice (Maury) Huguet, Jr. was Clayton's City Attorney until 01 July 2005 when the firm's partner, Jonathan D. (Dan) Adams was appointed City Attorney and Maury Huguet became our Assistant City Attorney. The elected City Council selects and appoints its city attorney, its city treasurer, and its city manager. By virtue of its establishment as a General Law city under the council-manager form of local government (per the *California Government Code*), these positions are the only City officials directly selected and appointed by the City Council, except its planning commission and other citizen advisory boards.

By mutual arrangement, the law firm submitted a letter to each member of the Clayton City Council dated 24 March 2011 confirming the time had arrived wherein it is necessary for the City of Clayton to embark on a course to secure replacement city attorney services. A copy of their letter is attached for reference and information. Although effectively providing the City with official notice of termination of the Legal Services Agreement, City Attorney Dan Adams and Assistant City Attorney Maury Huguet clearly indicate they will continue to provide legal services for and to the City until such time the City Council can appoint its replacement.

PROPOSED PROCESS

The selection and appointment of a replacement city attorney is an action to be determined by the entire City Council. However, there is fundamental preparatory work that can and should be assigned to an ad-hoc committee of the City Council to assist the City Manager in the drafting of a Request for Proposals (RFP), which instrument is the generally-accepted announcement by a city seeking interested and qualified attorneys to submit their credentials and expectations. Often, cities and public agencies will retain the services of an executive search firm to aid in the advertisement, screening and interviewing of likely candidates for this key executive position. While in this instance the procurement of such search services is not deemed necessary, that determination is one of the variables the Council ad-hoc committee will review and provide a final recommendation.

By its very nature, an ad-hoc committee of the City Council can comprise no more than two (2) members of the City Council and is purely advisory to the full governing body. Although the services of a city attorney are supplied to cities by an individual practitioner, a small law firm or through a large law firm, some of the essential criteria will be the Council's setting of its preferred qualifications, experiences and background. For example, will the City Council accept for consideration Proposals from all attorneys irrespective of specialty or number of years of practice, and is it necessary for an applicant to have previous city attorney, deputy city attorney or public law experience? Generally, small public agencies employ contract city attorney services but does the City Council wish to entertain an in-house employment option? The Council's appointed ad-hoc committee must wrestle with such prerequisites in the drafting of a RFP for the entire Council's review and approval. The draft RFP, along with its contents and minimum qualifications, must be approved by the entire City Council at a noticed public meeting.

FISCAL IMPACT

The City's current contract city attorney services provided by Mr. Adams and Mr. Huguet have been budgeted and paid at a base retainer of $96,000 per year (General Fund). This amount has not been increased for the 3rd straight fiscal year by their voluntary action in consideration of the difficult economic times facing all local governments and this City. In addition to base retainer services, by existing agreement the law firm is allowed and does bill separately for legal services rendered to the City on certain litigation cases (GHAD) and infrequent general advice provided to the City's redevelopment agency (at $185/hour). Often over the years, the law firm absorbed pre-litigation and small litigation matters of the City as a service under its base retainer.

It is unknown at this time what hourly rate for general and litigation legal services a small city the size of Clayton can expect to pay for replacement counsel. At a minimum, the City will incur expenses for the copying, mailing and advertisement of its city attorney RFP.

Attachments: 1. City Attorney letter dated 24 March 2011 [2 pp.]

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OF COUNSEL:
ANTHONY B. VARNI

GORDON B. TURNER
1907-1997

March 24, 2011

ELECTRONIC AND
FIRST CLASS MAIL

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

Re: Retainer/Legal Services Agreement

Dear City Council and Gary:

This letter is to follow up on our phone conversation of March 23, 2011 with Gary wherein it was mutually agreed that the time has now come for the long-standing legal services agreement between us to end and for new legal representation to be retained by the City.

With Dan approaching age 68 and Maury age 74 we both find it necessary and desirable to cut back our law practice activities in order to spend more time with our families. Dan especially has had to devote an extraordinary amount of time to Clayton matters the past couple of years. In January of this year Maury reduced his schedule to two days per week, thus being less available to assist Dan on Clayton work. Maury is planning to reduce his work time even more in 2012. These factors and the recent increased level of requests for legal services from the City have caused us to realize that we will no longer be able to provide the amount of legal services the City needs. We believe the Council has come to that realization as well.

Pursuant to the provisions of the Legal Services Agreement with regard to automatic renewal and termination, Turner, Huguet & Adams is required to provide the City with timely notice "not more than four months nor less than three months before the end of a pending term (fiscal year-end)" and of "at least sixty (60) days.....of its intent to terminate" the agreement. Although this may not be necessary in view of the mutual understanding reached between us and the City Manager in the aforementioned phone conversation, you may consider this letter as our compliance with the quoted notice requirements.

As discussed with Gary, we will work with the City Council and City Staff towards an orderly transition and are prepared to continue to provide legal services to the City consistent with the Legal Services Agreement and the ethical obligations of our profession. In that regard, we do not intend to conclude our arrangement sixty days from date hereof, and instead will work with the City towards a reasonable conclusion of our relationship that is consistent with the City's well-being and interest being protected.

Our firm has valued our relationship and enjoyed providing the City with quality legal services, having served as the City Attorney since Clayton first became a City in 1964. We hope that the conclusion of our relationship will be amicable and beneficial to both parties.

Very truly yours,

TURNER, HUGUET & ADAMS

By: ______________________
J. Daniel Adams,

By. ______________________
M. E. Huguet, Jr.

JDA:lac