



AGENDA

REGULAR MEETING

CLAYTON CITY COUNCIL

TUESDAY, May 3, 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.

*** CITY COUNCIL ***

May 3, 2011

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

Report 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 April 19, 2011. ([View Here](#))
- (b) Approve Financial Demands and Obligations of the City. ([View Here](#))
- (c) Accept the 3rd Quarter City Investment earnings and portfolio report of FY 2010-2011 for the period ending March 31, 2011. ([View Here](#))
- (d) Adopt a Resolution calling for the preparation of the annual Engineer's Report for the levy of FY 2011-2012 assessments in the Clayton Street Lighting Assessment District (pursuant to the Street Lighting Act of 1919). ([View Here](#))

5. **RECOGNITIONS AND PRESENTATIONS**

- (a) Recognition of Charles "Chuck" Evans for serving 16 years as Clayton's representative to the County Connection Citizens Advisory Committee of CCCTA.

6. REPORTS

- (a) Planning Commission – Vice Chairman Dan Richardson.
- (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 and review of the Initial Vision Scenario for the Sustainable Communities Strategy (SCS) in the draft Bay Area Plan mandate required by Senate Bill 375 (2008). ([View Here](#))
(Community Development Director)

Staff recommendation: Following staff report and public comments, it is recommended the City Council provide official City comment on the draft Bay Area Plan.

- (b) Consideration of City Council support or endorsement of the local campaign and community effort for the conversion of Clayton Valley High School into a California Charter School. ([View Here](#))
(City Council)

Staff recommendation: That Council provide policy direction regarding this subject.

- (c) Review and approval of the City's draft Request for Proposals (RFP) for the solicitation of law firm and/or individual qualification submittals for consideration as the City's replacement city attorney to provide contract legal services.
(Council Ad-Hoc Committee and City Manager) ([View Here](#))

Staff recommendation: Following discussion and public comment, by motion approve for advertisement the City's Request for Proposals for 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 May 17, 2011.

#

**MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL**

Agenda Date: 5-3-11

Agenda Item: 4a

TUESDAY, April 19, 2011

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:17 p.m. by Mayor Shuey in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Shuey, Vice Mayor Geller, Councilmembers Medrano, Pierce, and Stratford. Staff present: City Manager Gary Napper, Assistant City Attorney Maury Huguet (7:00 p.m.), Community Development Director David Woltering, and City Clerk Laci Jackson.

2. **CLOSED SESSION**- Mayor Shuey announced the following purpose for Closed Session and then adjourned into Closed Session at 6:17 p.m.

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

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

Report out of Closed Session: 7:03 p.m. Mayor Shuey reported the Council gave direction to its Labor Negotiator.

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

4. **CONSENT CALENDAR**- Councilmember Medrano asked that item 4(c) be pulled for discussion. Both he and Mayor Shuey asked if Diablo Ford of Pittsburg would be able to bid on future projects even though there was a misunderstanding with their 2010 truck bid. The City Manager stated staff would not eliminate them from bidding on future vehicles.

It was moved by Councilmember Medrano, seconded by Vice Mayor Geller to approve the Consent Calendar as submitted (Passed; 5-0 vote).

- (a) Approved the minutes of the regular meeting of March 15, 2011.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Approved award of contract to Future Ford of Concord, CA in the amount of \$23,147.14 for a 2011 Ford F-250 as the FY 2010-11 budgeted replacement truck for the City's 1992 Ford F-450 (CERF monies).
- (d) Accepted the resignation of Charles "Chuck" Evans as the City's long-term voting representative to the County Connection's (CCCTA) Citizens' Advisory Committee (CAC), effective April 29, 2011.
- (e) Adopted Resolution 10-2011 authorizing the establishment and maintenance of investment accounts with Multi-Bank Securities, Inc. (as broker) using Pershing LLC (as holding company).

5. RECOGNITIONS AND PRESENTATIONS

- (a) Kickoff of Clayton Farmers' Market 2011 – Opening Day is Saturday, May 7th.

The Pacific Coast Farmers' Market Association's Clayton Farmers' Market Manager Maureen Silva thanked the Council for continuing the Saturday morning market. She stated this year there will be more breakfast vendors including a crepe vendor and specialty teas available. She also stated there is a new program for frequent shoppers to the market who will receive prizes after having a card stamped at the market when they attend. She also stated the Opening Day of the market is May 7th and there will be a grand opening celebration.

Mayor Shuey stated the market has been a wonderful addition to the community.

- (b) Mayor Shuey presented a Certificate of Recognition to Johnny James for his Eagle Scout project in Clayton. Johnny stated his project took two full days and he and his crew constructed a shade arbor at the Dog Park.

Bryan Alan Crase was not present to receive his Certificate of Recognition.

- (c) Remarks by Beverly Lane, Board Member, East Bay Regional Parks District (EBRPD) on its Measure WW grant project progress.

The Mayor noted that Boardmember Lane was running late for the meeting due to traffic.

6. REPORTS

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

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

- (c) The City Manager stated the State Legislature continues to wrestle with cuts for the upcoming year and now the COPS Grant is up for discussion due to the lack of a statewide ballot measure to extend the VLF tax for this Program. He stated the COPS grant funds our 10th police officer, and if the state takes that money away the City Council will have to decide whether or not to patch the \$100,000 funding gap for a period of time or lay off a police officer.

- (d) City Council

Councilmember Stratford joined the staff of the East Contra Costa Habitat Conservancy to tour properties acquired with the help of the East Bay Regional Parks District.

Councilmember Medrano attended the Clayton Valley Charter High School community meeting.

Councilmember Pierce attended an ABAG Regional Planning Committee meeting, the ABAG General Assembly, a Transportation Authority meeting, the State Route 4 groundbreaking, and was a presenter at the San Ramon Valley Leadership summit to discuss the Sustainable Communities Strategy. She also attended the Clayton Cleans Up and thanked the Clayton Pioneer and Bob Steiner for sponsoring the event. Lastly, she attended a tour of the Alameda County HOT lanes.

Vice Mayor Geller attended the Clayton Cleans up and thanked Allied Waste Services for their donations to the event. He also stated he attended his second CERT class.

Mayor Shuey attended the Clayton Valley Charter High School community meeting which had between 130-150 people in attendance including teachers and parents. He stated there is a powerpoint presentation about the subject up on the Claycord blog and on the Clayton Valley Charter High School facebook page.

(e) Other – None.

7. **PUBLIC COMMENTS** – None.

8. **PUBLIC HEARINGS** – None.

9. **ACTION ITEMS**

- (a) Second Reading and Adoption 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).

The Community Development Director presented the staff report and stated Fire Marshall Brochard attended the previous meeting and outlined the changes to the Fire Code. He stated the amendments to the Code include assuring adequate fire suppression devices are available for new residential and commercial buildings as well as large additions.

Mayor Shuey stated overall it is important to have code unity with the County when adopting of the new Fire Code, yet he still believes the new requirement for fire sprinklers on expansion of existing single family homes is overregulation. However, he will vote for it because the code is primarily beneficial to the community as a whole.

No public comments were received.

It was moved by Vice Mayor Geller, seconded by Councilmember Pierce to have the City Clerk read Ordinance No. 432 by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 432 by title and number only.

It was moved by Councilmember Stratford, seconded by Vice Mayor Geller to adopt Ordinance No. 432 (Passed; 5-0 vote).

- (b) Consideration of a status report on the effort statewide and interest locally to prohibit the use of unrecyclable polystyrene “take-out” containers by a restaurant, retail food establishment or food vendor at community or special events.

The City Clerk presented the staff report and outlined the research staff had done in regards to a polystyrene ban. She stated the State Legislature is currently working on legislation that would “prohibit a food vendor, on or after January 1, 2013, from dispensing prepared food to a customer in polystyrene foam food containers.” She also stated many cities have enacted local bans on polystyrene but before they did so engaged in a lengthy public process, conducted cost benefit analysis, and reviewed environmental impacts. She noted the City received a letter today from the American Chemistry Council outlining their position on polystyrene which suggests all take-out food containers should be evaluated on being “earth-friendly,” not just naming polystyrene.

Lastly, she stated staff recommends the Council await pending state legislation and possibly instruct staff to prepare a letter to local restaurateurs informing them of the potential upcoming ban and encouraging advance voluntary compliance.

Councilmember Pierce stated she is torn on the issue because banning one type of container might not solve the problem. She stated this action was better suited for a uniform statewide level.

Councilmember Medrano agreed this was something to be done at the state level.

Councilmember Stratford stated a City letter could be sent to encourage more green products?

Mayor Shuey stated he is very encouraged by the conversation and understands the environmental impact. He stated he is concerned about the non-biodegradability of polystyrene but with the economy the way it is the increased cost to businesses to switch to other container means would be detrimental. He suggested the City wait for the State to take the lead, re-examine the issue down the road, and hold off on sending local letters for now.

The City Manager suggested the issue could be discussed in one of the upcoming Mayors' Columns in the Clayton Pioneer.

No action taken.

- (c) Request by Council Member to discuss amending City Policy to also allow distilled spirits (hard liquor) during public rentals in Endeavor Hall in addition to current policy of beer and wine only.

Councilmember Medrano stated a resident in town asked him to discuss the Alcohol Policy for Endeavor Hall. He stated currently only beer and wine are allowed with an Alcohol Permit, but at most other rental venues in the area hard alcohol is allowed. He stated this is not "alcohol" for sale at the event, just available for guests. He stated he did not believe it was a large issue because liability insurance is already required for the venue. He stated if change in policy results in rental concerns Council can discuss it and go back to beer and wine only.

Councilmember Stratford stated he doesn't have a problem with making the change but wants to ensure the alcohol is kept inside and in the courtyard. He also suggested doubling the deposit for the venue (to \$1,000) to make renters more aware of the risks and hazards.

Councilmember Pierce stated she doesn't believe it is necessary and neither do the people she spoke with in the community.

Councilmember Geller suggested requiring a professional to tend the alcohol bar and a bouncer for events with hard alcohol because of the possibility of power drinking.

Councilmember Medrano stated this change in policy will not encourage more alcohol consumption, rather it will give people a choice of drinks.

Mayor Shuey stated a responsible member of the community is thinking of having an event at Endeavor Hall but would like to have hard alcohol for their guests. He stated Walnut Creek has a mix of facilities and at some hard alcohol is allowed. He stated an increased deposit is acceptable but people have to be responsible for themselves.

The City Manager noted this discussion is about host liquor liability (served at no cost), and if people want to sell alcohol they still must get a separate ABC license.

It was moved by Councilmember Medrano, seconded by Councilmember Stratford to allow hard alcohol at Endeavor Hall events with an increased deposit to \$1,000 for hard liquor (Passed; 3-2 vote; Noes- Pierce and Geller).

10. **COUNCIL ITEMS-** Councilmember Stratford suggested the Council consider a Resolution of support for the Clayton Valley Charter High School at their next meeting.

11. **ADJOURNMENT**– On call by Mayor Shuey the meeting adjourned at 8:05 p.m.

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

David T. Shuey, Mayor



Agenda Date: 5/3/11

Agenda Item: 4b

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER

DATE: MAY 3, 2011

SUBJECT: INVOICE SUMMARY

RECOMMENDATION

Approve the following Invoices.

4/28/11	Cash Requirements Report	\$300.00
4/29/11	Cash Requirements Report	\$543,207.43

Attachments:

Cash Requirements Report, dated 4/28/11 (1 page)

Cash Requirements Report, dated 4/29/11 (6 pages)

City of Clayton
Cash Requirements Report
CC Meeting 5/3/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Neopost (add postage)	4/28/2011	4/15/2011	4/15/11	Postage Added 4-15/11	\$300.00	\$0.00		\$300.00
Neopost (add postage)				Totals for Neopost (add postage):	\$300.00	\$0.00		\$300.00

GRAND TOTALS:

\$300.00

City of Clayton

Cash Requirements Report

CC Meeting 5/3/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
All City Management Services, Inc.								
All City Management Services, Inc.	4/28/2011	4/11/2011	22515	Crossing Guard WE 4/9/11	\$465.00	\$0.00		\$465.00
				Totals for All City Management Services, Inc.:	\$465.00	\$0.00		\$465.00
AT&T/ CalNet 2								
AT&T/ CalNet 2	4/29/2011	4/22/2011	4/11A	Local Phone Svc 4/11A	\$1,314.94	\$0.00		\$1,314.94
				Totals for AT&T/ CalNet 2:	\$1,314.94	\$0.00		\$1,314.94
BAE Urban Economics Inc								
BAE Urban Economics Inc	4/28/2011	4/7/2011	1712-Mar11	CCCChurch Impacts Study 3/11	\$8,820.00	\$0.00		\$8,820.00
				Totals for BAE Urban Economics Inc:	\$8,820.00	\$0.00		\$8,820.00
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	4/29/2011	4/11/2011	0269083-IN	Water Feature Handicap Ramp & Gen Sup 4	\$1,196.43	\$0.00		\$1,196.43
				Totals for Bay Area Barricade Serv.:	\$1,196.43	\$0.00		\$1,196.43
Bay Area News Group East Bay (CCT)								
Bay Area News Group East Bay (CCT)	4/28/2011	3/29/2011	3918082	Legal Notice for CPP Expansion 3/11	\$1,337.20	\$0.00		\$1,337.20
				Totals for Bay Area News Group East Bay (CCT):	\$1,337.20	\$0.00		\$1,337.20
CalPERS Health								
CalPERS Health	4/29/2011	4/15/2011	403	Health Premiums 5/11	\$28,656.62	\$0.00		\$28,656.62
				Totals for CalPERS Health:	\$28,656.62	\$0.00		\$28,656.62
CalPERS Retirement								
CalPERS Retirement	4/28/2011	4/27/2011	PPE 4/17/11	Retirement PPE 4/17/11	\$20,457.33	\$0.00		\$20,457.33
				Totals for CalPERS Retirement:	\$20,457.33	\$0.00		\$20,457.33
Caltronics Business Systems, Inc								
Caltronics Business Systems, Inc	4/28/2011	4/14/2011	839387	Admin Copier 4/11	\$175.98	\$0.00		\$175.98
				Totals for Caltronics Business Systems, Inc:	\$175.98	\$0.00		\$175.98
CCC Library								
CCC Library	4/29/2011	4/14/2011	4/14/11	Additional Library Hours 1-3/11	\$4,826.75	\$0.00		\$4,826.75
				Totals for CCC Library:	\$4,826.75	\$0.00		\$4,826.75
CCC Treasurer								
CCC Treasurer	4/28/2011	11/15/2010	FY 10-11	SERAF Shift FY 10/11	\$404,961.00	\$0.00		\$404,961.00
				Totals for CCC Treasurer:	\$404,961.00	\$0.00		\$404,961.00
Cheryl Hammond								
Cheryl Hammond	4/29/2011	4/19/2011	EH 3.5/11	Refund Unused EH Deposit 3/5/11	\$250.00	\$0.00		\$250.00
				Totals for Cheryl Hammond:	\$250.00	\$0.00		\$250.00
Chris Gardner								

City of Clayton

Cash Requirements Report

CC Meeting 5/3/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Chris Gardner	4/29/2011	4/29/2011	Band 8.27/11	Grove Concert Band 8/27/11	\$2,000.00	\$0.00		\$2,000.00
				Totals for Chris Gardner:	\$2,000.00	\$0.00		\$2,000.00
City of Concord								
City of Concord	4/28/2011	4/15/2011	24421	PD Live Scan 4/11	\$32.00	\$0.00		\$32.00
				Totals for City of Concord:	\$32.00	\$0.00		\$32.00
City of Oakley								
City of Oakley	4/29/2011	4/29/2011	5/11	Mayor's Conference 5/11	\$100.00	\$0.00		\$100.00
				Totals for City of Oakley:	\$100.00	\$0.00		\$100.00
Clayton Pioneer								
Clayton Pioneer	4/28/2011	4/26/2011	11284	2011 Concert in the Grove Flyer Inserts	\$485.00	\$0.00		\$485.00
				Totals for Clayton Pioneer:	\$485.00	\$0.00		\$485.00
Cole Supply Company								
Cole Supply Company	4/29/2011	4/18/2011	781569	Garbage Bags 4/11	\$415.81	\$0.00		\$415.81
				Totals for Cole Supply Company:	\$415.81	\$0.00		\$415.81
Concord Garden Equipment								
Concord Garden Equipment	4/29/2011	3/30/2011	404892-406676	PW Equipment Maintenance 2/11 & 3/11	\$2,955.58	\$0.00		\$2,955.58
				Totals for Concord Garden Equipment:	\$2,955.58	\$0.00		\$2,955.58
Corliss Construction								
Corliss Construction	4/29/2011	4/15/2011	C&D #1001	Refund C&D Deposit 4/11	\$2,000.00	\$0.00		\$2,000.00
				Totals for Corliss Construction:	\$2,000.00	\$0.00		\$2,000.00
David Hosley								
David Hosley	4/29/2011	4/29/2011	Band 7/2/11	Grove Concert Band 7/2/11	\$1,400.00	\$0.00		\$1,400.00
				Totals for David Hosley:	\$1,400.00	\$0.00		\$1,400.00
Delta Bay Concrete Cutting								
Delta Bay Concrete Cutting	4/29/2011	4/12/2011	4/12/11	Water Feature Concrete Cutting 4/11	\$275.00	\$0.00		\$275.00
				Totals for Delta Bay Concrete Cutting:	\$275.00	\$0.00		\$275.00
Don Stone								
Don Stone	4/28/2011	4/28/2011	Sound 5/7/11	Grove Concert Sound Svc 5/7/11	\$650.00	\$0.00		\$650.00
Don Stone	4/28/2011	4/28/2011	Sound 6/18/11	Grove Concert Sound Svc 6/18/11	\$650.00	\$0.00		\$650.00
Don Stone	4/28/2011	4/28/2011	Sound 6/4/11	Grove Concert Sound Svc 6/4/11	\$650.00	\$0.00		\$650.00
Don Stone	4/28/2011	4/28/2011	Sound 7/16/11	Grove Concert Sound Svc 7/16/11	\$650.00	\$0.00		\$650.00
Don Stone	4/28/2011	4/28/2011	Sound 7/2/11	Grove Concert Sound Svc 7/2/11	\$650.00	\$0.00		\$650.00
Don Stone	4/28/2011	4/28/2011	Sound 7/30/11	Grove Concert Sound Svc 7/30/11	\$650.00	\$0.00		\$650.00
Don Stone	4/28/2011	4/28/2011	Sound 8/13/11	Grove Concert Sound Svc 8/13/11	\$650.00	\$0.00		\$650.00
Don Stone	4/28/2011	4/28/2011	Sound 8/27/11	Grove Concert Sound Svc 8/27/11	\$650.00	\$0.00		\$650.00
Don Stone	4/28/2011	4/28/2011	Sound 9/10/11	Grove Concert Sound Svc 9/10/11	\$650.00	\$0.00		\$650.00

City of Clayton

Cash Requirements Report

CC Meeting 5/3/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Donald R Chiles				<i>Totals for Don Stone:</i>				
Donald R Chiles	4/29/2011	4/29/2011	Band 7/16/11	Grove Concert Band 7/16/11	\$5,850.00	\$0.00		\$5,850.00
				<i>Totals for Donald R Chiles:</i>	\$2,100.00	\$0.00		\$2,100.00
Drew Harrison								
Drew Harrison	4/28/2011	4/28/2011	Band 5/21/11	Grove Concert Band 5/21/11	\$2,000.00	\$0.00		\$2,000.00
				<i>Totals for Drew Harrison:</i>	\$2,000.00	\$0.00		\$2,000.00
Dyna Systems								
Dyna Systems	4/29/2011	4/5/2011	20455969	PW General Supplies 4/11	\$142.36	\$0.00		\$142.36
				<i>Totals for Dyna Systems:</i>	\$142.36	\$0.00		\$142.36
Goldfarb & Lipman								
Goldfarb & Lipman	4/28/2011	4/20/2011	101107	RDA Legal Services 3/11	\$416.50	\$0.00		\$416.50
				<i>Totals for Goldfarb & Lipman:</i>	\$416.50	\$0.00		\$416.50
Graybar Electric Co, Inc								
Graybar Electric Co, Inc	4/29/2011	12/30/2010	951729780	PW Lighting Supplies 12/10	\$236.64	\$0.00		\$236.64
Graybar Electric Co, Inc	4/29/2011	1/17/2011	951970824	PW Lighting Supplies 1/11	\$41.50	\$0.00		\$41.50
Graybar Electric Co, Inc	4/29/2011	1/19/2011	952016247	PW Lighting Supplies 1/11	\$139.00	\$0.00		\$139.00
Graybar Electric Co, Inc	4/29/2011	2/22/2011	952579390	PW Lighting Supplies 2/11	\$3,004.07	\$0.00		\$3,004.07
				<i>Totals for Graybar Electric Co, Inc:</i>	\$3,421.21	\$0.00		\$3,421.21
Hammons Supply Company								
Hammons Supply Company	4/29/2011	4/21/2011	65907	Janitorial Supplies 4/11	\$505.16	\$0.00		\$505.16
				<i>Totals for Hammons Supply Company:</i>	\$505.16	\$0.00		\$505.16
Health Care Dental Trust								
Health Care Dental Trust	4/29/2011	4/15/2011	124124	Dental Premiums 5/11	\$2,517.24	\$0.00		\$2,517.24
				<i>Totals for Health Care Dental Trust:</i>	\$2,517.24	\$0.00		\$2,517.24
Hyde Printing Inc								
Hyde Printing Inc	4/29/2011	4/26/2011	36392	Concerts in the Park Flyers 2011	\$801.18	\$0.00		\$801.18
				<i>Totals for Hyde Printing Inc:</i>	\$801.18	\$0.00		\$801.18
ICMA Retirement Corporation								
ICMA Retirement Corporation	4/28/2011	4/7/2011	107661	401A Plan Fees 4/11-6/11	\$125.00	\$0.00		\$125.00
				<i>Totals for ICMA Retirement Corporation:</i>	\$125.00	\$0.00		\$125.00
James Kimball								
James Kimball	4/29/2011	4/29/2011	Band 9/10/11	Grove Concert Band 9/10/11	\$1,500.00	\$0.00		\$1,500.00
				<i>Totals for James Kimball:</i>	\$1,500.00	\$0.00		\$1,500.00
John Deere Landscapes Inc								

City of Clayton

Cash Requirements Report

CC Meeting 5/3/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
John Deere Landscapes Inc	4/29/2011	3/23/2011	57175085	PW Landscape Supplies 3/11	\$644.56	\$0.00		\$644.56
John Deere Landscapes Inc	4/29/2011	4/6/2011	57311766	PW Landscape Supplies 4/11	\$3,914.35	\$0.00		\$3,914.35
John Deere Landscapes Inc	4/29/2011	4/6/2011	57311794	PW Landscape Supplies 4/11	\$4,229.28	\$0.00		\$4,229.28
John Deere Landscapes Inc	4/29/2011	4/8/2011	57351075	PW Landscape Supplies 4/11	\$236.13	\$0.00		\$236.13
John Deere Landscapes Inc	4/29/2011	4/11/2011	57375525	PW Landscape Supplies 4/11	\$699.56	\$0.00		\$699.56
John Deere Landscapes Inc	4/29/2011	4/13/2011	57403995	PW Landscape Supplies 4/11	\$30.44	\$0.00		\$30.44
John Deere Landscapes Inc	4/29/2011	4/14/2011	57420248	PW Landscape Supplies 4/11	\$238.44	\$0.00		\$238.44
				<i>Totals for John Deere Landscapes Inc:</i>	<i>\$9,992.76</i>	<i>\$0.00</i>		<i>\$9,992.76</i>
Julie Enea								
Julie Enea	4/29/2011	4/29/2011	Band 8/13/11	Grove Concert Band 8/13/11	\$750.00	\$0.00		\$750.00
				<i>Totals for Julie Enea:</i>	<i>\$750.00</i>	<i>\$0.00</i>		<i>\$750.00</i>
Ken Joiret								
Ken Joiret	4/28/2011	4/28/2011	Sound 5/21/11	Grove Concert Sound Svc 5/21/11	\$650.00	\$0.00		\$650.00
				<i>Totals for Ken Joiret:</i>	<i>\$650.00</i>	<i>\$0.00</i>		<i>\$650.00</i>
LarryLogic Productions								
LarryLogic Productions	4/28/2011	4/20/2011	1139	City Council Meeting Video 4/19/11	\$292.50	\$0.00		\$292.50
				<i>Totals for LarryLogic Productions:</i>	<i>\$292.50</i>	<i>\$0.00</i>		<i>\$292.50</i>
LSA Associates Inc								
LSA Associates Inc	4/28/2011	4/21/2011	107299	CC Church EIR 3/11	\$738.00	\$0.00		\$738.00
				<i>Totals for LSA Associates Inc:</i>	<i>\$738.00</i>	<i>\$0.00</i>		<i>\$738.00</i>
Martell Water Systems, Inc.								
Martell Water Systems, Inc.	4/29/2011	4/20/2011	18149	Westwood Park Well Repair 4/11	\$273.03	\$0.00		\$273.03
				<i>Totals for Martell Water Systems, Inc.:</i>	<i>\$273.03</i>	<i>\$0.00</i>		<i>\$273.03</i>
Marvelous Show Records LP								
Marvelous Show Records LP	4/29/2011	4/29/2011	Band 6/18/11	Grove Concert Band 6/18/11	\$1,000.00	\$0.00		\$1,000.00
				<i>Totals for Marvelous Show Records LP:</i>	<i>\$1,000.00</i>	<i>\$0.00</i>		<i>\$1,000.00</i>
Michael Paul Mallett								
Michael Paul Mallett	4/29/2011	4/29/2011	Band 7/30/11	Grove Concert Band 7/30/11	\$625.00	\$0.00		\$625.00
				<i>Totals for Michael Paul Mallett:</i>	<i>\$625.00</i>	<i>\$0.00</i>		<i>\$625.00</i>
Municipal Pooling Authority								
Municipal Pooling Authority	4/28/2011	4/27/2011	5/11	LTD, Life & ADD Premiums 5/11	\$1,158.96	\$0.00		\$1,158.96
				<i>Totals for Municipal Pooling Authority:</i>	<i>\$1,158.96</i>	<i>\$0.00</i>		<i>\$1,158.96</i>
Neopost Leasing								
Neopost Leasing	4/29/2011	4/24/2011	N2454286	Admin Postage Machine Lease 6/11	\$223.64	\$0.00		\$223.64
				<i>Totals for Neopost Leasing:</i>	<i>\$223.64</i>	<i>\$0.00</i>		<i>\$223.64</i>
Pacific Telemanagement Svc								

City of Clayton

Cash Requirements Report

CC Meeting 5/3/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Pacific Telemanagement Svc	4/28/2011	4/20/2011	267728	Outside Phone Booth 5/11	\$73.00	\$0.00		\$73.00
				<i>Totals for Pacific Telemanagement Svc:</i>	<i>\$73.00</i>	<i>\$0.00</i>		<i>\$73.00</i>
Paul Cotruvo								
Paul Cotruvo	4/28/2011	4/28/2011	Band 5/7/11	Grove Concert Band 5/7/11	\$600.00	\$0.00		\$600.00
				<i>Totals for Paul Cotruvo:</i>	<i>\$600.00</i>	<i>\$0.00</i>		<i>\$600.00</i>
PERMCO, Inc.								
PERMCO, Inc.	4/29/2011	4/25/2011	9403	Retainer - General Svc	\$3,269.25	\$0.00		\$3,269.25
PERMCO, Inc.	4/29/2011	4/25/2011	9404	PG&E EP (minor)	\$249.00	\$0.00		\$249.00
PERMCO, Inc.	4/29/2011	4/25/2011	9405	CCWD EP (minor)	\$2,640.00	\$0.00		\$2,640.00
PERMCO, Inc.	4/29/2011	4/25/2011	9406	Minor Encroachment Permits	\$62.25	\$0.00		\$62.25
PERMCO, Inc.	4/29/2011	4/25/2011	9407	Annual Reporting for SW	\$976.00	\$0.00		\$976.00
PERMCO, Inc.	4/29/2011	4/25/2011	9408	Weisdanger SWP Insp	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	4/29/2011	4/25/2011	9408	O'Meara SWP Insp	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	4/29/2011	4/25/2011	9408	Richards SWP Insp	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	4/29/2011	4/25/2011	9408	Hedges SWP Insp	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	4/29/2011	4/25/2011	9409	Community Park Pkg Lot & Con Std	\$784.70	\$0.00		\$784.70
PERMCO, Inc.	4/29/2011	4/25/2011	9410	2010 Pavement Rehab	\$38.13	\$0.00		\$38.13
PERMCO, Inc.	4/29/2011	4/25/2011	9411	Diablo Pointe SWPPP	\$1,068.00	\$0.00		\$1,068.00
PERMCO, Inc.	4/29/2011	4/25/2011	9412	Diablo Estates Review of SPR	\$103.75	\$0.00		\$103.75
PERMCO, Inc.	4/29/2011	4/25/2011	9413	Diablo Pointe SWPPP Inspection	\$83.00	\$0.00		\$83.00
PERMCO, Inc.	4/29/2011	4/25/2011	9414	Oakhurst Fountain SW Treatment	\$1,425.00	\$0.00		\$1,425.00
PERMCO, Inc.	4/29/2011	4/25/2011	9415	SW O&M Facilities Violations	\$1,087.50	\$0.00		\$1,087.50
				<i>Totals for PERMCO, Inc.:</i>	<i>\$11,952.58</i>	<i>\$0.00</i>		<i>\$11,952.58</i>
PG&E								
PG&E	4/29/2011	4/20/2011	Master 119...	Traffic Signals & Irrigation Svc 4/11	\$430.02	\$0.00		\$430.02
				<i>Totals for PG&E:</i>	<i>\$430.02</i>	<i>\$0.00</i>		<i>\$430.02</i>
PMT Pest Control Service								
PMT Pest Control Service	4/29/2011	4/3/2011	395	Gopher & Mole Control, Reports 7/10-3/11	\$3,489.65	\$0.00		\$3,489.65
PMT Pest Control Service	4/29/2011	4/3/2011	396	Ground Squirrel Control 7-11/10	\$4,434.50	\$0.00		\$4,434.50
				<i>Totals for PMT Pest Control Service:</i>	<i>\$7,924.15</i>	<i>\$0.00</i>		<i>\$7,924.15</i>
Rex Lock & Safe, Inc.								
Rex Lock & Safe, Inc.	4/29/2011	4/15/2011	95128	Rekey 268 Stranahan LMI House 4/11	\$187.50	\$0.00		\$187.50
				<i>Totals for Rex Lock & Safe, Inc.:</i>	<i>\$187.50</i>	<i>\$0.00</i>		<i>\$187.50</i>
Rock N Waterfall Co								
Rock N Waterfall Co	4/29/2011	4/1/2011	100-12	OH Waterfall Maintenance 4/11	\$650.00	\$0.00		\$650.00
				<i>Totals for Rock N Waterfall Co:</i>	<i>\$650.00</i>	<i>\$0.00</i>		<i>\$650.00</i>
Rutan & Tucker LLP								
Rutan & Tucker LLP	4/28/2011	4/12/2011	607376	Land Use & Econ Dev Legal Svc 3/11	\$3,151.50	\$0.00		\$3,151.50

City of Clayton

Cash Requirements Report

CC Meeting 5/3/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Scott Porter				<i>Totals for Rutan & Tucker LLP:</i>	\$3,151.50	\$0.00		\$3,151.50
Scott Porter	4/29/2011	4/29/2011	Band 6/4/11	Grove Concert Band 6/4/11	\$600.00	\$0.00		\$600.00
				<i>Totals for Scott Porter:</i>	\$600.00	\$0.00		\$600.00
Tin Star Security Co								
Tin Star Security Co	4/29/2011	4/27/2011	1204	Security Guard 5/1/11	\$120.00	\$0.00		\$120.00
				<i>Totals for Tin Star Security Co:</i>	\$120.00	\$0.00		\$120.00
Western Exterminator								
Western Exterminator	4/28/2011	3/31/2011	552409	Extermination Service 3/11	\$311.50	\$0.00		\$311.50
				<i>Totals for Western Exterminator:</i>	\$311.50	\$0.00		\$311.50
GRAND TOTALS:					\$543,207.43	\$0.00		\$543,207.43



Agenda Date: 5-3-11

Agenda Item: 4c

STAFF REPORT

Approved:

Gary A. Napper
City Manager/Executive Director

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER

DATE: May 3, 2011

SUBJECT: INVESTMENT PORTFOLIO REPORT THIRD QUARTER FY 2010-2011

RECOMMENDATION:

Accept the Investment Portfolio Report for the Third Quarter Fiscal Year 2010-11 ending March 31, 2011.

BACKGROUND

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

FISCAL IMPACT

With the third quarter of the fiscal year completed, interest earnings for the General Fund are now at 118% of the '10-11 Budget for a total of \$100,552. Average annual interest yield for the past 3 months was 2.82% compared to 2.91% in the prior period however the interest yield has dropped 7.5% compared to a year ago when the rate was 3.05%. City interest earnings through the third quarter totaled \$351,455 compared to \$423,628 a year ago. Over 22.27% of the current investment portfolio is invested in Local Agency Investment Funds (LAIF) an increase of 9.9% compared to the prior period and a decrease of 7.55% (\$1.8 million) compared to a year ago. The LAIF quarterly apportionment rate for March was .51% an increase from .46% in the prior quarter. Our Certificates of Deposit (CD) total 77.73% of our portfolio a decrease of 9.8% from the prior period. Only .20% 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, 29.82% of our investments were in LAIF with a rate of .56% interest. The LAIF interest rate has declined over the past thirty six months from 4.18% in March 2008 to the current .51% rate marking a devastating decline of 87.8%. This decline has continued to decrease

our rate of return. The market value of the total investment portfolio as of March 31, 2011 was \$16,022,824 compared to \$17,937,790 in March 2010. While the market value has declined considerably over the past 12 months our investment portfolio carrying value (amount actually invested) of \$15,705,629 is \$317,195 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 \$1.036 million in March 2008 to a low of \$464,241 in March 2011. Comparing interest earnings from March 2011 to March 2010 shows an increase of \$40,613 in overall interest earnings primarily driven by moving more investments to Certificates of Deposit yielding higher rates of return than LAIF.

LAIF interest rates continued to decline to .51% in March. This rate is the second 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 1.25% in October 2010. Interest rates have declined for short term investments but, we are seeing rates slightly increase for longer term maturities (60 months). We have been diligent to diversify our portfolio with investments immediately available in LAIF and cash (22.5%) and then staggered to one year (23.2%), two years (18.2%), three years (21.2%), 4 years (8.8%) and 5 years (6%). By staggering our investment portfolio in this manner the impact of rate changes are lessened.

Respectively submitted,



Merry Pelletier
Finance Manager

Attachments:

City of Clayton Investment Portfolio Third Quarter Fiscal Year 2010-11 Report
(January 1, 2011 – March 31, 2011)

City of Clayton Investment Portfolio
January 1, 2011 - March 31, 2011

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:	\$ 3,564,225.27	0.51%				3,568,723.87
Financial North Eastern CD's						
1st Financial Bank USA (Dakota)	\$ 98,000.00	1.40%	1.10%	12/17/10	12/17/13	\$ 97,853.00
American Chartered Bank	\$ 99,000.00	2.40%	2.35%	05/21/10	05/21/14	\$ 101,035.00
Aurora Bank (Wilmington, DEL)	\$ 100,000.00	1.20%	1.20%	01/26/11	01/27/14	\$ 99,803.00
Banner Bank, Walla Walla, WA	\$ 98,000.00	2.65%	2.62%	04/08/09	10/11/11	\$ 99,116.00
Barclays Bank, Del	\$ 99,000.00	3.15%	3.03%	09/23/09	03/23/14	\$ 103,001.00
Bay Cities Bank, Tampa, FL	\$ 99,000.00	4.55%	4.48%	09/02/08	09/02/11	\$ 100,647.00
BB&T Finl FSB Columbus, GA	\$ 100,000.00	3.00%	2.93%	03/18/09	03/19/12	\$ 102,248.00
Beacon Federal (Syracuse, NY)	\$ 99,000.00	3.20%	3.06%	04/15/09	04/15/14	\$ 103,453.00
BMW BK North Amer (Salt Lake)	\$ 99,000.00	4.00%	3.88%	03/19/08	03/19/12	\$ 102,169.00
BMW BK North Amer (Salt Lake)	\$ 50,000.00	2.00%	2.02%	11/12/10	11/12/15	\$ 49,421.00
Business First Bank (Baton Rouge)	\$ 99,000.00	4.00%	3.93%	03/26/08	09/26/11	\$ 100,664.00
Carolina First Bank	\$ 98,000.00	2.60%	2.57%	04/22/09	04/24/11	\$ 99,160.00
Cenlar Bank FSB (Trenton, NJ)	\$ 99,000.00	2.30%	2.34%	02/28/11	02/29/16	\$ 97,315.00
Clayton Bank & Trust (TN)	\$ 99,000.00	4.65%	4.44%	07/09/08	07/09/12	\$ 103,798.00
Cole Taylor Bank (IL)	\$ 99,000.00	5.00%	4.62%	07/11/08	07/11/13	\$ 107,080.00
Community Bank Pickens County	\$ 198,000.00	2.00%	1.96%	05/21/10	08/21/13	\$ 201,914.00
Community First Bank (Corydon, IN)	\$ 99,000.00	3.00%	2.92%	01/15/09	07/16/12	\$ 101,776.00
Discover Bank (Greenwood, DE)	\$ 100,000.00	4.16%	3.89%	12/18/08	12/18/13	\$ 106,938.00
Discover Bank (Greenwood, DE)	\$ 97,000.00	1.65%	1.66%	01/05/11	01/05/15	\$ 96,729.00
Doral Bank (Catano, PR)	\$ 99,000.00	3.05%	2.97%	4/8/2009	04/09/12	\$ 101,380.00
Doral Bank (Catano, PR)	\$ 100,000.00	2.75%	2.66%	02/03/10	02/03/14	\$ 103,207.00
Fifth Third Bank	\$ 100,000.00	3.30%	3.16%	12/28/09	12/28/12	\$ 103,447.00
Fifth Third Bank (Cincinnati, OH)	\$ 99,000.00	2.69%	2.30%	12/28/09	12/28/14	\$ 102,232.00
First Bank of Highland Park (IL)	\$ 98,000.00	3.20%	3.05%	04/22/09	04/22/14	\$ 102,743.00
First Guarantee Bank & Trust, Jacksonville	\$ 99,000.00	5.00%	4.85%	12/15/06	12/15/11	\$ 102,097.00
First Peoples Bank (Port St. Lucie, FL)	\$ 99,000.00	2.90%	2.81%	04/24/09	04/24/12	\$ 102,002.00
First Reliance Bank (Florence, SC)	\$ 99,000.00	3.25%	3.11%	04/17/09	04/17/14	\$ 103,598.00
First Republic Bank (SF, CA)	\$ 250,000.00	2.90%	2.81%	11/17/09	11/19/12	\$ 257,706.00
Flagstar Bank FSB Troy, MI	\$ 99,000.00	5.00%	4.60%	09/19/08	09/19/13	\$ 107,506.00
Franklin Templeton (SLC, Ut)	\$ 99,000.00	4.00%	3.87%	04/18/08	04/18/12	\$ 102,396.00
FSG Bank(Chattanooga, TN)	\$ 99,000.00	3.00%	2.89%	12/11/09	06/11/14	\$ 102,770.00
GE Capital Financial, Inc (Holladay, UT)	\$ 99,000.00	4.15%	3.94%	12/18/08	12/18/12	\$ 104,197.00
GE Capital Financial, Inc (Salt Lake City, UT)	\$ 99,000.00	1.50%	1.50%	10/21/10	10/21/14	\$ 99,056.00
GE Money Bank (SLC, UT)	\$ 99,000.00	4.15%	3.94%	12/18/08	12/18/12	\$ 104,197.00
GE Money Bank (Draper, UT)	\$ 50,000.00	2.00%	2.02%	11/12/10	11/12/15	\$ 49,399.00
Goldman Sachs Bank (New York)	\$ 99,000.00	4.45%	4.17%	05/07/08	05/07/13	\$ 105,525.00
Horry County State Bank (Loris, S. Carolina)	\$ 99,000.00	2.50%	2.45%	05/28/10	01/28/15	\$ 101,240.00
Integra Bank N.A.	\$ 99,000.00	2.10%	2.06%	04/29/10	02/28/13	\$ 100,768.00
Integrity First Bank (Wausau, WI)	\$ 99,000.00	4.10%	3.87%	04/25/08	04/25/13	\$ 104,773.00
Investors Bank (Wisconsin-42 Mo)	\$ 99,000.00	3.00%	2.91%	04/08/09	10/09/12	\$ 102,094.00
Investors Community Bank (WI)	\$ 99,000.00	3.90%	3.83%	04/18/08	10/18/11	\$ 100,822.00
Israel Dis Bank (New York, NY)	\$ 196,000.00	2.10%	2.13%	02/28/11	02/29/16	\$ 192,864.00
Jackson Cnty Bank (Seymour, IN)	\$ 100,000.00	1.55%	1.56%	01/12/11	01/12/15	\$ 99,582.00
Lehman Commercial Bank (UT)	\$ 100,000.00	5.00%	4.72%	06/30/08	07/01/13	\$ 106,020.00
M&T Bank(Oakfield NY)	\$ 99,000.00	4.41%	4.14%	05/27/08	05/27/13	\$ 105,554.00
Midfirst Bank (Oklahoma City)	\$ 99,000.00	2.75%	2.67%	10/14/09	10/15/13	\$ 102,139.00
Minnwest Bank Metro (Rochester, MN)	\$ 98,000.00	2.85%	2.79%	04/29/09	04/30/12	\$ 100,247.00
Monona State Bank	\$ 99,000.00	3.80%	3.69%	03/28/08	03/28/12	\$ 102,068.00
National City Bank (Cleveland, OH)	\$ 99,000.00	4.00%	3.87%	03/31/08	04/02/12	\$ 102,274.00
Nexity Bank, Alabama	\$ 99,000.00	3.10%	3.04%	01/16/09	01/16/12	\$ 100,985.00
Nicolet Bank (Greenbay, WI)	\$ 100,000.00	4.00%	3.94%	03/14/08	09/14/11	\$ 101,560.00
Onewest Bank (Covina, CA)	\$ 100,000.00	1.45%	1.15%	01/05/11	01/06/14	\$ 99,788.00
Pacific Cap Bank (Santa Barbara)	\$ 99,000.00	2.50%	2.44%	10/15/09	10/15/12	\$ 101,357.00
Paragon Commercial Bank, Raleigh NC	\$ 100,000.00	4.00%	3.99%	05/09/08	05/09/11	\$ 100,335.00
Paragon Commercial Bank, Raleigh NC	\$ 100,000.00	2.30%	2.25%	05/05/10	05/05/14	\$ 102,110.00
Parkway Bank & Trust (Harwood, ILL)	\$ 99,000.00	1.25%	1.25%	10/13/10	10/15/13	\$ 99,375.00
Peach St Bank (Gainesville)	\$ 99,000.00	4.00%	3.98%	06/06/08	06/06/11	\$ 99,599.00
Primesouth Bank (Alabama)	\$ 99,000.00	4.05%	3.83%	04/18/08	04/18/13	\$ 104,619.00
Private Bank of Buckhead (Atlanta, Georgia)	\$ 100,000.00	3.10%	2.99%	02/27/09	02/27/13	\$ 103,673.00
Republic Bank (Bountiful, UT)	\$ 99,000.00	3.15%	3.03%	05/11/09	05/13/13	\$ 102,887.00
Republic Bank (Bountiful, UT)	\$ 146,000.00	2.00%	2.02%	03/30/11	01/29/16	\$ 144,658.00
Rockland Tr Co (MASS)	\$ 250,000.00	2.05%	2.07%	03/28/11	03/28/16	\$ 247,673.00
Saeahan Bank, Los Angeles, CA	\$ 99,000.00	3.00%	2.93%	04/21/09	04/23/12	\$ 101,398.00
Sallie Mae Bank, Murray, UT	\$ 100,000.00	5.00%	4.58%	12/05/08	12/05/13	\$ 109,076.00
Signature Bank, Chicago, IL	\$ 98,000.00	3.00%	2.90%	04/23/09	04/23/13	\$ 101,496.00
State Bk India Chicago, IL	\$ 99,000.00	3.00%	2.90%	02/26/10	12/26/14	\$ 102,372.00
Summit Community Bank (Moorefield, WV)	\$ 100,000.00	3.20%	3.07%	08/19/09	08/19/14	\$ 104,302.00
Tennessee Commerce Bank (Franklin, TN)	\$ 99,000.00	2.30%	2.26%	05/10/10	05/12/14	\$ 100,977.00
Tennessee Commerce Bank (Franklin, TN)	\$ 99,000.00	1.66%	1.66%	01/21/11	01/21/15	\$ 98,902.00
Toyota Financial Savings Bank (Henderson, NV)	\$ 98,000.00	3.45%	3.28%	04/17/09	04/16/14	\$ 103,113.00
VIST Bank, Wyomissing, PA	\$ 99,000.00	3.40%	3.33%	12/29/08	12/29/11	\$ 101,102.00
Wachovia Bank, Houston TX	\$ 97,000.00	4.50%	4.40%	01/16/08	01/17/12	\$ 99,314.00
Wachovia Bank, Las Vegas NV	\$ 97,000.00	4.60%	4.39%	01/16/08	01/16/13	\$ 101,525.00
Worlds Foremost Bank Lincoln, NE	\$ 100,000.00	5.06%	4.64%	11/10/08	11/12/13	\$ 109,087.00
Worlds Foremost Bank (Sidney)	\$ 100,000.00	1.53%	1.45%	01/21/11	07/21/14	\$ 100,008.00
Net cash balance	\$ 17,039.57					\$ 17,039.57

City of Clayton Investment Portfolio
January 1, 2011 - March 31, 2011

Investment Description	Carrying Value	Rate	Current Yield to Maturity	Purchase Date	Maturity Date	Market Value
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TOTAL Financial North Eastern \$ 7,892,039.57 \$ 8,106,352.57

Multi-Bank Securities, Inc. CD's

Wachovia Bk FSB, Houston, TX	\$ 98,000.00	4.30%	4.10%	02/29/08	03/07/13	\$ 102,591.30
Net cash balance	\$ 2,089.68					\$ 2,089.68
TOTAL Multi-Bank Securities:	\$ 100,089.68					\$ 104,680.98

Morgan Stanley

Cash Account	\$ 12,274.82					\$ 12,274.82
Federal Home Loan Bank	\$ 100,000.00	1.13%	1.12%	02/16/11	02/16/16	\$ 99,989.00
Crescent St Bank, North Carolina	\$ 99,000.00	3.75%	3.74%	04/23/08	04/22/11	\$ 99,154.44
Medallion Bank, Salt Lake City	\$ 98,000.00	3.90%	3.89%	04/25/08	04/25/11	\$ 98,187.18
M&I Marshall & Isley Bank	\$ 98,000.00	4.00%	3.98%	05/23/08	05/23/11	\$ 98,462.56
Merrick Bank, UT	\$ 97,000.00	4.30%	4.26%	06/20/08	06/20/11	\$ 97,790.55
Washington TR RI	\$ 97,000.00	4.50%	4.45%	07/09/08	07/11/11	\$ 98,050.51
First Bank, Puerto Rico	\$ 99,000.00	2.10%	1.74%	08/25/09	08/29/11	\$ 99,520.74
First Business BK, Madison, WI	\$ 98,000.00	4.10%	4.01%	05/16/08	11/16/11	\$ 100,197.16
Morgan Stanley Bank, SLC, UT	\$ 97,000.00	4.45%	4.33%	11/28/08	11/28/11	\$ 99,528.79
American Express Centurion, SLC, UT	\$ 98,000.00	3.75%	3.66%	12/24/08	12/27/11	\$ 100,319.66
Capmark Bank, Midvale, UT	\$ 98,000.00	3.00%	2.94%	01/28/09	01/30/12	\$ 99,962.94
First Business BK, Madison, WI	\$ 99,000.00	2.39%	2.02%	08/17/09	02/17/12	\$ 100,265.22
Capital One Bank, Glen Allen, VA	\$ 98,000.00	4.00%	3.87%	03/12/08	03/12/12	\$ 101,085.04
Byron Bank, Michigan	\$ 98,000.00	3.90%	3.78%	03/14/08	03/14/12	\$ 101,007.62
BMW Bank of NA, SLC, UT	\$ 99,000.00	2.20%	2.16%	09/16/09	03/16/12	\$ 100,462.23
Alliance Bank, Syracuse, NY	\$ 98,000.00	4.05%	3.92%	03/24/08	03/21/12	\$ 101,213.42
Atlanta Business BK, GA	\$ 99,000.00	4.03%	4.01%	05/28/08	05/29/12	\$ 102,951.09
Centennial BK, Fountain VY, CA	\$ 99,000.00	4.25%	4.08%	05/30/08	05/30/12	\$ 102,988.71
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	\$ 100,819.62
Queensborough Nat'l Bk, Louisville, GA	\$ 99,000.00	4.65%	4.43%	07/16/08	07/16/12	\$ 103,855.95
World Financial Network (Columbus, OH)	\$ 100,000.00	2.60%	2.55%	10/28/09	10/29/12	\$ 101,780.00
Enterprise Bk & TR, Clayton, MO	\$ 150,000.00	3.00%	2.90%	07/08/09	01/08/13	\$ 155,050.50
Mercantile Bank Mich Grand Rapids	\$ 99,000.00	2.00%	1.96%	02/17/10	02/19/13	\$ 100,952.28
Waccamaw Bank Whiteville NC	\$ 98,000.00	1.85%	1.81%	03/17/10	03/18/13	\$ 99,744.40
Ally Bank, Midvale Utah	\$ 98,000.00	3.20%	3.07%	04/03/09	04/03/13	\$ 101,844.54
American Cmnty BK, Woodstock	\$ 99,000.00	4.10%	3.87%	04/25/08	04/25/13	\$ 104,772.89
Ally Bank, Midvale Utah	\$ 148,000.00	2.04%	2.01%	05/07/10	05/07/13	\$ 150,643.28
Firstbank Puerto Rico Santurce PR	\$ 50,000.00	2.10%	2.08%	05/07/10	05/07/13	\$ 50,905.50
Capmark Bank, Midvale, UT	\$ 147,000.00	3.35%	3.20%	7/1/2009	7/1/2013	\$ 153,537.09
Scotiabank (Puerto Rico, San Juan)	\$ 99,000.00	2.00%	1.97%	7/2/2010	7/2/2013	\$ 100,463.22
Aurora Bank (Wilmington, DE)	\$ 99,000.00	1.05%	1.05%	1/12/2011	7/12/2013	\$ 98,863.38
Foster Bank (Chicago, IL)	\$ 100,000.00	1.00%	1.00%	1/28/2011	7/28/2013	\$ 99,793.00
Mercantile Bank of Grand Rapids, MI	\$ 148,000.00	2.00%	1.96%	5/7/2010	8/7/2013	\$ 150,871.20
American Express Bank, SLC, UT	\$ 97,000.00	4.75%	4.37%	12/24/08	12/24/13	\$ 105,247.91
CIT Bank, Salt Lake City, UT	\$ 98,000.00	3.40%	3.22%	4/1/2009	4/1/2014	\$ 103,419.40
Bank Little Rock, ARK	\$ 99,000.00	3.20%	3.06%	04/08/09	04/08/14	\$ 103,459.95
State Bank of India (New York City, NY)	\$ 98,000.00	2.00%	2.01%	03/24/11	03/24/15	\$ 97,323.80
GE Money Bank (Draper, UT)	\$ 98,000.00	2.30%	2.27%	08/13/10	08/13/15	\$ 99,180.90
TOTAL Morgan Stanley	\$ 4,051,274.82					\$ 4,142,940.29

RBC Wealth Management

Cash Account	\$					\$
North Milwaukee St. Bank, WI	\$ 98,000.00	3.50%	3.50%	12/18/08	12/23/11	\$ 100,126.60
Total RBC Wealth Management	\$ 98,000.00					\$ 100,126.60

Investment Description	Carrying Value	Percentage of Portfolio	Average Yield to Maturity	Market Value
Local Agency Investment Funds	\$ 3,564,225.27	22.27%	0.510%	\$ 3,568,723.87
Financial Northeastern	\$ 7,892,039.57	50.59%	3.041%	\$ 8,106,352.57
Multi-Bank Securities	\$ 100,089.68	0.59%	4.100%	\$ 104,680.98
Morgan Stanley	\$ 4,051,274.82	25.86%	2.971%	\$ 4,142,940.29
RBC Dain Rauscher	\$ 98,000.00	0.62%	3.500%	\$ 100,126.60
Grand Total Investment Portfolio:	\$ 15,705,629.34	100%		\$ 16,022,824.31

2010-11 Budgeted Interest-General Fund	\$ 85,000
2010-11 Budgeted Interest Received-General Fund	\$ 100,552
Percent of General Fund Budget Received	118.30%

2010-11 Average Annual Yield	2.82%
2010-11 Total Interest Income to date	464,241

Finance Manager *Merry Ricketts* Date: *4-29-11*
City Treasurer *M C H* Date: *4/29/11*

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



Agenda Date: 5-3-11
Agenda Item: 4d

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: MAY 3, 2011

SUBJECT: RESOLUTION DIRECTING THE FILING OF AN ANNUAL REPORT FOR THE CLAYTON STREET LIGHTING DISTRICT (FUND NO. 214)

RECOMMENDATION

Adopt the attached resolution.

BACKGROUND

The laws governing the City's existing Street Light Maintenance District (Fund No. 214), established in 1979, require the filing of an Annual Report by the Engineer of Work in order to establish and levy benefit assessment fees in each fiscal year. For the purpose of continuing to levy such an assessment in FY 2011-2012, the process must be initiated by the Council officially calling for such an annual report. This District covers the annual operations and maintenance of the street lights and poles in our various residential neighborhoods.

After enactment of this resolution, the next step will be for the Engineer of Work to submit, and the City Council to accept, the Engineer's Report for this District. Following that submittal will be public hearings required prior to setting next year's assessments in sufficient time to be collected via the property tax bills issued by the County in 2011-2012.

This resolution does not commit the Council to any action but is just the first administrative step required by the Street Lighting Act of 1919.

FISCAL IMPACT

None.

Attachment: Resolution [1 pg.]

RESOLUTION NO. - 2011

**A RESOLUTION DIRECTING THE FILING OF AN ANNUAL REPORT
FOR THE CLAYTON STREET LIGHTING DISTRICT (PURSUANT TO THE
STREET LIGHTING ACT OF 1919).**

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

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

WHEREAS, the said Street Lighting Act of 1919 requires that the City Council direct the Engineer of Work to prepare an Annual Report prior to the levying of an assessment;

NOW THEREFORE, the City Council of Clayton, California does hereby resolve as follows:

1. The City Engineer, designated by this Council as the Engineer of Work for the Clayton Street Lighting District, is hereby directed to file an Annual Report in accordance with the provisions of the Street Lighting Act of 1919.

2. This resolution is adopted pursuant to Section 18090 of the Streets and Highways Code.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 3rd day of May 2011 by the following vote:

AYES:

NOES:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

ABSENT:

DAVID T. SHUEY, Mayor

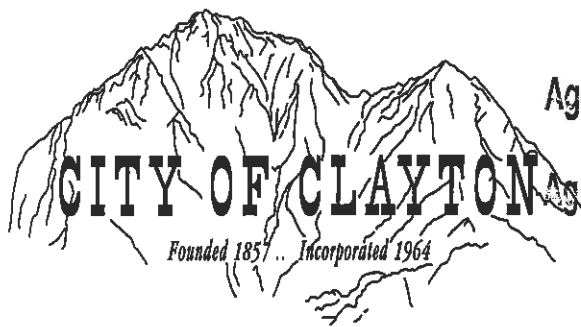
ATTEST:

Laci J. Jackson, City Clerk

#

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on May 3, 2011.

Laci J. Jackson, City Clerk



Agenda Date: 5-3-11

Agenda Item: 9a

Approved:

Gary A. Napper
City Manager/Executive

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: DAVID WOLTERING, COMMUNITY DEVELOPMENT DIRECTOR

DATE: MAY 3, 2011

SUBJECT: SUSTAINABLE COMMUNITIES STRATEGY INITIAL VISION SCENARIO

RECOMMENDATION

It is recommended that the City Council provide feedback on the recently released Sustainable Communities Strategy Initial Vision Scenario (IVS) to assist the Metropolitan Transportation Commission (MTC) Planning Committee and the Association of Bay Area Governments (ABAG) Administrative Committee develop more refined alternatives toward determining a Sustainable Communities Strategy (SCS).

BACKGROUND

In 2006, California Assembly Bill 32, the Global Warming Solutions Act, was passed into law. The objective of this law is to reduce greenhouse gas emissions to 1990 levels by 2020. Subsequently, in 2008, Senate Bill 375 was signed into law which adds land use and transportation strategies to achieve targeted greenhouse gas reductions. More specifically, SB 375 requires the preparation, adoption, and implementation of Sustainable Communities Strategies for the purpose of reducing greenhouse gas emissions from cars and trucks by 15% per capita in the Bay Area by 2035; that realistic demographic and revenue assumptions are used; that housing be provided for the region's population at all income levels; and, that transportation investments, housing growth, and land use planning be aligned.

MTC and ABAG are working together to develop an SCS for the Bay Area. Their respective working groups and related professionals have prepared an Initial Vision Scenario which assumes funding availability and transportation and housing improvements are feasible and achievable. This "unconstrained" scenario sets forth clear assumptions and projections about population, housing, and employment in terms of numbers and location. The details of this IVS are provided in the attachment titled, *Bay Area Plan, Release of the Initial Vision Scenario* (see **Attachment 1**).

This initial presentation allows for one to react to real assumptions and provides an opportunity to correct, refine, and adjust these assumptions with the objective being to adopt a realistic and achievable (in terms of meeting stated targets) SCS in 2013. Toward that end, feedback is being requested by MTC and ABAG regarding the assumptions and related information associated with the IVS.

ABAG staff suggests the following questions, as pertinent, for discussion and feedback by local legislative bodies regarding the Initial Vision Scenario:

1. Is the proposed place type appropriate for your Priority Development Area(s), Growth Opportunity Area(s)? Given the availability of resources, is the proposed urban scale, mix of uses, and expected household growth appropriate?
2. What transportation improvements would help support those Priority Development Area(s), Growth Opportunity Area(s) in your jurisdiction?
3. What additional funding would be needed to support housing growth?
4. If the Initial Vision Scenario growth estimate is too high, should some of the growth be shifted to another part of your jurisdiction, elsewhere in the County, or elsewhere in the region?
5. What are the challenges for your local jurisdiction to attract and retain jobs that match your local workforce?

Staff suggests the City Council review the information in **Attachment 1**, focus primarily on the assumptions and projections that pertain to the City of Clayton, and provide feedback to staff which can then be forwarded to ABAG and MTC to assist with developing future alternatives and ultimately a SCS. Staff has also attached a copy of a letter that was prepared by the City of San Ramon as an example of another jurisdiction's comment letter on this matter (see **Attachment 2**).

It should be noted there are no Priority Development Areas in Clayton and that Clayton's circumstance of being mostly built-out and a relatively small community suggests the impact of this planning process is substantially less on this City as compared to larger-sized communities with greater developable land supplies and/or located near mass transit and major employment centers.

Attachments:

1. PowerPoint titled, *Bay Area Plan, Release of the Initial Vision Scenario*, which summarizes background and key aspects of the Initial Vision Scenario
2. Example of comment letter submitted by the City of San Ramon regarding the Initial Vision Scenario

PLAN

BayArea

Release of the Initial Vision Scenario

**MTC Planning Committee
ABAG Administrative Committee**

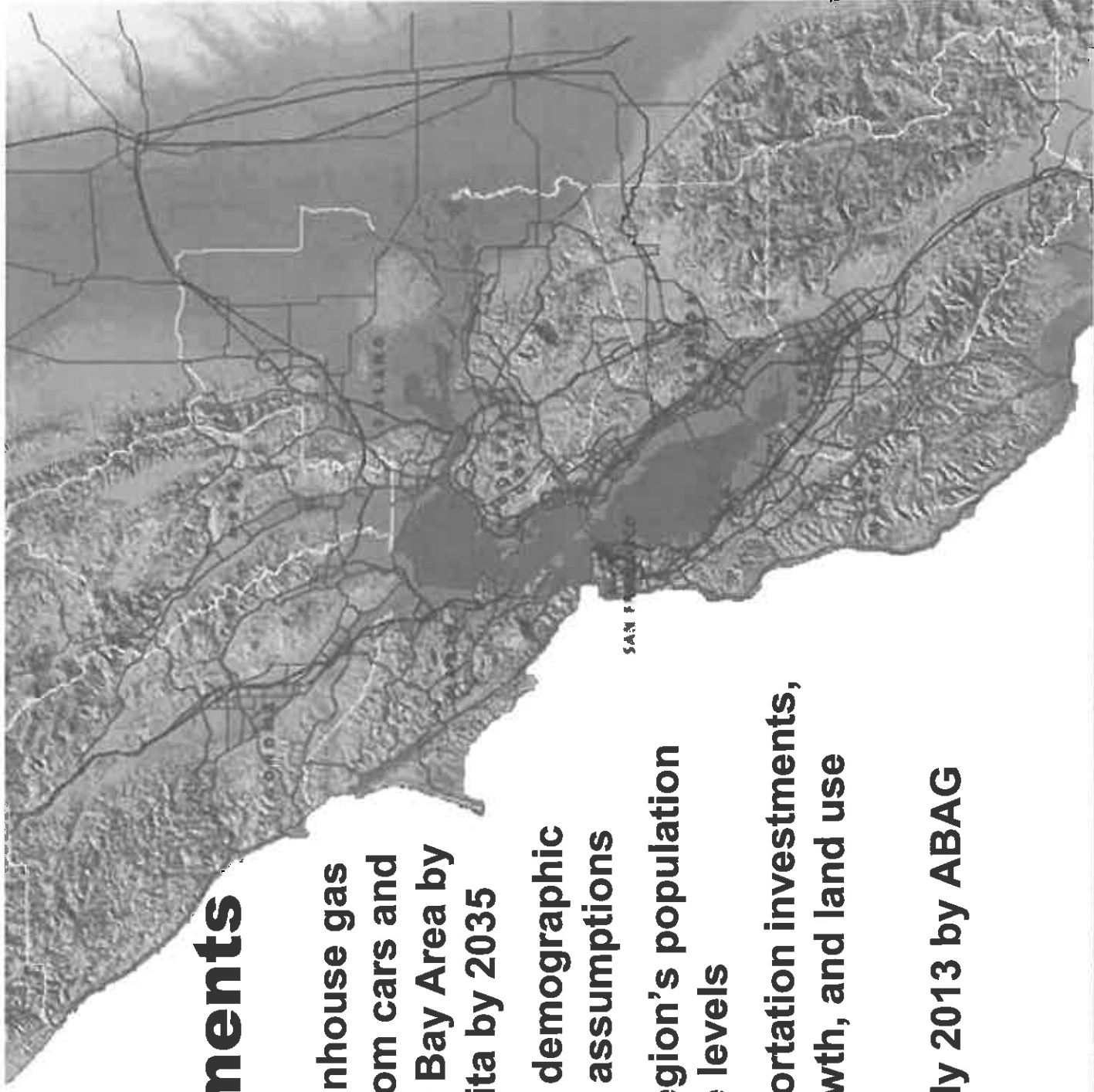
March 11, 2011

SB 375 Requirements

- Reduce greenhouse gas emissions from cars and trucks in the Bay Area by 15% per capita by 2035
- Use realistic demographic and revenue assumptions
- House the region's population at all income levels
- Align transportation investments, housing growth, and land use planning
- Adopt in early 2013 by ABAG and MTC

BayArea

Plan



Building on an Existing Framework

- Established local-regional partnership to support sustainable growth and protect natural resources
- SB 375 is structured to support a sustainable regional growth pattern supported by policies and incentives
- Initial Vision Scenario incorporates local input on places and policies for growth



Initial Vision Scenario:

What is it?

- Starting point to develop the Sustainable Communities Strategy (SCS)
- Identifies places for sustainable growth
- Accommodates regional housing need
- Strengthens existing communities
- Utilizes existing transit infrastructure
- Assumes unconstrained resources
 - Affordable housing
 - Neighborhood infrastructure
 - Transit and other investments

Initial Vision Scenario: How was it developed?

- **Housing Growth Distribution Criteria**
 - Locally identified growth in Priority Development Areas or new Growth Opportunity Areas
 - Additional housing units based upon a jurisdiction's selected Place Type for a PDA or Growth Area
 - Greater housing density proximate to significant transit investments (Existing Transit or Resolution 3434 Transit Expansions)
 - Major mixed-use corridors with high potential for transit-served, infill development

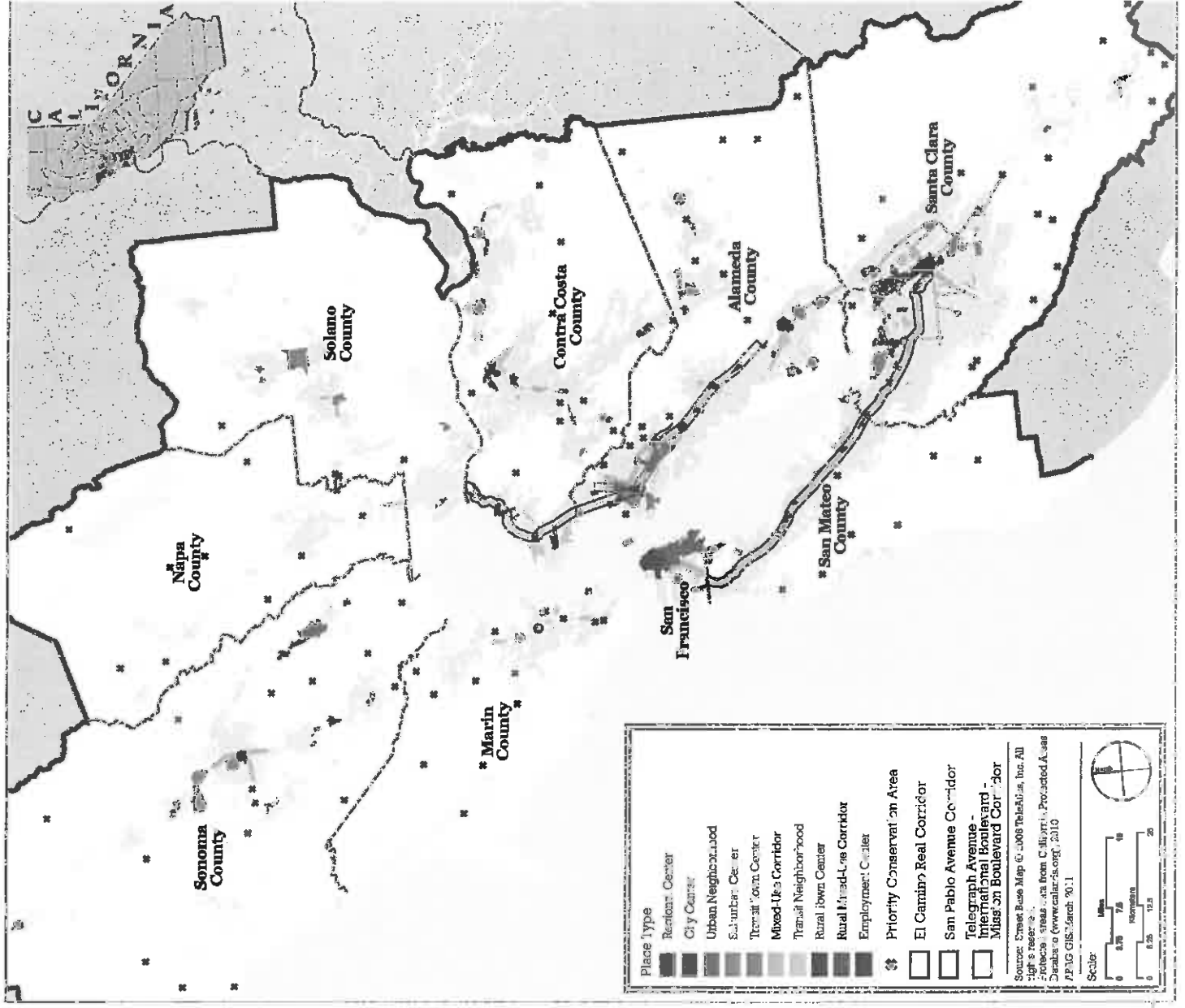
Regional Growth Overview

Scenario	Households	Population	Employed Residents	Jobs
2010	2,669,800	7,348,300	3,152,400	3,271,300
2035 Current Regional Plans	+633,500	+1,717,900	+881,600	+1,129,100
2035 Growth Increment	+269,000	+363,700	+165,000	+92,900
2035 Initial Vision Scenario	+902,500	+2,081,600	+1,046,600	+1,222,000
Total 2035 Initial Vision Scenario	3,572,300	9,429,900	4,199,000	4,493,300

Housing Distribution

70% of growth in Priority Development Areas and Growth Opportunity Areas

97% of growth within the existing urban footprint



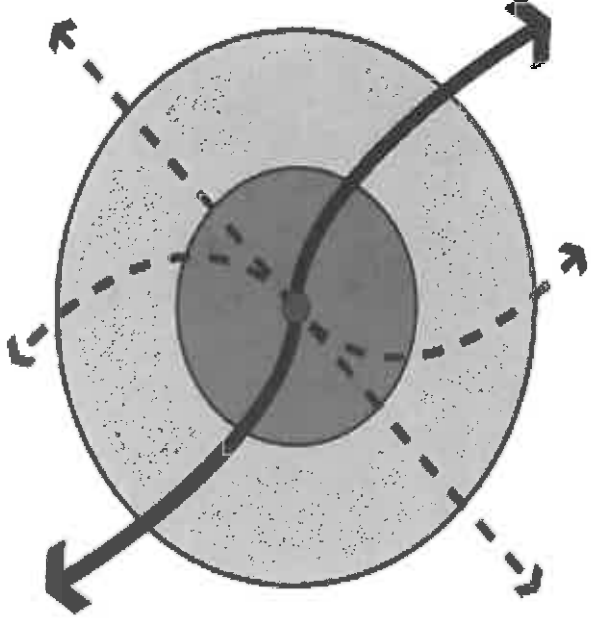
Initial Vision Scenario: Housing Distribution

COUNTY	2010 Households	2035 Households	2010-2035 Growth	2010-2035 Growth Rate
Alameda	557,700	770,400	212,700	38%
Contra Costa	392,700	546,700	154,000	39%
Marin	106,400	117,100	10,700	10%
Napa	51,300	56,100	4,800	9%
San Francisco	346,700	436,800	90,100	26%
San Mateo	264,500	358,300	93,800	36%
Santa Clara	613,900	867,800	253,900	41%
Solano	148,200	187,800	39,600	27%
Sonoma	188,400	231,400	42,900	23%
TOTAL	2,669,800	3,572,300	902,600	34%

Place Types

Station Area Planning Manual

- Regional Center
- City Center
- Suburban Center
- Transit Town Center
- Urban Neighborhood
- Transit Neighborhood
- Mixed Use Corridor



Recently proposed by local jurisdictions

- Employment Center
- Rural Town Center
- Rural Mixed Use Corridor

Place Types

City Center

- City Centers are magnets for surrounding areas while also serving as commuter hubs to the region.
- Examples include the downtowns of Hayward, Berkeley, Redwood City, and Santa Rosa.



Place Types

Suburban Center

- Suburban Centers are often similar to City Centers but with lower densities, less transit, and more parking and single-use areas.
- Examples include West Downtown Walnut Creek, Mountain View's North Bayshore, and Hacienda Business Park in Pleasanton.



Place Types

Mixed Use Corridor

- These corridors encompass a mix of low- and mid-rise buildings housing residential, commercial, employment, and civic or cultural uses.
- Examples include San Francisco's Mission-San Jose Corridor, San Pablo Avenue in the East Bay, and El Camino Real along the San Francisco Peninsula.



Place Types

Transit Town Center

- Transit Town Centers are local-serving centers of economic and community activity.
- Examples include the Suisun City Downtown and Waterfront, Downtown Palo Alto, and Downtown South San Francisco.



Initial Vision Scenario:

Growth Pattern

- Concentrates 70% of growth in PDAs, Growth Opportunity Areas; about 3% of region's land area
- Limits greenfield development – 97% of growth in existing developed areas
- Reduces development pressure on Priority Conservation Areas
- Preserves character of existing residential neighborhoods
- Utilizes existing transit; strengthens planned transit
- Provides for rapid growth in senior population
- Leverages /improves existing water, sewer infrastructure
- Lower per capita water use to growth location, development type

Employment Distribution

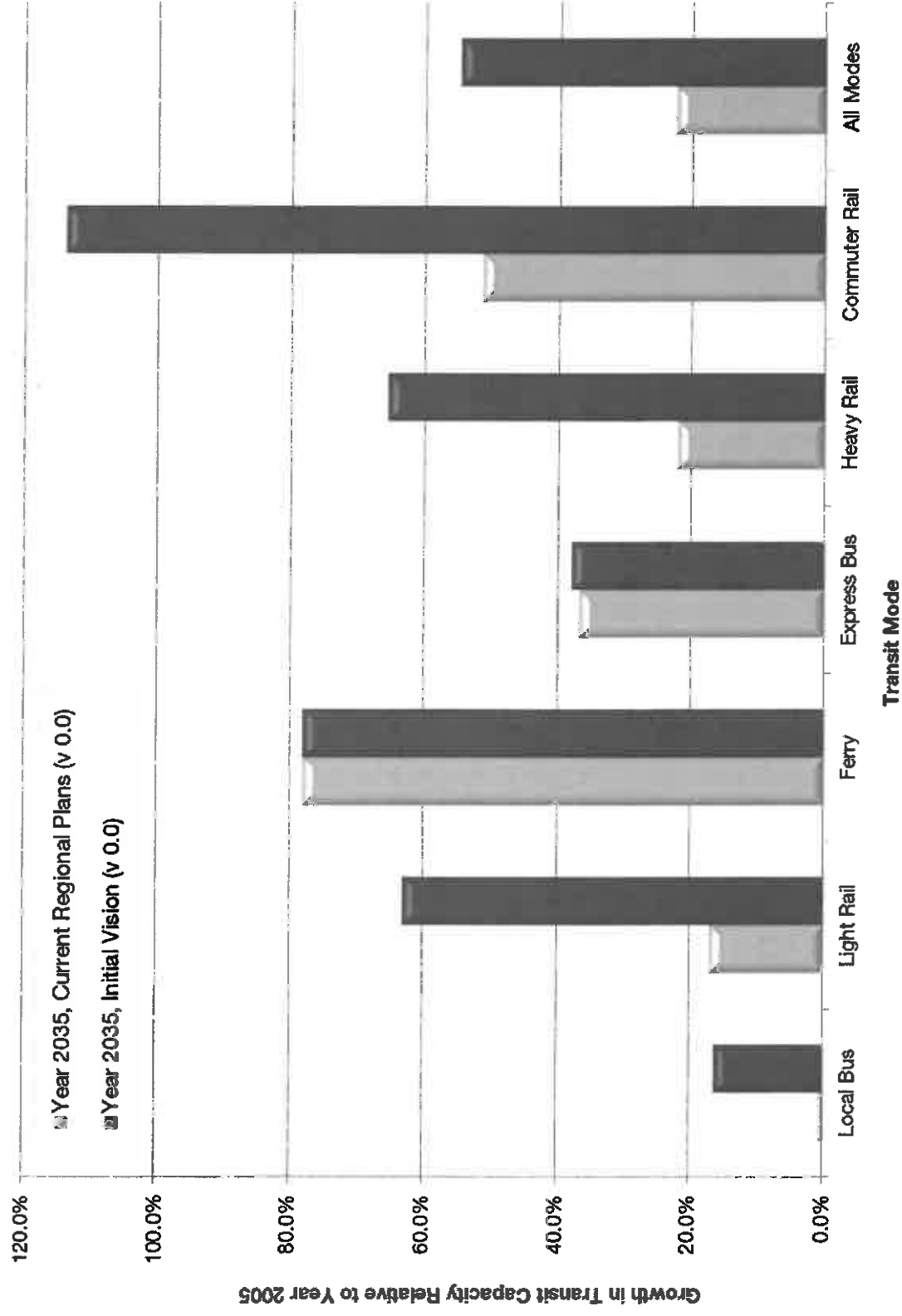
COUNTY	2010 Jobs	2035 Jobs	2010-2035 Growth	2010-2035 Growth Rate
Alameda	675,600	925,400	249,900	37%
Contra Costa	345,900	479,400	133,400	39%
Marin	129,700	151,100	21,400	17%
Napa	70,100	88,300	18,700	27%
San Francisco	544,800	713,700	168,900	31%
San Mateo	330,100	452,200	122,100	37%
Santa Clara	858,400	1,238,400	380,000	44%
Solano	126,300	176,700	50,400	40%
Sonoma	190,400	267,600	77,200	41%
TOTAL	3,271,300	4,493,300	1,222,000	37%

Initial Vision Scenario

Transportation Network

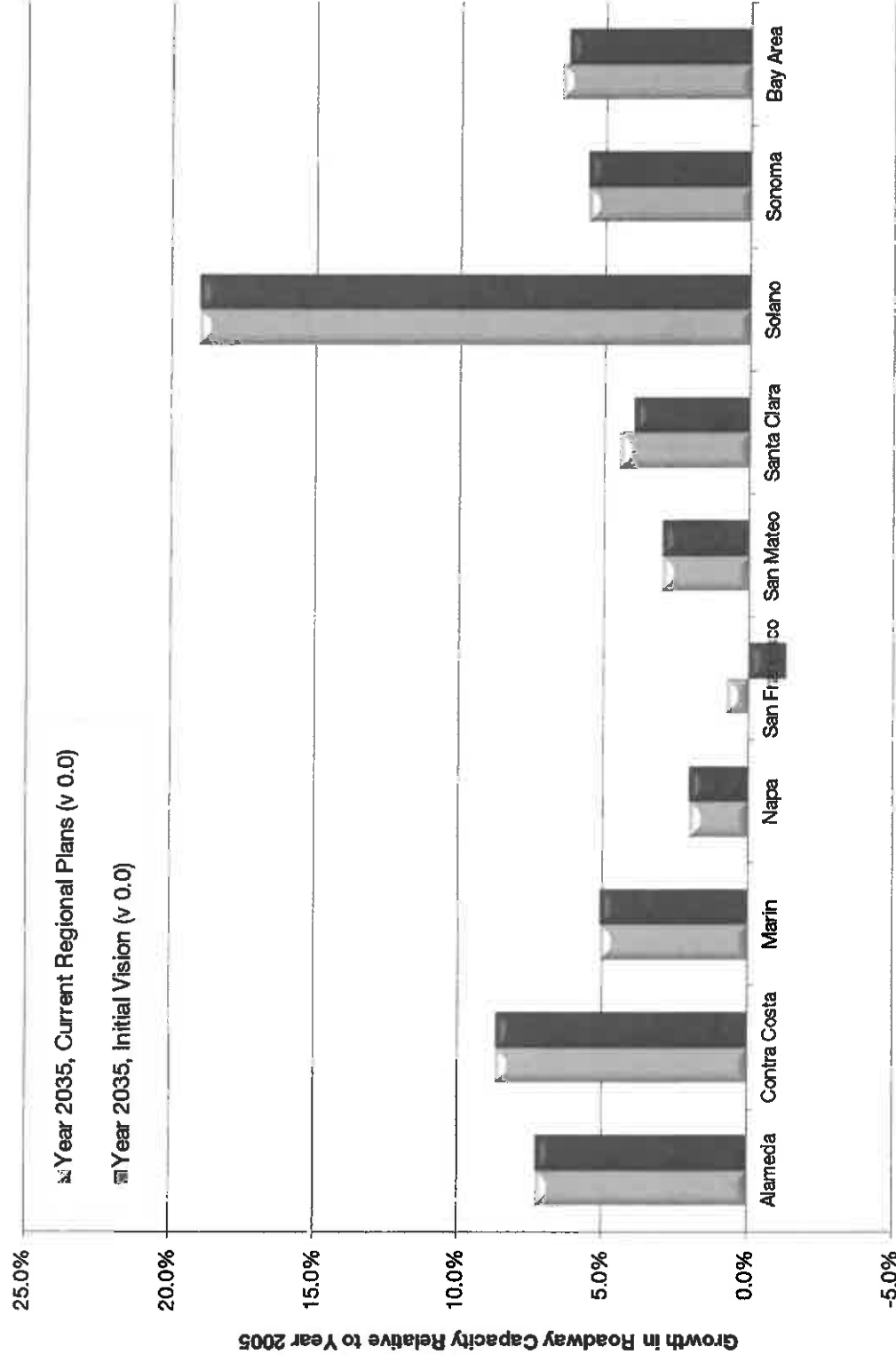
- Transportation 2035 is base network with Express Lane Backbone system
- Increased frequencies of existing transit services adjacent to Initial Vision growth areas
- Highlights include ...
 - Improved headways on over 70 local bus routes and several express bus routes
 - Improved headways on BART, eBART, Caltrain, Muni Metro, VTA Light Rail, and ACE
 - 60 miles of dedicated bus lanes in San Francisco and Santa Clara counties
- Increase in passenger seat miles of
 - 55 percent relative to 2005
 - 25 percent relative to Current Regional Plans in 2035

Growth in Transit Capacity from Year 2005



* Transit capacity = passenger seat miles

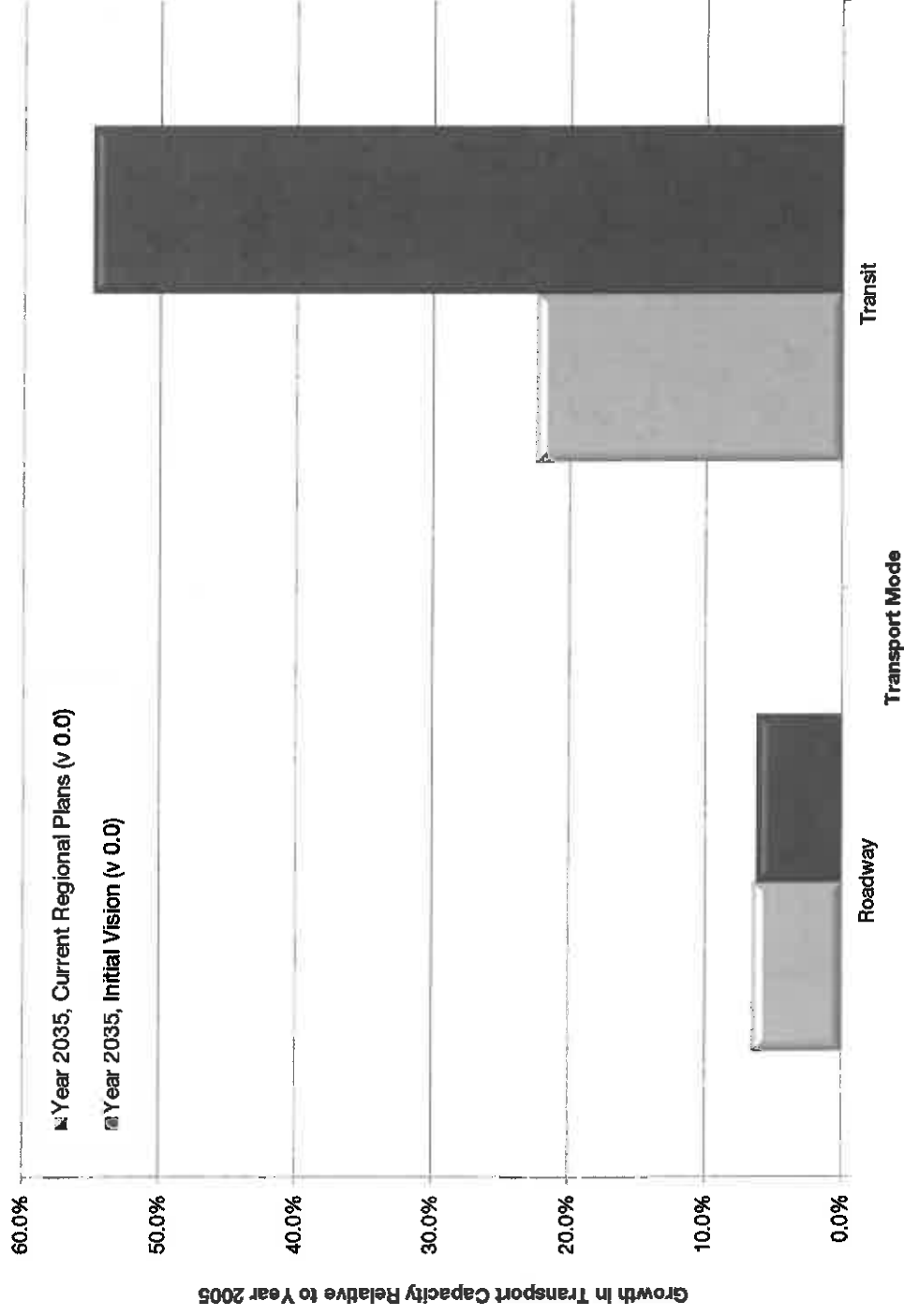
Growth in Roadway Capacity From Year 2005



County

* Roadway capacity = lane miles * lane vehicle capacity

Growth in Transportation Capacity From Year 2005



GHG Emission Reduction Estimates (% per capita - 2005 vs. 2035)

-12% -10% -7% -2% +2%



Initial
Vision

Current
Regional Plans
(model, HOT,
tolls)

T-2035 w/
Current
Regional
Plans land
use

T-2035 w/
Proj 09

T-2035 w/
Proj 07

Increase GHG Reductions per capita



GHG Targets

(% per capita reduction compared to 2005)

Horizon Year	ARB Target	Current Regional Plans	Initial Vision Scenario
2020	-7%	-9%	-11%
2035	-15%	-10%	-12%

Target Results Preview

Initial Vision Scenario does two things:

1. Creates more housing and more affordable housing

This is all “good” news for the targets:

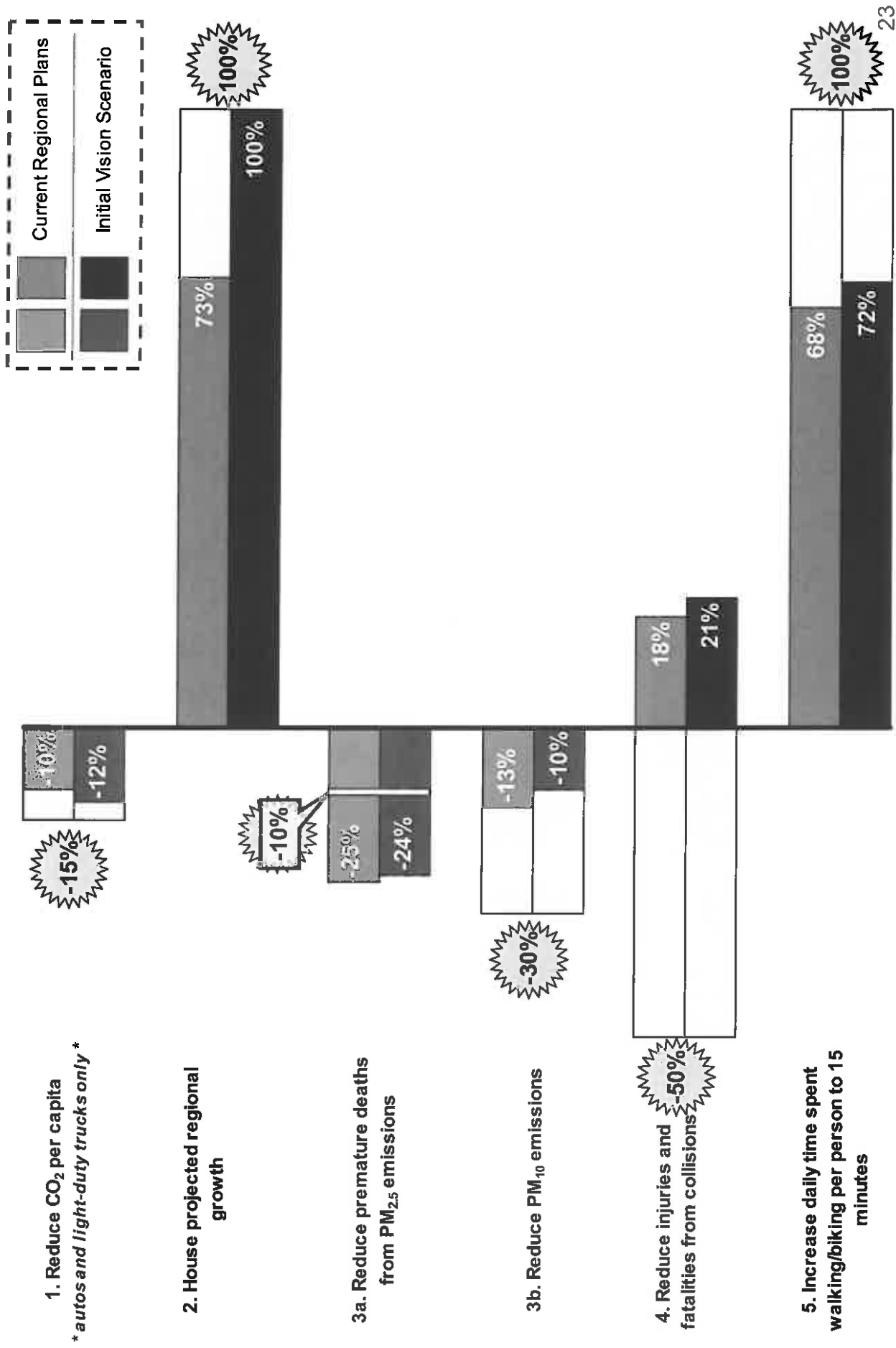
- Meets the housing target
- Improves jobs-housing-transit alignment
- Reduces housing costs for low-income households

2. Brings more people into the region

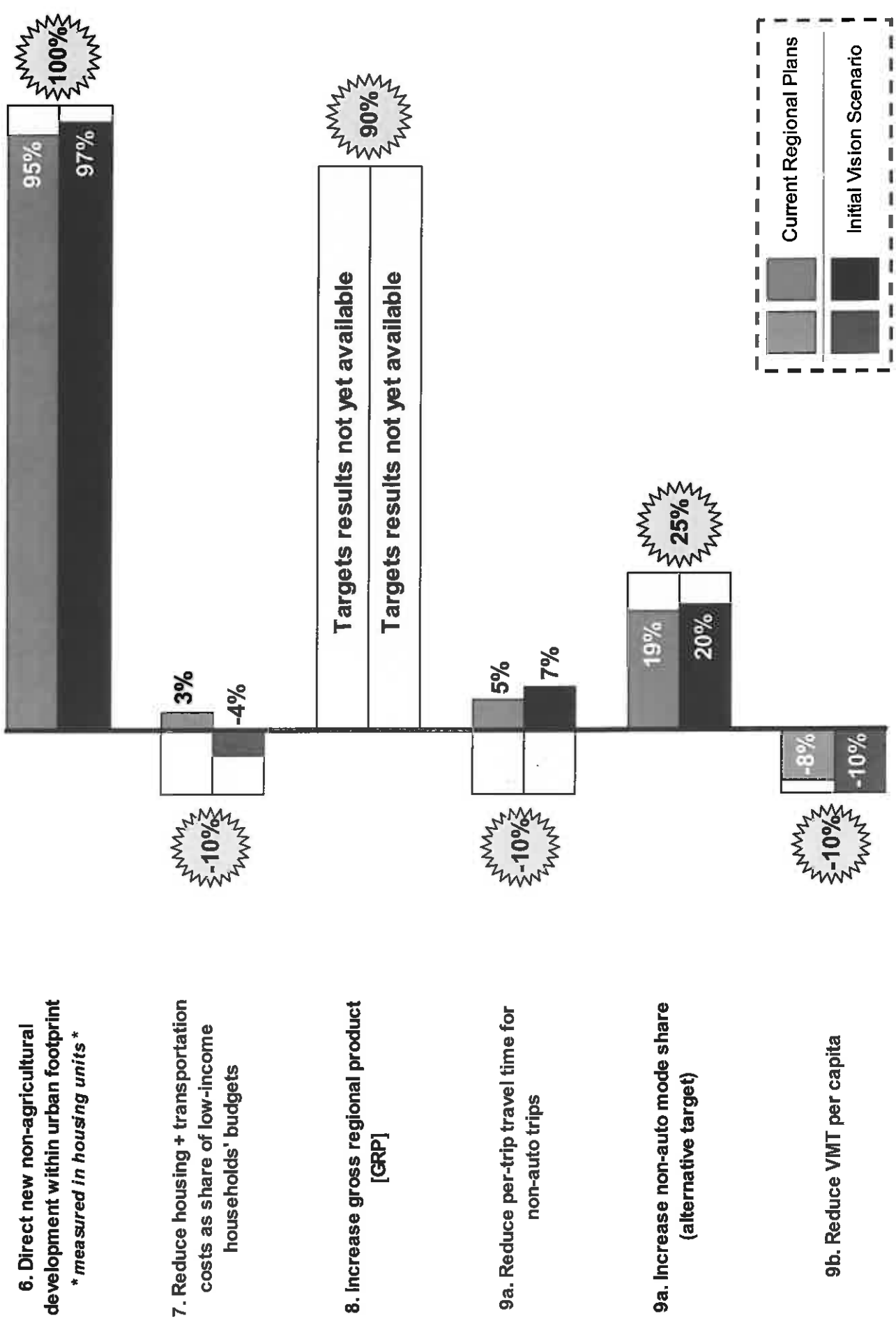
This is both “good” and “bad” for the targets:

- New residents ride transit, walk and bike more than existing residents and GHG/capita and VMT/capita go down
- But they still drive. As a result, total VMT goes up, which increases collisions and particulate emissions from autos

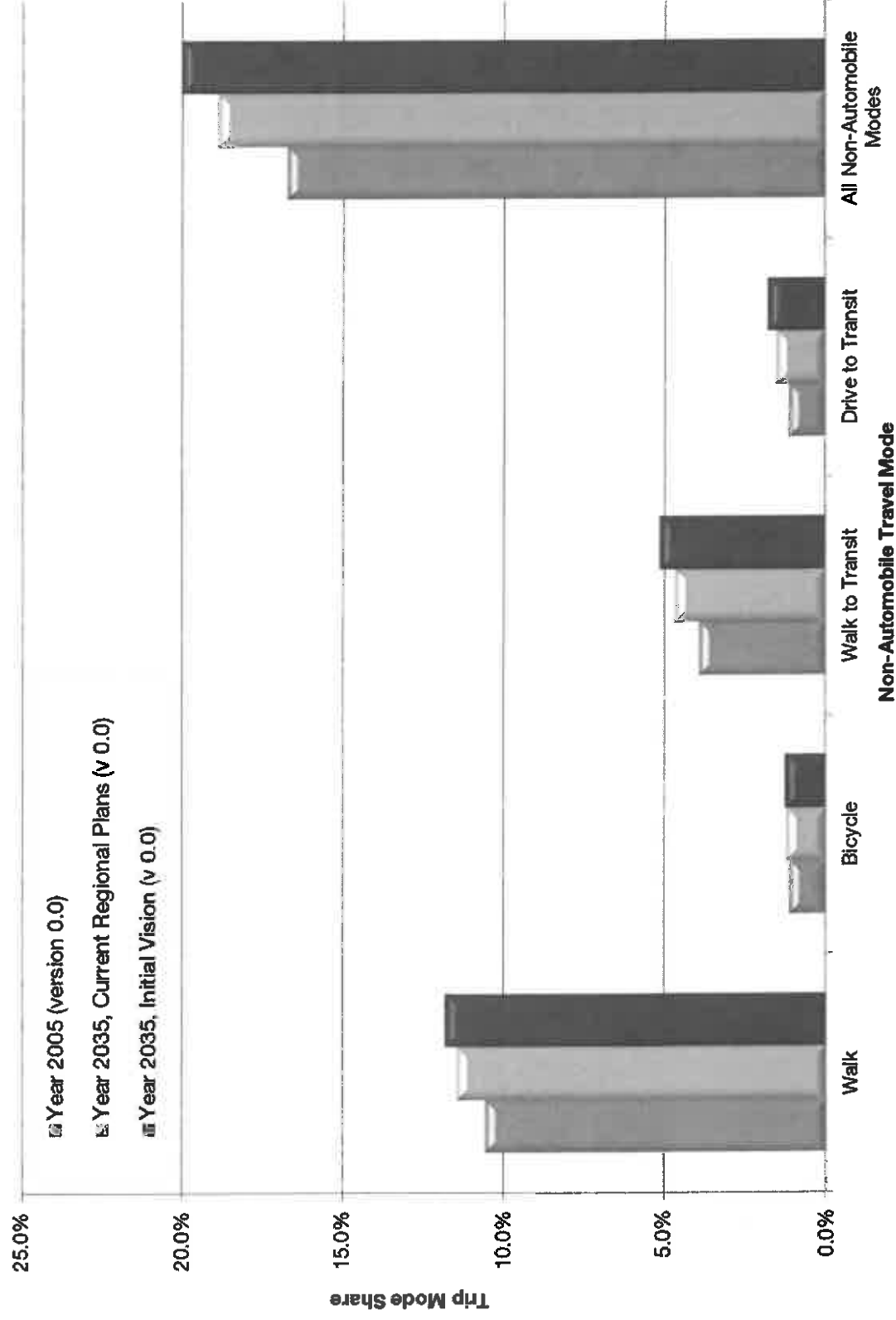
Initial Vision: Target Results (1)



Initial Vision: Target Results (2)



Non-Automobile Mode Share for All Travel



Initial Vision Equity Analysis: Approach

- Three-phase Equity Analysis approach outlined in Public Participation Plan



- **Initial Vision Scenario Approach**
 - Break out targets by income level as preliminary equity indicators
- **Reviewed approach and results with RTP/SCS Equity Working Group**
 - Interested members of Regional Advisory Working Group and MTC's Policy Advisory Council Equity & Access Subcommittee

Do Low-Income Households Have Similar or Better Results Than Higher-Income Households for the Initial Vision Scenario?

Current Conditions		2035 Initial Vision Scenario
Climate Protection	Per-capita VMT	○
Adequate Housing	Adequate housing	○
Healthy and Safe Communities	Active travel	●
Equitable Access	Affordability	○
Economic Vitality	Travel time to work/school	●
	Travel cost	○
Transportation System Effectiveness	Non-auto travel time	●

○ = Worse results

KEY ○ = Result mixed, or by assumption

● = Similar or better results

Initial Vision Scenario Conclusions

- The Initial Vision Scenario reflects additional progress towards the sustainability of the region
- Bay Area communities can accommodate housing in sustainable locations given adequate resources and transit
- While we meet the 2020 GHG target, we still don't meet the 2035 GHG target and some other targets
- Achieving the targets still requires additional land-use, transportation and non-infrastructure strategies
- Employment location, and its relationship to housing and transit, is a key issue requiring further analysis

Next Steps

Public Involvement (mid-March – July 2011)

- Elected Officials Briefings
- Planner-to-Planner Discussions
- Countywide Workshops
- Community-based Engagement in Communities of Concern
- Telephone Poll & Focus Groups
- Web-based Survey & Interactive Visualization Tools

Detailed SCS Scenarios Definitions (April – December 2011)

- Seek input on a range of detailed alternatives to be tested
- Define draft alternatives that represent varying land-use/transportation strategies that will help us achieve greenhouse gas and other targets
- Finalize alternative definitions in July 2011
- Evaluate alternatives and produce results by December 2011
- Identify preferred scenario by January 2012

Next Steps (continued)

Additional Analysis (starting in April 2011)

- Employment distribution across region
- Housing distribution by economic segments
- Equity analysis

Transportation Investment Strategy (starting in October 2011)

- Discuss transportation policies and investment strategies

Regional Housing Needs Allocation (RHNA) (underway)

- Release Draft RHNA Methodology in July 2011
- Adopt Final RHNA Methodology in September 2011
- State issues Bay Area housing needs determination in October 2011
- Release Draft RHNA Plan in January 2012
- Adopt Final RHNA Plan in September 2012



CITY OF SAN RAMON

2222 CAMINO RAMON
 SAN RAMON, CALIFORNIA 94583
 PHONE: (925) 973-2500
 WEB SITE: www.sanramon.ca.gov

April 4, 2011

Sailaja Kurella
 Regional Planner
 Association of Bay Area Governments
 101 Eighth Street
 Oakland, CA 94607

RE: Questions Regarding the Sustainable Communities Strategy Initial Vision Scenario

Ms. Kurella:

Thank you for the opportunity to respond to the background questions regarding the Sustainable Communities Strategy (SCS) Initial Vision Scenario. As an unconstrained scenario, the City recognizes that many of the assumptions will change if the SCS vision to be an effective and realistic tool toward meeting the greenhouse gas reduction goals established by AB 32 and SB 375. To this end, the City is committed to participating in the SCS process by pursuing practical and feasible local land use planning efforts that meet the needs and maintain the character of the City, which can also further the greenhouse gas reduction strategies call for in the SCS Vision.

It is important that the Initial Vision Scenario use the most up to date information available. While the 2035 growth projections represent an unconstrained scenario, the 2010 household and job projections use in the Initial Vision Scenario for San Ramon are lower than those indicated by ABAG Projections 2009 or the most recent Census 2010 information. At a regional level, it is unlikely that the differential would be significant; however, accounting for local growth that has already occurred may change some of the growth projections for San Ramon moving forward. The City has provided individual responses to the questions below and would be happy to meet to discuss any of our responses or provide additional information as needed.

1) Is the proposed place type appropriate for your Priority Development Area(s), Growth Opportunity Area(s)? Given the availability of resources, is the proposed urban scale, mix of uses, and expected household growth appropriate?

Response: The place types and mixed-use concepts associated with San Ramon's PDA are appropriated given the scale, geographic location and character of the City. The North Camino Ramon PDA is reflective of a Transit Town Center and the household development levels are consistent with the vision for the area. It should be noted that the 2010 household projection of

51 units is not correct and currently there are no residential units constructed within the North Camino Ramon PDA.

Likewise, the City Center PDA as a Suburban Center is envisioned as a transit oriented, mixed-use hub for the City. The SCS Initial Vision Scenario's unconstrained household growth potential for this area (4,042 households) far exceeds the City's vision for this area. While there is a transit center programmed for this PDA area, any significant growth beyond that already programmed for the area could cause roadway and intersection capacity issues where there are few if any viable structural infrastructure remedies currently available.

As such, the City's Housing Element identifies 4 housing opportunity sites within the City Center PDA for approximately 1,146 units. Currently the City Center project has been entitled for 487 units with the balance of the units associated with existing commercial properties that have been rezoned as Mixed-Use to encourage additional residential development in the area. The existing 2010 household projection of 388 units is not correct and currently no residential units have been constructed in the City Center PDA to date.

It should be noted that individually the City's PDAs fall within the place type definitions that have been assigned to them; however, in combination and geographically they may also meet the definitions of an Employment Center place type as defined in the Initial Vision Scenario. Both PDAs have a significant commercial component that is expected to add to the City's employment base. Further, the Bishop Ranch Business Park (Bishop Ranch) is a major employment hub for the East Bay and hosts a daytime population of approximately 30,000 people. Bishop Ranch is centrally located in the City and directly adjacent to both the City Center PDA and North Camino Ramon PDA. As an established regional employment center, with a large corporate presence, Bishop Ranch has the ability to compete with the other employment centers of San Francisco, Oakland and San Jose. The proximity of Bishop Ranch to the housing supply of the Tri-Valley and East Bay communities is a definite amenity for employers in Bishop Ranch which can be further enhanced through transit and commercial services associated with the PDAs.

See question 4 below for additional discussion of SCS Initial Vision Scenario household growth projections.

2) What transportation improvements would help support those Priority Development Area(s), Growth Opportunity Area(s) in your jurisdiction?

Response: In an unconstrained scenario, the addition of a BART line along the I-680 corridor would greatly improve connectivity for both housing and employment. Recognizing certain infrastructure limitations, building on the existing and planned transit centers and multimodal network is likely the most practical alternative. Improving the HOV access points such as the proposed Norris Canyon HOV ramp adjacent to the North Camino Ramon PDA will be critical. Improved public transit routes, increased weekend bus service, shorter headways on key bus

routes and improvements to the Iron Horse Trail such as separated pedestrian/bicycle overcrossings at major arterials will improve transportation connectivity for residents and employees alike. Continued support and funding for transit, TDM programs and school busing programs to provide alternatives to traditional commutes is essential for the SCS vision to be effective.

3) What additional funding would be needed to support housing growth?

Response: Primarily affordable housing, transportation and infrastructure funding will be needed to subsidize and support housing growth. Affordable housing subsidies will be necessary to create and provide affordable housing at the quantities and affordability levels outlined in the SCS Initial Vision Scenario. Along with housing growth comes the need for additional community services to support the additional residents created by these new housing units. Not to be overlooked is the need to fund and support any additional school capacity required. Funding for community services and increase in school capacity will need to be addressed for the SCS vision to succeed at a local level.

While support for initial transportation and infrastructure projects is essential, additional dedicated funding sources should be identified to provide for the cost of ongoing services and long term maintenance of facilities.

4) If the Initial Vision Scenario growth estimate is too high, should some of the growth be shifted to another part of your jurisdiction, elsewhere in the County, or elsewhere in the region?

Response: As discussed above, the Initial Vision Scenario household projections for the City Center PDA is more than three times what is contemplated for the PDA area by the City. Currently, there are other housing opportunity sites outlined in the City's Housing Element that are not part of an identified PDA, but within reasonable proximity. With additional local transit options and infrastructure improvements, these sites could accommodate part of the remaining household development shown for the City Center PDA Initial Vision Scenario; however, it is not clear how practical this concept would be given the overall SCS strategy.

Based on the TOD premise of the SCS Initial Vision Scenario, rather than fragment development into mixed-use areas throughout the City, it would make more sense to allocate the balance of the City Center PDA development along the existing transit and BART corridors to leverage the existing and most highly developed regional transportation infrastructure. By centralizing the growth, it would be much easier to bridge transportation gaps between the regional transit corridors, BART PDAs, local transit stations and the strong centralized employment base of San Ramon. This strategy would accommodate housing near transit while acknowledging that not all people will live where they work and provide additional flexibility to access an expanded job market including San Ramon through efficient public transit and commute options.

5) What are the challenges for your local jurisdiction to attract and retain jobs that match your local workforce?

Response: The employment base for San Ramon is strong largely due to the presence of Bishop Ranch and Specific Plan areas already entitled or envisioned through build out of the General Plan. San Ramon has traditionally been a jobs rich community; however, in more recent years, with the annexation of the residential units in Dougherty Valley and the build out projections of the General Plan, the City is approaching a 1:1 balance of jobs to employed residents. The growth in both households and employment over the past decade has also fueled an increase in service employment to serve both the daytime and permanent populations of the City. The challenge moving forward is the ability to build the PDA's as envisioned and create a balance of uses that provide goods, services and entertainment for residents locally as well as the local workforce. A more balanced community serves and an economic engine, provides business opportunities and strengthens the job base for the City.

It is our hope that these responses provide additional clarity regarding the conditions associated with San Ramon and our PDAs as well as the role that we would expect them to play in the SCS process. Please feel free to contact Debbie Chamberlain, Planning Services Manager if you have any additional questions or would like to schedule a follow up meeting.

Sincerely,

Phil Wong
Planning/Community Development Director



CC:

City Council
Debbie Chamberlain, Planning Services Manager
File



Agenda Date: 5-3-11

Agenda Item: 9b

Approved:


Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 03 MAY 2011

SUBJECT: PROPOSAL FOR A CLAYTON VALLEY CHARTER HIGH SCHOOL

RECOMMENDATION

It is recommended the City Council, by motion, determine its interest in and scope of support for the local campaign and community effort to charter a high school at the campus site of Clayton Valley High School, Mt. Diablo Unified School District.

BACKGROUND

At the 19 April 2011 City Council meeting, verbal reports were offered by several members of the City Council concerning a recent effort by residents of the Clayton community to seek the establishment of a California Charter School at the present Clayton Valley High School on Alberta Way in nearby Concord, CA. A community outreach and information meeting on the subject had been held by a community formation group on the prior evening of April 18th in Hoyer Hall at the Clayton Community Library.

At the conclusion of the City Council meeting, Council Member Stratford requested an item be placed on the City Council's next agenda to discuss the City Council's support of such an endeavor. Clayton Valley High School is the primary public high school serving the city and residents of Clayton.

To assist in the facilitation of that discussion, attached to this cover Staff Report are copies of various sourced information discussing charter schools in general and the specific proposal for a Clayton Valley Charter High School. The submittal of this information is not meant to be a conclusive review of the subject but to generally aid the City Council's discussion. City staff is not versed at this time in the details or debate over charter schools.

Attachments: 6

INFORMATION SPECIFIC

PROPOSAL FOR

A

**CLAYTON VALLEY CHARTER
HIGH SCHOOL**

- A. PowerPoint: Clayton Valley Charter High School [35 pp.]
Source: CVCHS website
- B. FAQs on Charter Schools [4 pp.]
Source: CVCHS website

Clayton Valley Charter High School

General Information and
Possibilities...



Charter Facts

- Charter schools are public schools.
- Charter schools cannot charge tuition.
- Charter schools are open to all who want to enroll, and cannot 'cherry-pick' or use performance as a basis for admission.
- Charter schools must be of choice for both students and teachers.
- Charter schools must be nonsectarian.
- Charter schools must hire credentialed teachers.
- Charter schools must allow unions.
- Charter schools must meet academic standards.
- Charter schools must administer all statewide performance tests.
- Charter schools cannot discriminate based upon disability, ethnicity, national origin, age or gender.

Why Were Charters Established?

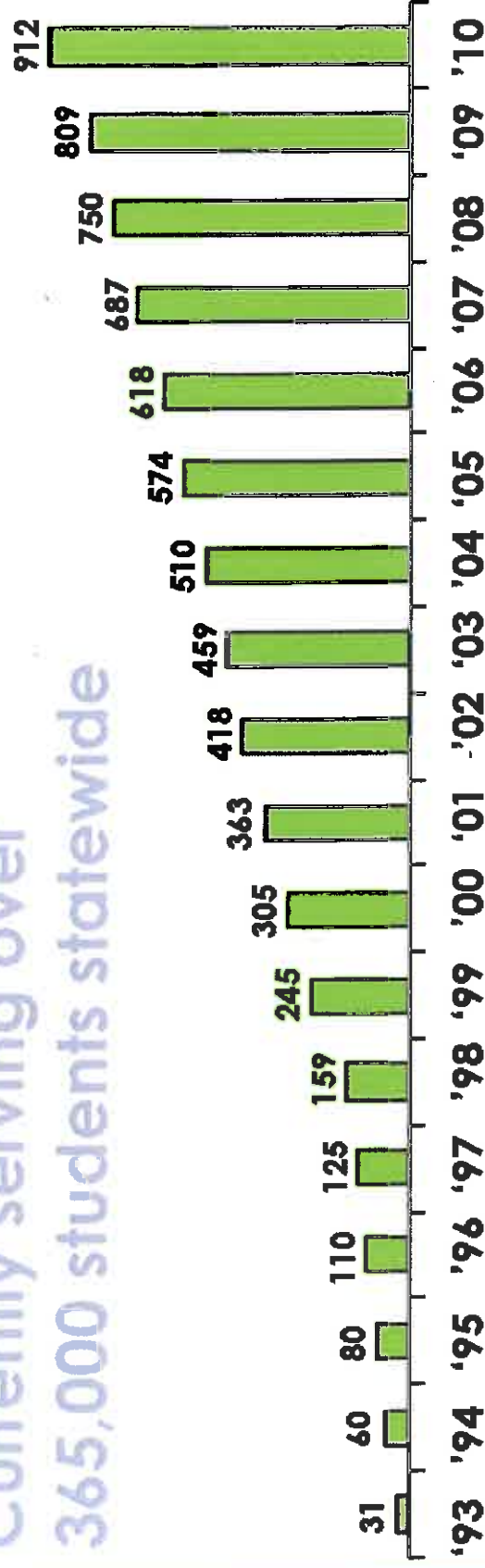
The *Charter School Act of 1992* was created to improve public education by encouraging the development of charter schools that will:

- **Improved student learning and increased opportunities for all.**
- **Develop innovative teaching methods and learning environments**
- **Give teachers & parents a stronger voice in school decisions**
- **Create and train more highly-skilled teachers**
- **Expand parents & students choice within public education**
- **Create more accountability and measurable student outcomes**
- **Create competition within the public school system, improving all public schools.**

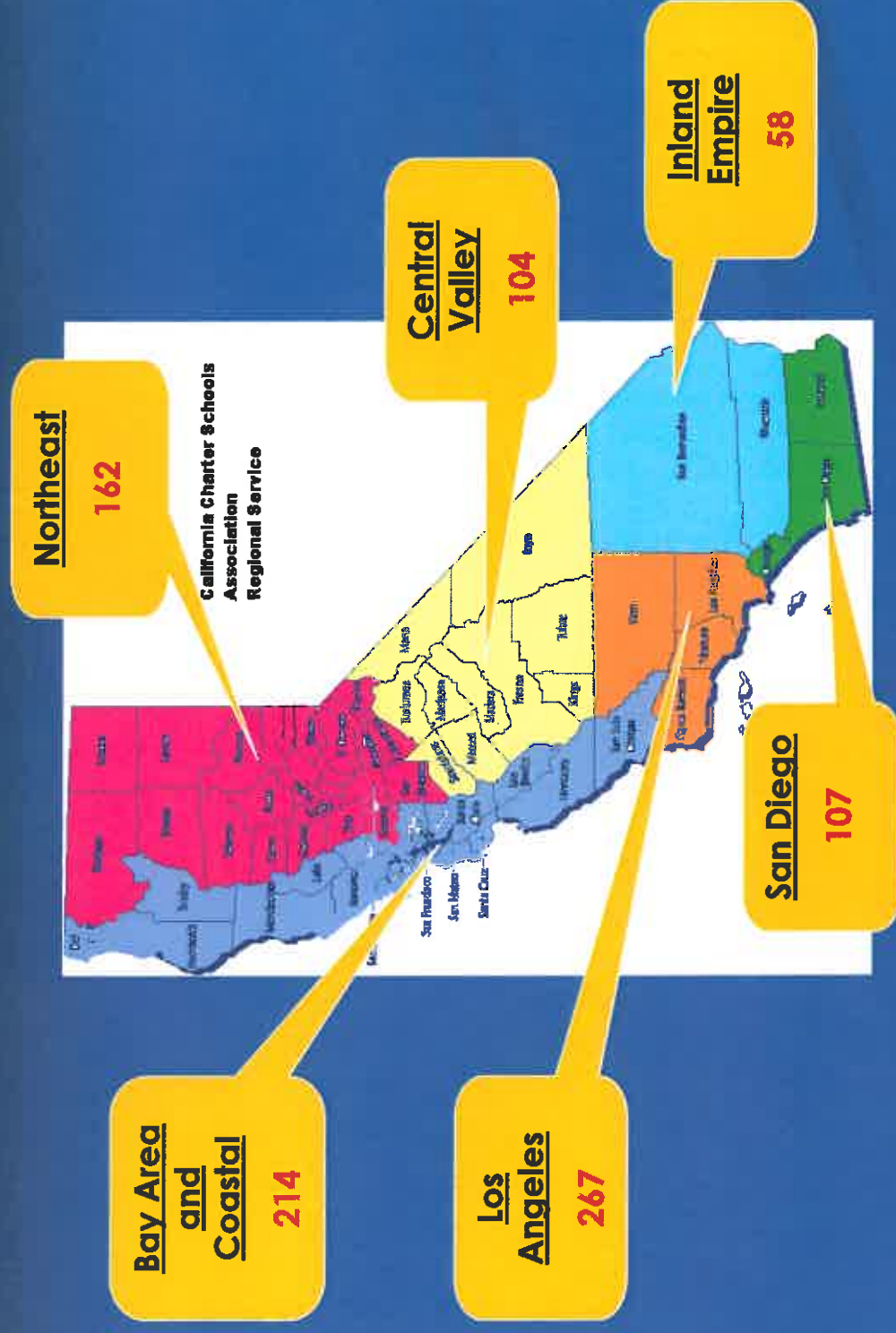
Scale of California Charter Growth

Growth of CA charter schools since 1993

Currently serving over
365,000 students statewide



Charter Distribution Throughout California



Conversions Statewide

There are approximately 140 conversion charter schools operating in California



Growth by Year

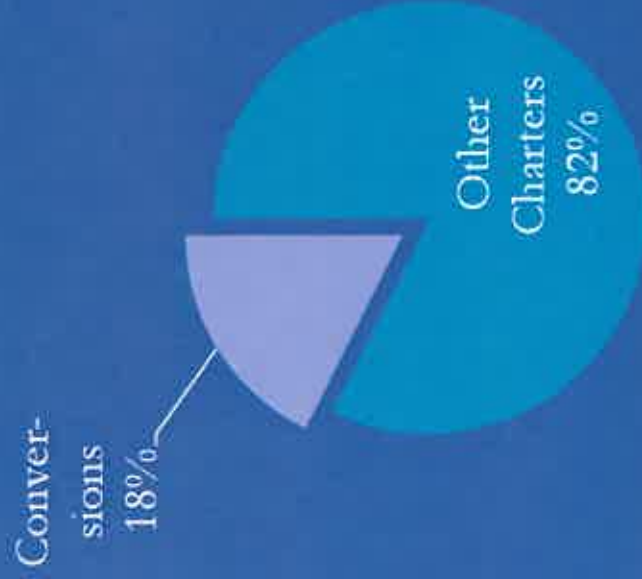
Conversions by Year



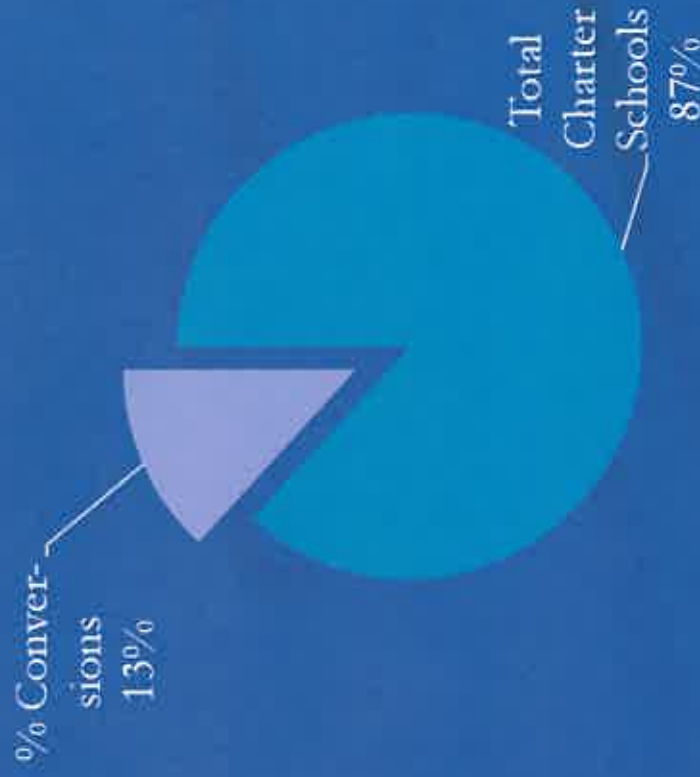
Percent of the Movement

Conversions make up 13% of all charter schools but serve 18% of total charter school enrollment

% Total Charter Enrollment



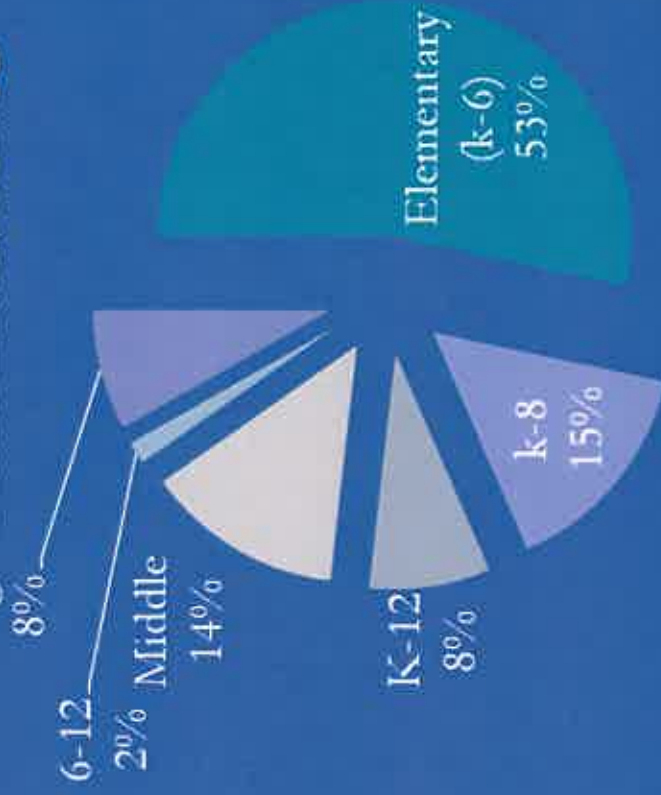
% Total Charter Schools



Grades Served

Schools serving some combination of elementary grades make up 53% of all conversions

High Grade Levels Served



Why Choose Charters?

Teachers/Administrators

- Curriculum flexibility
- Operational autonomy
- Ability to tailor programs to student needs
- Ability to pursue specialized programs – dual immersion, IB, Core Knowledge, SPED-focus - with greater autonomy
- Ability to craft a professional culture with full autonomy – and accountability

Parents

- Individualized learning
- Specialized programs
- Innovation and accountability
- Smaller, safer campuses
- Opportunity to build true community of learning
- Shared governance
- Stronger academic results

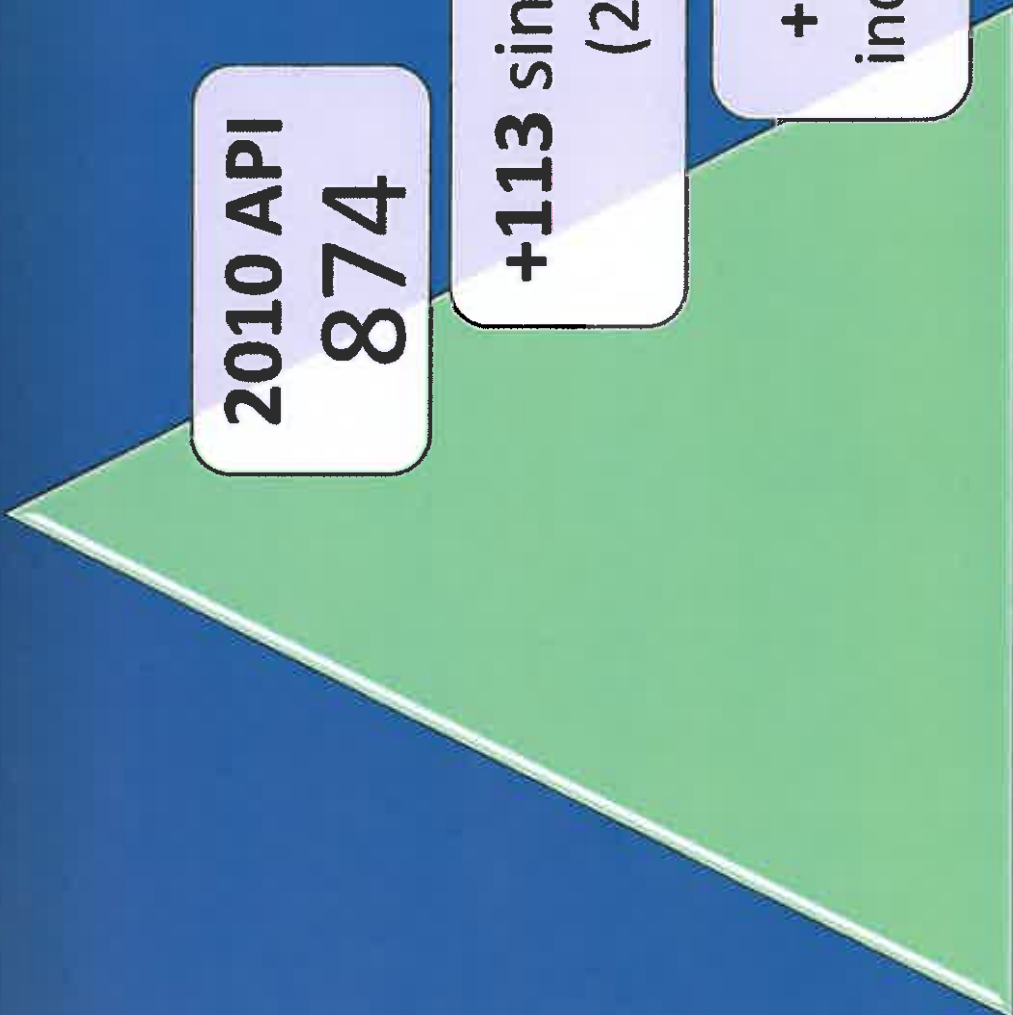
Example:

- Granada Hills Charter High School (GHCHS)
- Converted to Independent Charter in 2003
- 4157 9th – 12th graders
- 182 certificated staff
- 118 classified staff

GHCHS SUCCESSES

- 99% Graduation Rate
- 98% of Graduates were Admitted to a two or four Year College
- 98% Attendance Rate
- 96% CAHSEE Pass Rate
- Top API – 874
- 2011 Distinguished School

Academic Performance Index (API)



**2010 API
874**

**+113 since Charter
(2003)**

**+135 since API
inception (2001)**

2010 - GHCHS Compared to LAUSD high schools

Granada Hills Charter	874
Palisades Charter	819
El Camino Real	798
Cleveland	756
Taft	745
Reseda	740
Eagle Rock	738
Northridge Academy	725
Chatsworth	717
North Hollywood	716
Van Nuys	716
Verdugo	712
Kennedy	695
Monroe	648

Why are these facts relevant for Clayton Valley stakeholders?

To show that communities across California have made the same journey...

Helix Charter High School – San Diego (795 API)
Granada Hills Charter High School – Los Angeles (874)
Thomas Edison Charter Academy – SF (782)
Academy of Alameda (Chipman Middle) – Alameda
(new conversion, no API)

Eagle Peak Montessori Charter School (K-5)
Flex Academy (9-12)

CVCHS would be the first high school charter conversion in MDUSD and the greater Bay Area.

What are the possibilities for...

TODAY

- Clayton Valley High School

TOMORROW

- Clayton Valley Charter High School

AUTONOMY

TODAY

- The entire district and CVHS is governed by the MDUSD School Board and Superintendent.

TOMORROW

- CVHS has its own Governing Board made up of teachers, parents, community members and other staff.
- On campus leadership: CEO, CFO, COO along with other staff and student representative committees.

AUTONOMY

TODAY

- MDUSD is made up of 36,271 students, 2,168 certificated employees, 1,575 classified.

TOMORROW

- CVHS charter school made up of 1,868 students, 83 certificated teachers, 20 +/- classified employees.

\$ \$ \$

TODAY

- The District Average expenditure per student is **13.1% less** than the state average.
- The District Teacher Salary is **2.91% less** than the state average. The District does not report the state comparison of benefits.
- As of April 1st MDEA has voted to accept 3 furlough days – other bargaining units are at an impasse.
- The school district has built in 7 furlough days to the budget for the next 2 years.

TOMORROW

- With increased funding from the state and federal government and eligibility for Charter School Grants there is a possibility to stop the downward trend of per pupil spending, employee salary decreases, benefit bleeds, and furlough days. It has been done by other Conversion Charter High schools.

Overview of Funding Model

General Purpose Entitlement (Projected ADA for 20111-20121)

Total Unrestricted Revenue \$6,240

- General Purpose Block Grant: (5,842)*
- Categorical Block Grant: (\$399)
- Other funds available for economically disadvantaged students

Other Revenues

- State and Federal Programs and Grants: Varies by school and program.
- Fundraising Efforts
- Public Charter Schools Grant Program (\$375,000)

* Depending on Grade Level

** Depending on "disadvantaged pupil" count

(Above figures are based on Association estimates for 2010-2011 and are for illustration purposes only)

\$ \$ \$

TODAY

- The school district is in charge of all finances for the 56 schools in MDUSD.
- Possible danger of a state takeover.
- If not, the district has millions more to cut. Many positions at CVHS will be cut or reduced. Classrooms will be packed beyond normal capacity and teachers will have far less resources to do their job.

TOMORROW

- State and federal money could be paid directly to Clayton Valley Charter High School. This could mean more money for CVHS. As a charter school we are immediately eligible for a wide variety of grants. CV would be responsible for its own budget and fiscal management.

REPRESENTATION

TODAY

- Teachers are represented by MDEA and classified staff are represented by 3 different collective bargaining units.

TOMORROW

- Vote by staff to continue in our current collective bargaining units *or*
- Draw up a contract with the same bargaining units that are separate from the current contract and just represents CV *or*
- Vote to organize new bargaining units that only represent CV employees.

TEST SCORES

TODAY

- CVHS API is in the bottom 10% of statistically matched “similar schools” in the state of California.

TOMORROW

- With a clear vision to increase this score, the support of the community, renewed energy, and commitment to raise the accountability of our staff and students our future outlook is unlimited.
- Teacher initiated programs like the “Do the Right Thing” movement, Club 800, and countless others could have the support and structure to be truly successful.

LEADERSHIP

TODAY

- CVHS is run by an administrative staff that follows the top down directive of the school principal and superintendent.
- At its inception and for many years thereafter the curriculum committee had a voice in the academic programs at CV. The committee is now informed by administration of the direction it must take.
- The staff senate is listened to and then ignored.

TOMORROW

- Teachers, staff and community take an active role in the government of the school.
- Leadership is shared among administrators, certificated staff, classified staff, parents, and students.
- Decisions are reached through consensus, and minority opinions are considered and valued.

FRESHMEN

TODAY

- 9th graders have a half day Orientation to CVHS thus leaving them completely unprepared for the rigors, standards or culture of the high school student.

TOMORROW

- Freshmen could have a mandatory summer transition program to prepare them for high school. This could be for 1-4 weeks with classes for evaluation, remediation and enrichment.
- CVCHS culture can be shared in a structured setting. Important information on behavior expectations, scholastic goal setting, extra-curricular opportunities, etc. are frontloaded for optimum application.
- Small learning communities designed for freshmen support can be implemented.

CALENDAR

TODAY

- The School year calendar is dictated by the MDUSD school board.

TOMORROW

- The school calendar can be altered to better meet the academic needs of our students.
- School could start earlier in August with the first semester concluding by winter break.
- Winter break could be extended a week to offer students intensive, accelerated study programs or remedial intervention.
- Our version of summer school could be reinstated just for CVCHS students. The offerings would be at our discretion and in accordance with the needs of our students.

ACCOUNTABILITY

TODAY

- Example: The bell rings and it's time for class, but what are all the students doing in the halls?
- They are tardy - every single day - by the hundreds. Between every single class. The campus supervisors fight a battle that can't be won and they get tired. Really, really tired.

TOMORROW

- The tardy policy can become part of a behavior contract that students and parents sign at the beginning of the year.
- Rules can be stricter and students and teachers held more accountable.
- Rules could be the same in every classroom, making them universal across campus.
- Expectations would be reinforced at mandatory freshmen summer program.

CONNECTIONS

TODAY

- The bell rings at three o'clock and students scatter in different directions, many forgetting school until the bell rings at eight the next morning.

TOMORROW

- A structured afternoon (7th period) presents opportunities for academics and extra-curriculars.
- Sports, drama, clubs, etc.
- Remediation and tutoring
- College course offerings on the CVCCHS campus
- Career experience
- Students continue to feel connected to CVCCHS outside regular school hours. Learning and enrichment is not dictated by the school bell but is an ongoing part of our community culture.

STUDENT IMAGE

TODAY

- Dress codes are ignored and student attire is increasingly inappropriate and distracting.
- Teachers and staff try to fight this negative trend on an individual basis but standards are lost without strong leadership or a shared vision.

TOMORROW

- The dress code is spelled out in the behavior contract that parents and students sign before school begins. School-wide, objective standards become the norm.
- Students arrive in uniforms and this problem is gone. Stereotyping, gang affiliations, economic status all begin to fade.

SCHOOL IMAGE

TODAY

- Disrespect for teachers and other students is rampant on campus. Standards for behavior continue to drop. Teachers get burned out. Students lose opportunities to learn. What happened to no tolerance?
- Teachers and families decide to leave.
- Brain Drain.

TOMORROW

- CVCCHS could build a school environment that attracts both teachers and students.
- A place where respect is expected, standards are held high, and people feel safe and welcome.

CAMPUS

- The CVHS school report card states that we have a clean and safe campus. This is obviously not the reality.
- We have the option to contract with private resources that could dramatically cut costs and raise the standard of cleanliness on this campus.
- This is merely one example of simple and logical choices that can have large impacts.

CAMPUS

- Our school report card also states that our campus is in need of NO improvements.
- As a charter we are instantly eligible for state funded facility maintenance and construction grants that could enable us to build a functional 21st century library, a theater, or make the necessary improvements to keep our campus functional and safe.

Creating Your School

In order to get a charter approved, developers will need to:

- Organize the support of the community
- Mobilize your parents and educators that are supporting your school to generate additional community outreach and support
- Before submitting to the district, circulate your petition among trusted and qualified members of the community for review and comments
- Get letters from elected officials and community stakeholders and organizations stating their support for the proposed charter school
- If the district is amenable to review, submit a draft petition to the authorizing district for preliminary review

Increase in per pupil spending

On-line course offerings

Increase in enrollment

Attract highly qualified staff

Accountability

STAY INFORMED...

- Facebook page
 - Search “Clayton Valley Charter High School”
- Website
 - <https://sites.google.com/site/claytonvalleycharterhighschool/>

What is a charter school?

Charter schools are independent public schools with rigorous curriculum programs and unique educational approaches. In exchange for operational freedom and flexibility, charter schools are subject to higher levels of accountability than traditional public schools. Charter schools offer quality and choice in the public education system and are free and open to all students.

Why where charter schools established?

It is the intent of the Legislature, in enacting this part (Ed. Code §47600), to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to accomplish all of the following:

- Improve pupil learning.
- Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.
- Encourage the use of different and innovative teaching methods.
- Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.
- Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.
- Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.
- Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.

What are the benefits of converting to a charter school?

A conversion charter school is a public school operated independently under an approved charter petition granted by a chartering authority, usually a school district. The charter petition spells out the school's education program, goals, finances, governance structure and other features.

Choosing to convert into a charter school is making a decision to collectively embrace autonomy and accountability. Conversion provides increased flexibility in the areas of curriculum & instruction, operations, governance and finance, in exchange for improved student achievement, continuous improvement, and increased accountability. Specific benefits of a conversion charter school are many, including:

- Parents, students, teachers and other stakeholders have an active voice in school governance.
- School leaders develop a robust professional development program, increase teacher support and effectiveness and make informed personnel decisions.
- Budgetary decisions are made at the school, potentially increasing the amount dollars reaching the school and classroom, which allows resources to be aligned with programmatic mission, vision and objectives.
- Teachers and staff have the freedom to develop and implement innovative instructional programs that meet the needs of all students.
- Board of directors has the ability to make mission critical decisions at the school site level.

What funding is available? How does funding work? Will our funding amounts be different?

Charter schools receive money on a per-pupil basis from the state and federal governments either directly

as a direct funded school or routed through their chartering authority as a locally funded school. The charter school funding model is primarily comprised of block grant sources, and also includes funding via additional funding sources.

There are two block grant funding sources. The **General Purpose Block Grant** is based on the state average district revenue limit by grade level. All charters receive the same rate per grade level, and the rate does not consider variances in costs of living or revenue limit from district to district. The **Categorical Block Grant** covers over 25 state funded programs, and is provided “in lieu” of participation in specific programs and does not require a separate application. Funding allocation for both of the block grants is allocated based on “Average Daily Attendance” (ADA). Both block grant funds can be used by charter schools as unrestricted funds.

The chart below illustrates estimated funding rates for the 2010-2011 school year.

2010-2011 Final Budget Estimate, Block Grant Rates					
	Grades	K-3	4-6	7-8	9-12
General Purpose Block Grant		\$5030	\$5106	\$5272	\$6119
Categorical Block Grant		\$400	\$400	\$400	\$400
Total Estimate for 2010-2011		\$5430	\$5506	\$5672	\$6519
Economic Impact Aid (per eligible pupil)		\$318	\$318	\$318	\$318
Categorical Block Grant Supplemental (schools opened after 2008)		\$127	\$127	\$127	\$127

* Rates are estimates and subject to change.

Additional funding can come from state programs not included in the Categorical Block Grant, as well as Federal Program such as Title I when eligibility requirements are met. There are charter specific funding sources that are not available to standard public schools, including the Public Charter School Grant Program which provides \$250,000 for the planning and implementation of charter schools and is administered by the California Department of Education. Charter schools may also rely on independent fundraising, grants, and community sponsors for additional funds.

Conversion: Financial Considerations

When considering the conversion of an existing district school into a charter school, it is important to understand various factors that determine the financial viability of a conversion. Charter school revenue is predictable as it is based on block grant rates and eligibility for certain programs with pre-established criteria and is allocated based on ADA. While revenue is predictable, expenses vary greatly from school to school. Key factors that impact expenses include the number of certificated and classified personnel, the cost of salaries and benefits, programmatic costs and business expenses. For schools considering conversion, it is important to spend time on developing a full three to five year budget to provide the complete financial picture necessary to make informed decisions.

The anticipated budget as a conversion charter school should be compared against the funding rates for the particular district where the school is located in order to ascertain the economic viability of the conversion, as it could be slightly higher or lower depending on a number of factors. If possible, a comparative analysis should be done on the charter funding model and the district funding model to illustrate the resources available to the school under each model, and the programmatic impacts of each.

Direct Funded vs. Locally Funded

One key decision is to determine whether the charter conversion will be a direct funded charter school or a locally funded one. Direct funded charter schools receive their funding directly through the County Treasury Account. Locally funded charters are funded through their district's account. There are pros and cons to each approach. Direct funded schools have complete control over their finances and receive their funding immediately. They may apply for additional categorical funding, grants, etc. and they can develop their own LEA Plans and programs. They are not dependent upon their district to disburse funds. Categorical funding such as EIA or Title I monies belongs to the school to distribute, not to the district to apportion among its various schools and programs. Direct funded charter schools are more in control of their own financial situation.

On the other hand, direct funded schools have the often onerous task of meeting all of the state's

compliance requirements, filling out often onerous and time consuming paperwork and forms, filing all the required forms and managing their own accounting, bookkeeping and payroll systems (or contracting out for services). Locally funded charters may not have the control that direct funded charters have, but they don't face the bureaucratic hurdles either. Many charters are founded by educators who want to concentrate on the educational program and prefer to have districts handle the non-education aspects of running a school. Schools need fiscal expertise, either on staff or through contractual arrangements, before considering the direct funding route.

Do we have to bus students? If we have bussed students can we continue to bus them in?

Typically charter schools describe in their charter petition the types of services they will provide students. Generally, many charter schools do not provide transportation to a majority of their students. Bussing students is not an explicit requirement for schools converting into a charter. However, there might be statutory requirements requiring transportation in certain situations. Some students that might be required to be provided with transportation include: homeless students under the McKinney-Vento Act, students with an Individualized Education Plan for Special Education services and opportunity transfers under the public school choice provisions of NCLB. School districts often have court ordered desegregation plans, which include bussing students from one attendance area to another. If the school converts to a charter school these plans may have to be reviewed with the authorizer and the courts. Providing additional voluntary transportation to students is a service the conversion charter may consider, if it is financially viable.

Can we give preferences to currently attending students? Can we give preference to neighborhood kids in the future?

An existing public school converting to a charter school shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school. Additional preference for students currently attending the existing public school and those living within the boundaries of the school district where the school is located can also be given.

What is Proposition 39, what are the requirements and timelines?

Overview

Proposition 39 (Prop.39) was passed by California voters in 2000. The law ensures that public school facilities are "shared fairly among public school pupils, including those in charter schools" and requires districts to make "reasonably equivalent" facilities available to charter schools upon request.

In 2003, Prop. 39 imposed a mandatory duty on school districts to provide their charter school students facilities that are "reasonably equivalent" to those used by non-charter students within the district. The charter school facilities must be contiguous, similarly furnished and equipped to district schools and located near the area in which the charter wishes to locate.

Eligibility

In order to be eligible for facilities under Prop. 39, charter schools must provide "reasonable projections" of their average daily attendance (ADA) of at least 80 in-district students. In-district students are those students who could attend a district school if they had not chosen to enroll in the charter school.

Cost for Use of District Facilities

School districts are allowed to charge charter schools for use of district facilities under Prop. 39. There are two alternatives for the district to charge charter schools annually for the use of facilities: a pro rata share charge or an increased oversight fee.

Making a Request

The regulations implementing Prop. 39 set forth specific requirements for making a facilities request to a district. In addition to meeting the eligibility requirements, there are a variety of dates which must be met for a charter school to preserve its right to district facilities. **Operating schools and schools planning to open must submit facilities requests to their district by November 1 of the year before they wish to occupy the space.**

What does the district leave at the site on conversion?

These details are often spelled out in a facility MOU but generally speaking under Prop. 39 requirements, the district is obligated to furnish and equip the site to the same extent as other schools in the district. It is advisable that charter conversions submit a Prop. 39 request to the district.

What are the requirements for conversion?

Conversion charters have essentially the same legal requirements and processes as startup charter schools. They must submit a charter petition with a reasonably comprehensive description of the required sections, the required affirmations, and signatures. In addition, conversions must have signatures of at least 50% of the permanent status teachers employed at the existing public school.

What are the potential downfalls of a conversion?

A lack of careful planning and a clear understanding of the rules and regulations pertaining to charter schools can result in school difficulties. There are two primary concerns expressed by conversion schools. One is the lack of district administrative support for many of the key services they provide such as testing, compliance requirements and fiscal services. Locally funded conversions often cite lack of fiscal control and programmatic decision making authority as the single most common concern. Without full autonomy, the conversion loses its independence and ability to make decisions based on needs of students.

How will the district feel about us converting?

That will depend on the unique situation of each district and each school. Many districts are excited at the possibilities for increased educational opportunities for their students and are highly supportive. It is up to the conversion team to work with district administration, the Board of Trustees and their County Office of Education staff and trustees and explain why charter conversion is the most appealing and viable option for ensuring increased academic achievement for all students.

GENERAL INFORMATION

ON

CHARTER SCHOOLS

1. List of Charter Schools in Contra Costa County [1 pg.]
Source: CA Dept. of Education
2. FAQs and Fact Sheet about Charter Schools [5 pp.]
Source: California Charter Schools Association
3. Expert Education Blogs on Charter Schools [24 pp.]
Source: National Journal Online (December 2009)



California Department of
EDUCATION



Home » Data & Statistics » School Identification » Charter School Locator » California County Map » Charter School Database

Contra Costa County Charter Schools

Color Legend:

White: Classroom based instruction (80% of annual instruction on a school site under the supervision of an employee of the school)

Light Pink: Non-Classroom based Independent Study Site (Students may be served in contiguous counties)

Use the links below to check if your school is WASC accredited; a distinguished school; or a blue ribbon school. [Western Association of Schools and Colleges \(WASC\)](#), [Distinguished School Awards](#), [Blue Ribbon Schools](#)

School Name	Charter Number	Address	Grade Level	Site Type	Web Site	More Details	Statistical Info
Antioch Charter Academy	0143	3325 Hacienda Way Antioch, CA 94509	K - 8	Site-based Instruction	www.antiochcharteracademy.org	Antioch Charter Academy	DataQuest Reports
Antioch Charter Academy II	0909	1201 West Tenth St. Antioch, CA 94509-1406	K - 5	Site-based Instruction	www.antiochcharteracademy.org	Antioch Charter Academy II	DataQuest Reports
Eagle Peak Montessori	0305	800 Hutchinson Rd. Walnut Creek, CA 94598	1 - 5	Site-based Instruction	www.eaglepeakmontessori.org	Eagle Peak Montessori	DataQuest Reports
Leadership Public Schools: Richmond	0557	251 South 12th St. Richmond, CA 94804-2411	9 - 12	Site-based Instruction	www.leadps.org	Leadership Public Schools: Richmond	DataQuest Reports
Making Waves Academy	0868	4123 Lakeside Dr. Richmond, CA 94806-1942	5 - 7	Site-based Instruction	www.cocoschools.org	Making Waves Academy	DataQuest Reports
Manzanita Middle	0333	1615 Carlson Blvd. Richmond, CA 94804-1718	6 - 8	Site-based Instruction	www.manzy.org	Manzanita Middle	DataQuest Reports
R.A.A.M.P. Charter Academy	1073	1413 F St. Antioch, CA 94509	K - 4	Site-based Instruction	www.raamp.com	R.A.A.M.P. Charter Academy	DataQuest Reports
Richmond College Prep K-5 Charter	0755	214 South 11th St. Richmond, CA 94804	K - 4	Site-based Instruction	www.richmondchildren.org/programs.asp	Richmond College Prep K-5 Charter	DataQuest Reports
West County Community High	0942	777 Sonoma St. Richmond, CA 94805-1534	8 - 12	Site-based Instruction	www.wcchs.school.org	West County Community High	DataQuest Reports

[Back to County Map](#)

Questions: Charter Schools Division | charters@cde.ca.gov | 916-322-6029

California Department of Education
1430 N Street
Sacramento, CA 95814

Web Policy



Frequently Asked Questions



CCSA has compiled answers to frequently asked questions regarding charter schools and what they mean for students, educators, schools and communities.

What are charter schools?

Charters schools are public schools. They are tuition-free and open to any student who wishes to attend. Charter schools allow parents, organizations, or community groups to restore, reinvent, and reenergize our public school system. Charter schools are designed, tailored, and governed by each local community, rather than by a central bureaucracy.

Are charters public schools?

Yes, charter schools are tuition-free, public schools that operate independently from the school district's central bureaucracy. Each charter school is governed by its own local school community, which often includes parents and teachers - rather than a district. This freedom allows teachers to be more innovative, and communities to shape their local school.

How can I apply for a charter school? Are there admission requirements?

Charter schools are open to ALL children and they are committed to serving a student body that reflects the local community. [Research evidence](#) shows that charter school students are just as diverse (racially and economically) as non-charter students.

By law, charter schools can never have selective admissions; anyone can apply and, if more students want to attend than there are seats available, there is a lottery to determine who is admitted.

Does it matter where I live? What is the attendance boundary?

As schools of choice, all charter schools are open to any student who wants to apply, regardless of where he or she lives, space permitting. Independent Study or non-classroom based schools have some geographical limitations such as only being open to students from a specific county.

How does the lottery system work?

Charter schools are open to all students who want to attend, regardless of where they live. If the school receives more students than for which it has spots available, it is required by law to hold a blind lottery to determine which students will have the opportunity to attend. Many charter schools have wait lists and may admit more students as spots become available.

Why isn't our local charter school located in a traditional school building?

Under state law, school districts are required to provide adequate and equivalent facilities to charter public schools, but are not always able to do so. Many charter schools secure their own facilities, using state financing or donations. In some cases, the charter school may build a full school campus from the ground up; in other areas, they may rent available space in churches, community centers or commercial buildings.

If charter schools are independent from the district, how are they held accountable?

Charter schools are actually more accountable to parents and students than conventional schools. Because they are governed by the parents, teachers and administrators that make up the local school community, charters are directly accountable to the community they serve. Local governance allows the school community freedom to innovate and make decisions based on the needs of their students. Additionally, charter schools are reviewed for renewal every five years by the school district or authorizer to ensure they have good academic results, and that they are operating in a fiscally and operationally responsible manner.

Will I be required to volunteer?

While parental involvement is a critical key to student success, no student would ever be punished or lose their place at a school based on a parent's volunteer hours. Decisions about parental involvement often involve an agreement between parents, teachers, and administrators.

What types of educational programs do charters offer?

Every charter school is allowed the freedom to create its own educational program. Teachers, students, parents and administrators all have a say in the types of instructional methods, materials and academic programs the school offers. Charter school models include but are not limited to: college preparation, bilingualism, performing arts, math, science, technology and much, much more.

What programs do charter schools offer for students with special needs?

Charter schools believe every student deserves to be in an environment where they have the best chances of success and charter schools are committed to serving all students, including those with special needs. In fact, because charter schools have more flexibility than traditional public schools, they are uniquely situated to provide innovative, high quality educational services to students with special needs. In order to support students with special needs, charter schools will often tailor their educational program or create specialized programs. Depending on a student's individual needs, offering appropriate special education services may result in the charter school working with a District program, a non-public school or agency, or another charter school to provide a level or type of service that is not available at the individual charter school site. Ultimately, in charter schools and other public schools, the student's parents and representatives (the IEP team) make the final determination of the best option for that student.

Are charter schools unionized?

Some charter schools have collective bargaining agreements, some adopt the agreement of the local school district, while others do not - this is a decision that the school community makes as the charter school is developed. Currently, approximately 30 percent of charter schools in California operate under some form of collective bargaining agreement. At charter schools, teachers and support staff are involved in the governing structure of the school - so they have a direct voice in the operation and management of the program.

Do charter school teachers have to have credentials?

In California, charter schools are required to hire credentialed teachers for core and college preparatory subjects just like all other public schools.

Can charter schools be run by private corporations?

In California, some charter schools may be operated as or by nonprofit corporations, but these schools are not privately "owned." Rather, they are more akin to private-public partnerships, where the non-profit is held publicly accountable by many different state agencies. All California charter schools, no matter how they are operated and governed, are part of the public school system-- overseen by a school district, county office of education or the state Board of Education.

California Charter Schools Fact Sheet

Download a printable copy

- [English](#)
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California
Charter Schools
Association

Fact Sheet

2010-11

Updated January 2011

Background

California Charter Schools

- 1 California approved the Charter Schools Act in 1992
 - 2 California was the second state in the nation to pass a charter school law—behind Minnesota
 - 3 California has the highest number of charter schools in the country, and some of the most innovative and academically successful
 - 4 The California Charter Schools Association is the public voice for its members and the charter school movement
- Charter Schools are Public Schools of Choice
 - Charter Schools Serve ALL Students
 - Charter Schools Have Open Enrollment
 - Charter Schools Are Tuition-Free
 - Charter Schools Are Neighborhood Schools Managed by Local Educators, Parents, and Community Leaders
 - Charter Schools are Independent, and Make Decisions Based on the Best Interest of their Students and Faculty
 - Charter Schools Encourage Parent Involvement and Participation

The Vision of the California Charter Schools Association is to usher in a new era in public education so all students attend independent, innovative, accountable schools of choice.

The Mission of the California Charter Schools Association is to influence the legislative and policy environments, leverage collective advocacy, and provide resources to support our members in developing and operating high quality, charter schools reflective of California's student population.

For more information : www.calcharters.org

Sacramento Office: 1107 9th Street, Suite 200 • Sacramento, CA 95814 • p 916-448-0995 • f 916-448-0998

Los Angeles Office: 250 East 1st Street, Suite 1000 • Los Angeles, CA 90012 • p 213-244-1446 • f 213-244-1448

The Future of California Public Education

California:

- 912 charter schools, the largest concentration of charters in the nation
- 357,610 charter students

Growth:

- In the 2010-11 School Year, California charter schools grew by 115, the largest one-year growth in the history of the charter movement in the nation
- The graph below shows the number of charter schools per CCSA Region, as designated by color:



Bay Area: 219

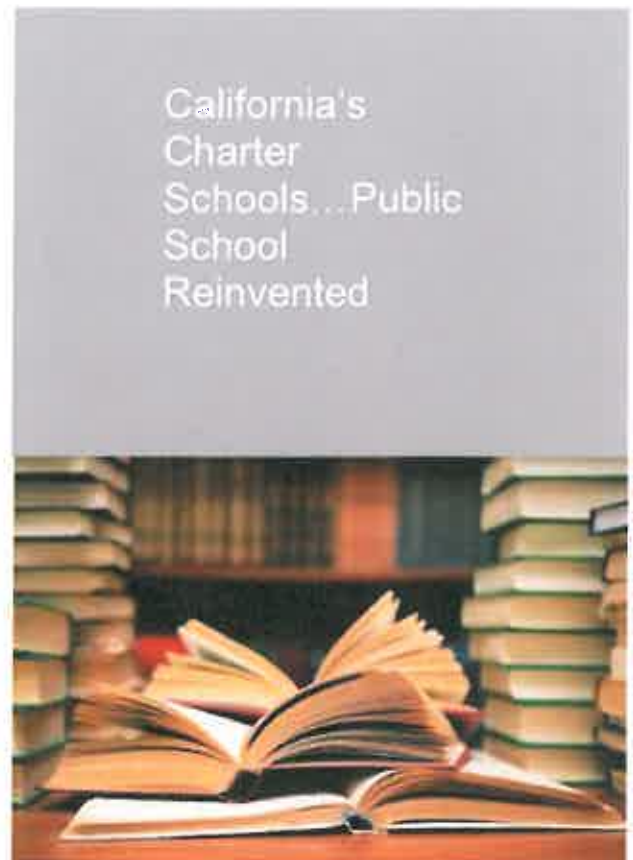
Fresno: 99

Inland Empire: 56

Los Angeles: 279

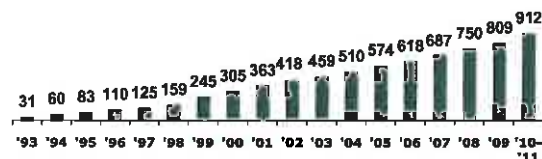
Sacramento: 164

San Diego: 106



**California Charter Schools
are Public Schools that are
Tuition-Free**

Charter School Growth in California 1993-2011





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MONDAY, DECEMBER 7, 2009

Do Charter Schools Deserve The Spotlight?

President Obama and Education Secretary Arne Duncan have made it clear that expanding charter schools is a critical part of successful education reform. "States that do not have public charter laws or put artificial caps on the growth of charter schools will jeopardize their applications under the Race to the Top Fund," Duncan said in June.

But two major studies on charter schools released this year had dramatically different findings. [One study](#) found that charter schools nearly closed the achievement gap between students in poor and affluent communities, while [the other](#) found that most charter schools deliver academic results that are no better, or worse, than those in regular public schools.

Do charter schools deserve the attention that the Obama administration is giving them? Why or why not?

-- Eliza Krigman, *NationalJournal.com*

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24 Responses

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RESPONDED ON FEBRUARY 16, 2010 10:56 AM

Gina Burkhardt

Executive Vice President, American Institutes for Research

The potential for Houston's bold new policy of using value-added test scores as a part of teacher evaluations and then linking evaluation results to decisions about potential teacher dismissal will hinge on several factors, including an increased awareness of how the value-added test scores are determined and the weight they are given when judging performance. Also important is a clear understanding between teachers and administrators of how evaluation results will be used to support teachers and help improve their performance before they are terminated. There is much to be learned in how Houston proceeds with this policy as it may be tried by many districts and states as part of Race to the Top efforts.

A recent study by Learning Point Associates and Public Agenda, Retaining Teacher Talent, showed that 82 percent of teachers surveyed nationwide believe there are at least a few teachers in their school who are just going through the motions and failing to do a good job. Three quarters of the teachers surveyed said that teacher effectiveness would improve if it were easier to terminate ineffective teachers. So what advice do teachers give on how to measure teacher performance? The vast majority -- 92 percent -- of teachers surveyed as part of our Retaining Teacher Talent research said student engagement was a good or excellent indicator of

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June 2009



teacher effectiveness and 72 percent said individual student learning compared to other students was a good or excellent indicator. There was less consensus on the role of standardized test scores in measuring teacher performance but more than half of the teachers surveyed – 56 percent – said that student performance on standardized tests were a good or excellent measure of teacher effectiveness.

What lessons do these results hold for Houston? Teachers deserve transparency about how the test scores are calculated and weighted. This will increase teacher trust that administrators will use this information judiciously and dismiss only those teachers who truly have proven themselves incapable of performing. Supporting teachers in improving their performance is also critically important and plans for providing professional development need to be communicated to teachers and administrators. There seems to be general concern that the value-added scores will be weighted so heavily by administrators that the other 33 performance criteria fade to irrelevance.

In her response to the blog posts addressing the question, "Will AFT Teacher Evaluation Effort Succeed?" Randi Weingarten stated that evaluation reform efforts must be rooted in a support for and respect of teachers and that the system needs to be transparent so leaders can adapt the evaluation measures by jettisoning what doesn't work and replicating what does. She is right on both accounts.

Houston is better-positioned than most districts to introduce test score data into their teacher termination policy. Value-added scores were first introduced into Houston's performance-related pay plan in 2007. Teachers and administrators have had several years to become accustomed to this performance measure. However, there will be bumps in the road. Through regular, open dialogue with teachers, and a strong communications plan, Houston can create a model for dismissing under-performers who bring teacher morale and student achievement down.

Collapse

Link to this response: <http://education.nationaljournal.com/2009/12/do-charter-schools-deserve-the-spotlight/> Print | Share | E-mail

RESPONDED ON DECEMBER 11, 2009 7:01 PM

Rep. Donald M. Payne

D-N.J., Member, U.S. House of Representatives

Do Charter Schools Deserve the Spotlight? December 8, 2009

Competition often spurs innovation and I believe that charter schools have done just that. Charters have agitated the fabric of education and helped to establish a model for school accountability. One of Secretary Duncan's "Listening Tour" stops was to the North Star Academy in Newark, NJ; a charter school located in my Congressional district. Observations and discussions during my visit to North Star with Secretary Duncan and similar visits to charter schools within my district support the fact that charter schools have done an excellent job with engaging parents and students beyond the traditional school schedule. Charter schools have provided enormous opportunities for students who would otherwise fall through the gigantic cracks in the education system. What charter schools have and continue to do for scores of children must be acknowledged; however, I caution the tendency to hail charter schools as the panacea to heal all that ails our school children.

We must approach the reform of our education system with multipronged solutions. Charter schools play an essential role in the reform movement, but this structure will not fit the needs of all children. Charter school results are lauded throughout the country and often compared to public schools. Their admission by lottery policy is often highlighted to underscore the compatibility of their structure for all children. Honestly speaking, it takes a special parent to apply to send his/her child to a charter school. These are the parents who are already engaged and are already invested in their child's education. It is great that charters are able to couple these parents with the resources to help their child transcend their own circumstances and beat the odds of succeeding in their community. However, what we need in addition to a system that catches those falling through the cracks is a system to fix the cracks all together for all children.



Q&A: Arne Duncan

Sec. Arne Duncan Defends New Grant Money

The Income Gap & College Completion

Higher Education & Employment

National Journal Policy Breakfast: College ...

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If we don't widen our focus, we will have public schools that are even more concentrated with uninvolved parents, underperforming and undervalued children, poor teachers, and lost hope. Charter schools certainly serve a purpose; however, we need to spread the focus in education beyond saving only 10 percent of students who are falling through the cracks, but to close the cracks completely!

We have several lessons to learn from high performing charter schools. In fact, I have introduced two bills, along with the late Senator Ted Kennedy who was a staunch supporter of equality in education, that share the same ideals of charter schools regarding parental involvement and effective extended learning time.

The first is the Time for Innovation Matters in Education (TIME) Act. The purpose of this legislation is to expand learning time in low-performing, high poverty schools and districts in order to boost student performance, close academic achievement gaps, and expand enrichment opportunities for our nation's most under-served students. While the expectations of our students and schools have risen, and the demands of our global society are more intense, the time allotted for students and teachers to reach these standards has remained exactly the same. In fact, the near-universal school calendar of 180 six-hour days has been unchanged since it was designed to meet the needs of farms and factories in the early 20th century.

The expansion of learning time is a comprehensive strategy that redesigns a school's entire educational program in a way that is not incremental. Built around the academic needs and interests of students, expanded learning initiatives cultivate relationships with community partners and modernize public schools to help develop 21st century learning skills to prepare all students for life-long success.

This Act establishes two types of competitive five-year grants to LEAs and SEAs to plan for and implement an expanded and redesigned school program that will:

- Add at least 360 hours per school year for all students in a school – the equivalent of two hours per day – and redesign their educational program to better meet the educational needs of academically at-risk children.
- Enable schools and school districts to demonstrate the effectiveness of significantly expanding the school day and year to raise student achievement and improve student engagement in low performing, high-poverty schools.
- Serve as a catalyst for school innovation and improvement and help determine if expanding the school day and/or year is a feasible and effective way to help students meet challenging state academic standards and close the achievement gap.

Expanding learning time will allow for more instruction in mathematics, English language arts, science and other core subjects; provide more enrichment and educational opportunities including art, music, physical education, apprenticeships, and community service; encourage schools to form partnerships with community-based organizations and institutions of higher learning to provide educational opportunities to children that are not currently available to them; and increase opportunities for educators to work collaboratively and to participate in quality professional development.

More and better use of learning time benefits all children, but can have an especially significant impact on students who are academically behind. Without rethinking the current school calendar, the challenge of getting students in these schools to grade level and beyond will remain difficult. Well-implemented (*and I stress "well-implemented"*) expanded learning time initiatives can provide all students in a school with the time, instruction, and structures necessary to achieve academic success and other positive outcomes.

The second is the Keeping Parents and Communities Engaged (PACE) Act. The Keeping PACE Act amends Title V of the Elementary and Secondary Education Act (No Child Left Behind Act of 2001) to expand parent and community involvement in schools, and to provide the integrated supports and comprehensive services children need to learn and stay in school.

Effective parental engagement, as well as community-based, integrated student services, often makes the difference between the academic success and a failure of

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students in school. Many communities offer a broad scope of services and support for children and youth, but fragmented delivery doesn't always ensure that services and community resources reach the students who need them the most.

Students today face an array of problems that are often too demanding for schools to tackle alone. Studies have shown that when schools and communities collaborate, student learning improves, family engagement increases, and schools become more effective. To better address the comprehensive needs of students, the Keeping PACE Act will offer incentives for community-based organizations, in partnership with schools, to deliver integrated student services. This legislation also authorizes funds to support *Parent and Community Outreach Coordinators* in Title I schools, to facilitate the participation of families and communities in the education of their children.

These bills are both solutions that should be part of the multipronged approach to close the gaps in education and create authentic learning experiences. To answer the question of the blog: *Do charter schools deserve the attention that the Obama administration is giving them?* I would say absolutely! These schools have stimulated change, spurred innovation, and created models of what quality education can produce. However, at the same time, we need to increase the conversation about authentic learning experiences for all students – public, charter, parochial, home schooled. In my district some time ago, Newark Public Schools adapted the motto that “All children can learn.” As a former teacher within Newark Public Schools, I wholeheartedly believe this adage. However, we as adults owe it to our children to tap into each and every child's potential to make that statement a reality.

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RESPONDED ON DECEMBER 11, 2009 12:11 PM

School Boards Must Authorize Charters

Anne L. Bryant

Executive Director, National School Boards Association

The Obama administration's desire, if not passion, to promote charter schools as a major strategy for raising student achievement was evident in its proposed requirements for states seeking Race to the Top grants. However, the administration did the right thing in pulling back after a series of studies produced mixed evidence on the success of the charter movement thus far.

NSBA supports the charter school concept as long as the local school board is the authorizer. The reason is the board can provide the appropriate oversight and accountability to the public while ensuring that the charter's mission fits with the district's overall educational strategy. This gives the board the chance to figure out if the charter would actually improve the options for parents at a cost effective rate, or would simply siphon off resources without the results needed. Plus, lessons learned could be spread to other schools in the district.

Fortunately, pragmatism and flexibility outweighed ideology and heavy-handedness in the final Race to the Top requirements. But we need to be ever vigilant as the reauthorization of the ESEA (Elementary and Secondary Education Act) takes place in the coming year. The data on charter schools, which is very mixed, means that school boards must carefully evaluate their effectiveness as they do with all schools, close the ones that are ineffective, or change the operational and instructional strategy and provide the research to share across the nation.

With so many important decisions ahead, it is incumbent on the Obama administration to continue to work in partnership with the states and local school districts to make common sense decisions that affect all children. Ongoing, objective research on charter schools – and their place in improving student achievement – is critical. Data should drive Congress's decision making. Let's hope it does.

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RESPONDED ON DECEMBER 11, 2009 10:38 AM

Let's Take a Lesson From Mr. Sciarra

Steve Peha

President, Teaching That Makes Sense

Mr. Sciarra's post is right on the money. His observations about New Jersey's charter schools could easily be applied with likely the same degree of accuracy to the charter systems of other charter-allowing states as well.

Furthermore, his recommendations are actionable and easily incorporated into existing charter laws and federal programs.

This is the kind of thinking we need in the process of evaluating the charter school movement. Mr. Sciarra's ideas are strikingly responsible and pragmatic. Moreover, they seem to me utterly free of ideological bias -- more about observation than about judgment.

Collecting what we know about charters, monitoring new charters more closely, acknowledging that charters have not been studied adequately to make predictions as to their future success or failure, wanting better coordination between charters and traditional public schools, all of these ideas strike me not only as right but also as simple matters of common sense and responsible action.

Without policies like those Mr. Sciarra suggests, we run the risk of expanding a reform that appears already to be somewhat chaotic, and thereby manufacturing even more chaos.

The intense interest that seems to exist around the "inherent rightness" of charters at this moment in education reform smacks of fetishism to me. Like so many of the things our country has tried in education reform, charters are still an unknown quantity -- even after 18 years and 5000 schools. It's not that there haven't been results, merely that these results are all over the board and that the factors contributing to success and failure form a complex system of correlational effects as opposed to causal relationships.

A large expansion of the charter movement without the kinds of "charter reforms" suggested by Mr. Sciarra will only make matters less clear in the future -- and therefore more likely to be politicized where the charter school issue is concerned.

Collapse

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RESPONDED ON DECEMBER 10, 2009 1:21 PM

David G. Sciarra

Executive Director, Education Law Center

As yet another reform authorized by states to improve public education in high poverty communities, are charters an effective and equitable strategy? In New Jersey, where most charters are in the poorest districts, with many operating for years, here's what we know so far:



1) The charters, as a sector, are among the lowest performing in the state, on par with schools in the poorest districts.



2) Several charters do very well, but others are not progressing and are on the state's list of schools in need of improvement.



3) Urban charters enroll few students with disabilities, and even fewer ELL students in comparison to their district counterparts. They also enroll fewer free lunch (very poor) students even though state law requires charters to serve a "cross-section" of the districts' population

4) There is no research on why certain some charters succeed, and why others don't. The state has no rigorous, independent, ongoing evaluation regime.

5) Even if we had such research, there is no mechanism to transmit effective charter practices to district schools, and vice versa. Charters are structurally disconnected from the districts where they operate

6) Students in charters get less funding than their district counterparts, but it's impossible to tell the extent that private funding makes up the gap. And the extent of private funding varies among the charters.

This record raises serious challenges. To advance equity for all students, federal policy should demand states put in place more rigorous frameworks for charter authorization, accountability, funding parity and transparency; and program evaluation, embedded within district-wide improvement efforts for all schools, regardless of governance structure. And we need tough requirements, with enforcement teeth, to safeguard against further student segregation in districts that are already intensely segregated. Otherwise, we'll find ourselves in another cycle of trying to figure out how to "reform the reform."

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Link to this response: <http://education.nationaljournal.com/2009/12/do-charter-schools-deserve-the-spotlight/> [Print](#) | [Share](#) | [E-mail](#)

RESPONDED ON DECEMBER 9, 2009 5:35 PM



Jeanne Allen

President, The Center for Education Reform

Do charters deserve the attention they are getting? Our colleagues at this esteemed blog ask the question apparently in light of two "studies" showing conflicting results.



Tomes have and will continue to be written on the latest high court case of education – *Raymond v. Hoxby*. This battle over data is yet one more reason why we must stop this fixation on definitive, so-called "research" to guide our every move. Researchers, like media (like all of us), are human. They have their biases, their flaws, their incredible strengths, their passions. They can be wrong, and they can be right. Their work may and should be used to assist us in making vital policy decisions. But the researcher's work is not the pen-ultimate conclusion as to why and how we should behave when it comes to teaching our children and assuring academic accountability for what it is we do in our schools every day.



We know that charter schools work for the vast majority of kids, and we know that because there is very reliable data, which doesn't need a researcher's lens to comprehend. State test scores, in real time and growth models, combined with individual school data and other outcome measures as provided by and through authorizers, can give us a very strong indication of how charters are performing.



Making meaningful observations - based on in-depth data, of real, live people and schools - is critical to coming to any conclusion. That's why, when we do judge and use research to back up our own conclusions (which are informed daily by the storehouse of data we receive and vet), we come down in the Hoxby camp.



Consistently, Dr. Caroline Hoxby has produced high quality research that makes conclusions based on comparable locations, comparable demographics and comparable characteristics of schools (ie. grades, longevity, etc.).



The study Hoxby performed showing demonstrable and excellent achievement in New York's charter schools was one of the most detailed reports on that state's charter achievement, but not the only one. We know what she said is true from years of state test data, authorizer reviews, and even independent media and other scholarship.



Most of us just see one study and draw a conclusion. Without the long view – and in-depth review on a regular basis – it's understandable that some would want to dismiss charters after reading a study like that put out by CREDO. But thankfully, there are hundreds of thousands of citizens who don't make decisions when a university issues a report. Let's let scholarly works guide us, but let's stop waiting for the nirvana of educational conclusions to come so we can finally move on. The debate over how charters work and who they serve is over. Let's embrace them, add to them, improve them and keep open to even more radical notions of reform that put failed school bureaucracies out of business so our kids can have a shot at what they deserve.



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RESPONDED ON DECEMBER 9, 2009 5:26 PM

[Chad Wick](#)

CEO, KnowledgeWorks

There is nothing wrong with charters in themselves, as long as states hold them accountable for decent management and results. But they are not a magic bullet for three reasons: (1) on average, they do not seem to do any better at teaching kids from difficult circumstances than regular public schools serving the same populations, (2) they are not serving as a laboratory for innovation for the regular public schools, because the ideology of competition has created a space that is too bitter for sharing new ideas, and, as Deborah Meier says, many of them are not that innovative, and (3) if we look solely to charters for innovation, we will never succeed in creating effective, learner-centered schools at scale.

That is why we work directly with troubled public schools. If we are to succeed at making sure that every student learns in this country, we have to master the turnaround, where we work *with* the existing teaching force to transform large failing schools into innovative, small learning environments.

We are committed to this effort, in which current teachers adapt their teaching style to take full advantage of all the innovative possibilities inherent in small schools for personalization and engagement leading to real learning. It would be a huge waste of talent, commitment, and creativity if we as a nation abandon this effort just because it is hard.

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RESPONDED ON DECEMBER 9, 2009 4:05 PM

Charter Schools: Laboratories for Reform

[Michael L. Lomax](#)

President and CEO, UNCF



As president and CEO of UNCF, I have a vested interest in the education that students get before they go to college. And as a member of the board of directors of the KIPP (Knowledge Is Power Program) Foundation network of charter schools, I have had a front-row seat at the potential that charter schools have for giving students the kind of P-12 education they need to succeed when they get to college. As part of my service on the KIPP board, I have visited twelve KIPP charter schools in seven states, in addition to numerous other high performing public charter schools. Based on this experience, I believe passionately that public charter schools are crucial to our nation's effort to create an equitable public school system that offers opportunity for all children.



President Obama and Secretary Duncan are on the right track as they work to reform education by attempting to replicate what works and fostering broader systemic change through the Race to the Top grant program.



Any conversation about charter schools should start by revisiting why charter schools were created. Public charter schools were intended to bring both direct and indirect benefits to public education by:



1) **Giving public school educators increased freedom in exchange for increased accountability:** The idea was that charter schools, free from bureaucratic restrictions, would implement innovative approaches and achieve better academic results, especially for traditionally underserved students.



2) **Becoming incubators for new ideas and strategies that can be adopted by traditional public schools:** Charter schools were also intended to create an environment where educators could try new ideas and identify the ones

that worked best. Traditional public schools would adopt these innovations, resulting in better educational outcomes for a broader group of students.

Nearly two decades after the first charter school opened in Minnesota, we have seen the emergence of a critical mass of high quality charter schools—[KIPP](#), [Uncommon Schools](#), and [Achievement First](#) to name a few. These charter schools are achieving results by extending the school day to give kids more time to learn, partnering with parents to support learning, and giving principals autonomy over key decisions. Students at these schools are not only thinking about college, they are gaining the skills, mindset, and know-how to get there.

On a direct level, these high-quality charter schools are producing results that defy the long-held belief that schools alone can't change the trajectory for kids in our nation's inner city and poor rural areas. In Louisiana, four of the top performing, non-selective admission schools in the state are charter schools. Two of these schools are KIPP charter schools in New Orleans that are also the two top-performing public schools in the city.

In terms of indirect impact, we are also seeing signs that public charter schools are beginning to have a transformative impact on the traditional school system. Because of the strong results charter schools have achieved, many reform-minded school superintendents are finding ways to integrate these practices into the standard operating procedure for all schools.

The need for more school time—longer school days and school years— is a perfect example of this trend. In the past few months, we've heard about the need for more time from [President Obama](#), [Secretary Duncan](#) and even [TIME Magazine](#). Even in an era of scarce resources, extending the school day and year has gone from a fringe idea to one that is taking hold. This week the [National Center on Time and Learning](#) released a [report](#) on 655 public schools nationwide that have extended the traditional school day, impacting the learning opportunities for more than 300,000 students.

In New Orleans, Recovery School District Superintendent Paul Vallas has extended the school days and given public schools more autonomy, and the results speak for themselves. Since 2005, New Orleans' District Performance Score increased nearly 10 points (a nearly 20% increase), while the state performance remained flat.

We need to stop our 'either or' mindset about charter and traditional public schools and realize that kids—especially minority and low-income kids—need a 'both and' approach if we are going to move quickly to address the institutionalized inequity in our school system.

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RESPONDED ON DECEMBER 9, 2009 4:03 PM

New Tool to Track Charters

[Eliza Krigman](#)

NationalJournal.com

If you haven't already caught wind of this, the Center for Education Reform created an online charter [directory](#). It's useful if you are interested in learning more about charter demographics or charters in your state.

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RESPONDED ON DECEMBER 9, 2009 2:20 PM

Put the Spotlight Where it Belongs

[Steve Peha](#)

President, Teaching That Makes Sense

*"In my mind, charters
have not lived up to
their billing"*

The charter school issue must poke at some dark place in the American psyche because we love to argue about it with so much passion – and so little logic. If I inadvertently fan the flames here, I recommend reading Mr. Rotherham's post. His ideas are sensible, his insights sound. Above all, his voice is calm.

I would like to take a shot here at answering three questions:

1. When we consider charter schools as a strategy for reform, what are we really talking about?
2. What will be the likely impact of increasing the number of charter schools in the near term?
3. (As provided by our editor) Do charters deserve the spotlight?

If memory serves me correctly, the Charter School Movement is almost 20 years old. Originally, we were told that charter schools would provide two things: (1) New models of schooling that could be replicated broadly across our educational system; and (2) Competition to local public schools that would spur them on to bigger and better changes.

Has either of these things happened? I don't think so. At least not yet.

The only truly new charter model I'm aware of is KIPP's, and I think we all have to agree this is a special case for several reasons -- though no less of a stunning achievement because of this. First of all, the core of the new model is simply a longer school day and a longer school year. More time for teaching and learning *should* provide better outcomes. And when your kids go to school 35% more than everybody else's, you darn sure better come up with better results – at least 35% worth which is just about what KIPP achieves.

This is not to take away from the wonderful work KIPP does or the importance of KIPP as a leader in new models of education. But the model itself isn't easily replicated because – outside of the KIPP sphere of influence – most communities don't want to deal with the longer school days and the longer school year. I think it's also important to note that KIPP has secured hundreds of millions of dollars of private funding. This is wonderful. But it does make one question whether such a model of schooling could be sustained en masse without additional financial support.

Beyond KIPP, the creation of new models of schooling, and their widespread replication, has been essentially nil. Apparently, we have 5000 charter schools in the US right now. What percentage do you think have actually created innovative and successful models of schooling that could be easily replicated? From my travels around the country, I would say the percentage was near zero. Some of the

better known charter providers have achieved slightly better than average results but it's unclear that their approaches are innovative or replicable. And none has been shown to work on a scale larger than a few schools. Even KIPP, best of breed in the charter world, still has fewer than 100 schools after a decade of operation. Again, this is an amazing feat, and everyone at KIPP deserves all the accolades we can pile upon them. But as a model of replicable innovation, I'm not sure it qualifies fully -- though if they could crank up the volume to dozens of new schools a year, we might really be onto something.

The second thing charter school proponents promised was good old-fashioned market competition. With charters popping up across the street from traditional public schools, those pokey old publics would have to get their collective act together. Well, I'm not sure this happened either. In fact, most of the public schools where I work are quite a bit farther along than their local charter counterparts -- especially where teacher quality and use of data are concerned. This doesn't mean they're more popular. Even the worst charter schools I've worked in have been more popular than their local public schools. But as we like to say to the kids on the playground, "What is right isn't always popular, and what is popular isn't always right."

So if the original arguments for charters haven't been successfully proven in almost 20 years, what are the arguments now for expanding them? There seem to be only two: Some new charters might turn out to be good schools, and folks just oughta have more choices (this is America, after all). All of a sudden, the charter movement has turned on a dime. It's not about replicable models and competition, it's about the morality of school choice and high quality, mostly high quality. High quality is good; everyone wants more high quality schools. I just wish more charter schools had it, just as I wish more public schools did, too.

We all know there are some very good charter schools. But there are some very good public schools, too. And I hope we know that the same things that make some charter schools effective (see Mr. Vander Ark's bullet points) are things that make any school effective. Though Mr. Vander Ark credits the charter movement for bringing these traits to light, I'm pretty sure people have been talking about them outside of charter circles for decades -- though he is correct in pointing out that these traits are more readily associated with charter schools than with public schools.

To steal a line from Mr. Rotherham, charters make sense in the larger context of reform. They have a place at the table. And, to be honest, with 5000 of them we better set out the extra folding chairs and go with the Chinot instead of grandma's find china. My question is, why would anyone need more than 5000 charter schools to figure out whether charter schooling made sense? Here's where I think we cross over into politics. So when we look at expanding charters as a (political) strategy for reform, what are we really talking about?

Whether you're for or against charters, I'll assume that everyone is for good schools. And we'd all like to have more of them. But of the 5000 charters we have, how many are good? The best data we have indicates that most are average, comparable to their public school counterparts. But this doesn't include, of course, the charters that have failed and closed down. So what do we know about the charter experiment? A few groups, like KIPP, took good advantage of it to build some great schools. Most charters, however, are no better or no worse than public schools. And certainly, a higher percentage of charters have failed or been shut down, so we can say with some certainty that the charter school movement will probably always provide a wider variety of schools and a wider range of outcomes than traditional public schools. After all, more freedom usually means more diversity.

So if the goal of reform is to create a more diverse menu of schooling options, charters are the way to go. If, on the other hand, the goal is to create more good schools, I don't think we can say with any degree of confidence that charter schools as a strategy for reform will be very promising. Of course, it probably won't hurt either.

In my mind, charters have not lived up to their billing. But I don't think they've caused any harm either. To be honest, I think they've been something of a non-event. There's a reason for this. It turns out that the legal mechanism by which a school is constituted is not a significant contributor to student achievement. Just because a school is created via charter doesn't mean that its good. This is why it's foolish to continue comparing charter schools to traditional public schools. How a school is created is way down the list of important factors. Good teachers, good leaders, good working conditions, sufficient resources, all of these things are much more important.

But I don't want to get rid of charters either. Why not use the 5000 we have as the laboratory and start doing some serious research? If we wanted to study something meaningful, for example, how about studying the extent to which charters attract high quality teachers and principals. That would be interesting because if it turned out that our best and brightest educators were flocking to charters in droves, we'd have reason to predict that in another generation, charters would indeed be superior to public schools. Strangely, this kind of study has never been attempted to my knowledge. Nor have any charter supporters suggested such a study as far as I know. Yet this is the only kind of study that would have reasonable predictive value regarding the long term potential of charters as a strategy for reform. At the very least, I would think this would interest Mr. Duncan.

The fact this kind of information interests no one (except me, apparently) leads me to believe that Movement Charterism, like its cousin, Movement Conservatism, is largely a political phenomenon, and not a movement aimed directly at improving our education system as a whole. This is not to paint all charter fans as politically motivated. But with little hard data after almost 20 years to support the charter experiment, charter supporters have only their strong values to go on. Nothing wrong with that, of course. After all, the anti-charter folks play the same game so I guess that's where the highly politicized nature of this issue finds its force. One thing is certain, however: there's no meaning in the endless comparison between charter and traditional public schools. Will there always be standout charter schools? Of course there will. But there will always be standout public schools, too. And nobody's running around saying, "We have to create more public schools!" That wouldn't make any sense.

At the same time, we can all learn from successful schools of any type of legal creation. Do I believe in more time for teaching and learning? Sure I do. Who doesn't? Do I believe in strong building leaders? Of course. We all believe in all the things charter advocates list as being keys to creating great charter schools (and most public school leaders would have pretty much the same list of positive traits, too; notwithstanding "at will" employment which really should be studied in charter schools to assess its effect on teacher and administrator quality and performance). Again, I go back to Mr. Vander Ark's bullet points. If I ran a school district, as he did once, I'm sure I'd be pushing for those things in all of my buildings -- just as I'm sure he pushed for them in all of his. And I wouldn't care if I was running charter schools, public schools, or Catholic schools. I'd still try to act on the same values and knowledge I have about what makes schools successful.

So while charters are certainly here to stay, we have little information about whether or not they make a good strategy for reform. Once again, we've been doing the wrong research. We should be looking at things that will be strong predictors of success over long periods of time. Monitoring the flow of talent between charters and public schools would give us great insight in this area. But if we keep doing CREDO- and Hoxby-style studies, all we'll get are ambiguous results and pointless arguments over nuances of methodology.

So what will be the likely impact of creating more charter schools as Mr. Duncan and Mr. Obama hope to do? We have no way of knowing. Again, without the right research, no one can predict whether more charter schools will make our system better or not. In fact, I could just as easily argue the opposite: that dramatically limiting the number of charter schools, down to perhaps 1000 nationwide, and culling the bottom 80% from the group, would be a perfect strategy both for improving the viability of the charter school movement and for enhancing the progress of system-wide reform. What if every charter you walked into was pretty darned successful? Wouldn't that prove a certain point about the superior nature of the charter structure over the public structure? And wouldn't having fewer better charter schools make identifying and replicating successful models easier?

Unfortunately, we appear to be on our way to doing just the opposite. By opening up the floodgates to thousands of new charters, we will dilute the talent pool, increase the random variation in quality, and blur the distinctions between successful and unsuccessful schools. More CREDO- and Hoxby-like studies will be conducted and the data will be even more ambiguous because of the increased variation in charter school quality.

The secret, of course, is to close the "bad" charters and only allow new ones to become "good" charters. But how would this work? States hate to close charters, even awful ones, mostly because parents like them even when they aren't very good. And charter authorizers have no way of knowing beforehand whether a new charter will be successful or not. Furthermore, if one were to use the CREDO study's numbers, for example, you'd probably want to close 83% of the charters in existence. While that would open up many new slots for more promising ventures, it would never be politically tolerable. So, the "close bad, open good" strategy seems tricky at best, much easier to talk about in a speech than to play out on the ground. And certainly not something I'd like to bet the future of reform on.

Which brings me finally to our editor's question: "Do charter schools deserve the spotlight?" And the answer, in my mind, is no. What does deserve the spotlight? The things we know that make schools effective: Good teachers, good principals, Mr. Vander Ark's bullet points, and probably a few other items that years of research and common sense have always pointed out as the way to creating and sustaining high quality schools.

The problem here is that charters do have the spotlight. And I think they'll continue to have it right through NCLB reauthorization. In fact, Mr. Duncan may come to hang his hat on the charter movement. Why? Because it's the best bet politically. Right or wrong, he'll be years out of office before we know whether a new charter school explosion has had any positive effect. And in the meantime, he can be seen as innovative, tough, and active. I also believe that his tenure in Chicago showed him to be a person who likes the building up and tearing down of schools that a new charter movement would involve. Right or wrong, charter schools are just his style. And the "close bad, open good" strategy is right up his alley.

Unfortunately for education, there's only so much spotlight. And the things that end up in the dark don't get much attention. I believe we've all figured out that teacher quality is the single most important element in student success. Why doesn't that ever get the spotlight? What doesn't it ALWAYS get the spotlight? Why are we so enamored of "political mechanisms" like bribing states to raise charter limits? We know what works. It may not be sexy. It may not be tied to a raucous political movement. It may not make bold headlines or good fodder for long speeches. But every time we run through another reform strategy, we always come back to the simple, proven idea that the key to good learning is good teaching. When will good teaching get its 15 minutes of fame? And what can we do to make sure that 15 minutes stretches out to at least 15 years?

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RESPONDED ON DECEMBER 8, 2009 7:54 PM

"Quality" must come before "charter"

[Dan Katzir](#)

Managing Director, Eli and Edythe Broad Foundation

Asking whether "charters" are a solution to America's public education's woes is like asking whether medicine is a solution for illness. Only the right "type" of medicine, under the right conditions, will make a difference. But when it does, it can make all the difference in the world.

Similarly, data shows only the right type of charters – high-quality models based on proven strategies and staffed by the most effective teachers and leaders – have dramatically raised student achievement, particularly for low-income and minority students. But when charters are the right model – like KIPP, Green Dot, Aspire, Alliance for College Ready Schools, Uncommon, Achievement First, and the Success Charter Network – they have proven to be one of the most successful innovations to occur in K-12 education in the last several decades.

Yes, the Obama administration is right to use federal stimulus dollars to encourage the growth of high-quality charters. The trick will be in ensuring that federal dollars support only those state and district charter efforts in which charter authorizing is well designed, charters are held accountable according to appropriate student achievement metrics, and processes are in place to shut down low-performing charters that don't deliver significant student growth.

The elements of successful charters are well known: challenging standards, more academic learning time, strategies to attract the best and brightest teachers and principals, school leaders who are empowered to make the right hiring, firing, budgetary, curricular, instructional and school climate decisions under which students can succeed, and low central office overhead so resources actually reach children's desks.

Failure to distinguish between the outcomes of high-quality charter models and low-quality models is like assuming that the tonics and elixirs of the late 1800's are just as appropriate to "cure" cancer as the cutting edge radiation, chemotherapy and medicinal practices of today.

It's imperative that the charter movement itself – as well as federal, state and local leaders and the media – do a better job of making this "semantic" distinction. And we all need to do a better job of closing down low-performers and keeping the quality-bar high.

And the fortunate forthcoming federal support? If you'll excuse the cliché, it's just what the doctor ordered.

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RESPONDED ON DECEMBER 8, 2009 12:34 PM

FROM SIDESHOW TO CENTER STAGE

[David L. Kirp](#)

Professor, University of California (Berkeley)

Not so long ago it was easy for critics to dismiss charter schools as a sideshow in urban education. But the movement has come of age. Now, 57 percent of the students in New Orleans, 36 percent in Washington DC, 32 percent in Detroit, than a quarter in heartland cities like Kansas City, Mo., Dayton and St. Louis attend charter schools.

The argument behind charters—that, freed from bureaucratic tangles, innovation can flourish—holds undoubted appeal; and theory and reality sometimes coincide. But as the charter movement moves from sideshow to center stage, it faces an age-old reformist dilemma. Is it possible to maintain consistently high quality in a public education system that serves tens of millions of kids? Can innovativeness be nurtured and substandard education (“the bigotry of low expectations”) be eradicated? Can the education of tens of millions of students be improved by burrowing from within?

It's hardly surprising that the new charter school data is inconsistent. States differ widely in the level and caliber of their support and the rigor of their monitoring; and within school districts, the quality and outcome differences among charters are enormous. To ask whether one favors charter schools is as meaningless as asking whether No Child Left Behind is working—since neither is really a program, the answer must be “it depends...”

What happens to the students who aren't in charter schools? A recent *New York Times* article detailed how New York City grossly favored its charter schools, and you'd anticipate that charter schools will flourish under such a regime. But what about the majority of students, those who can't get into these schools? The advocates envision a tipping point when charter enrollment is sufficiently high that regular schools will have to reform themselves, learning lessons from the charters, or else die. Whether that theory holds up is an empirical question, and the answers will be supplied by what transpires in the high-charter-enrollment cities, as well as other locales nudged into expanding charters by the “race to the top” incentives. Trust, but verify, as the saying goes—watchfulness needs to be the order of the day.

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RESPONDED ON DECEMBER 8, 2009 5:22 AM

Too Much Hype

[Deborah W. Meier](#)

Forum for Education and Democracy, Coalition of Essential Schools, NYU

Charters seemed like a nice and “harmless” idea: to offer people a chance to put together a school based on a different way of thinking about schooling; a chance to try their different ways out on a voluntary population in settings in which such ideas weren't always going against the grain, exhausting precious time and energy over rules and regs.

“Sadly enough most of the charters are not even doing anything different or new in the way of teaching/learning”

We had an idea like that in NYC before Charters became the fashion. Called the Networks for School Renewal, and funded by Annenberg, we proposed in 1992 to create a large “charter-like” public zone in NYC in which a variety of existing school networks could expand their ideas more fully and coherently over a five year period. Based on a careful documentation of the process we would learn more about what could and should be brought to scale as well as what the trade-offs were. We got support from the local AFT, from the Mayor's office, from the NYC Board of education, the Chancellor and the State Commissioner. We were ready to go—in fact we had started “going”. None of the schools were “new”, but they were mavericks with a history of modest and exceptional success. The project, in essence, was like the Boston Pilot School work that began shortly after. But given that NYC is itself so much larger the scale-up was intended to be more ambitious, serving about 50,000 students (the size of an average American city). It didn't happen.

It was ended--although Annenberg continued to provide funds for the schools that would have been part of the project--because we got a new Chancellor, a new local school board, and a new State Commissioner.

Then came charters. My thoughts were generally positive. It seemed an opportunity to start some "mom&pop" ventures - joint projects of teachers and parents, to push the envelope of reform. And indeed many such exciting charters started, initiated by parents and educators--like my late colleague Ted Sizer's charter school in Massachusetts. But within a short time it was clear that most of the charters were not started by people with any expertise in schooling, kids, teaching, curriculum etc--but only an expertise in making money (hedge funders and financial managers and business CEOs), and their allied Foundations. They ranged from do-good liberals in ideology, to longtime opponents of public education--as well as public everything else! The charters became in many ways a substitute for vouchers and privatization--which were regularly being defeated at the polls. They served the interests of many anti-union leaders and their foundations who considered labor unions a restriction of human freedom and here was a chance to undercut two politically active unions. The charters served some who saw it as a pure business opportunity. Others saw these ventures as part and parcel of their general opposition to public services versus the "free market place" (like mercenary armies and private prisons, which were on the rise too). Others thought of them as just a good opportunity to "start their own little thing"--a chain of little schools that could bring them both high salaries, public attention, praise, and a chance to do something different.

Under the slogan of education as the civil rights issue of our time many leaders in the minority communities jumped on board too. Yet, in fact, it has served to distract our attention from equally pressing gaps. Our justice system has been sending a grossly disproportionate number of our young people of color to jail for increasingly long period of incarceration, the wage gaps have grown, so have the gaps in employment and health, and the recent crisis alone has disproportionately enlarged the home-owner gap. We even have more school segregation than ever before.

Sadly enough most of the charters are not even doing anything different or new in the way of teaching/learning. Nothing that could not--on the whole--have been done in regular schools is happening in the new charters. Educational "lab schools: they are not. They are, rather, an experiment in political science, or economic theory.

At a time when we are beginning to grasp the damage inflicted on our body politic and the economic welfare of so many Americans by an unaccountable business and financial industry, we are "choosing" to experiment on seeing how such a system might work in educating K-12 kids, particular poor inner-city ones.

By the time it plays out and we see how this new "theory" works in practice, it may be very hard to undo its impact on a generation of young people.

Yes, the time had long since passed--as the late Ted Sizer reminded us in 1984--to recognize the dysfunctionality of too many of our schools. He took it for granted that the "re-inventers" would be experts in the craft of schooling, child development, education and youth development, and cautious in assuming that such a "revolution" in schooling could or should be done rapidly and from the top down. Rather he argued for the increased involvement of the school's own constituents in the re-making of their own schools. If there's one thing I thought we have learned about in the last century it was the danger of utopian ideas in the hands of "elites" empowered to transform society from the top down.

These sweeping reforms are taking place without the consent of the governed, and without discussion of the public purposes of public education. I'm with Ted on the idea that schooling boils down to learning to "use one's mind well"--with one caveat. As public institutions they must also be guided by the mission of helping young people use their minds well in the service of democracy and the common, public good.

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Link to this response: <http://education.nationaljournal.com/2009/12/do-charter-schools-deserve-the-spotlight/> [Print](#) | [Share](#) | [E-mail](#)

RESPONDED ON DECEMBER 7, 2009 7:21 PM

Charters, Among Other Things

[Justin C. Cohen](#)*President, The School Turnaround Group*

I'm tempted to just write, "Yeah, what Chancellor Klein said," and let that be the end of it. Charters are an essential part of the school reform toolkit, and it's really hard to argue otherwise credibly. In many cases they have been the source of tremendous innovation, while driving student outcomes. Yes, there are lots of bad charter schools, but there are many more terrible traditional public schools, and you couldn't get away with arguing for less emphasis on that traditional system (in most circles).

But there are a few important things to remember. One, I'll echo my colleagues below who point out that charters are not a panacea. They're not, and it's dangerous to suggest that they should be. After 15 years of chartering, roughly 3% of all public school students are in charter schools, and while growth trajectories have accelerated lately, the quality trajectory hasn't. Questions about how sustainability and growth interact should be taken seriously, as it will be hard to justify continued expansion if more and more families have experiences with weak schools. Education reforms move quickly from concept, to pilot, to "THE SOLUTION." Charters are teetering on the edge of the solution chasm, and education loves to eat its young.

Two, Andy R makes a great point about the label "charter." Whenever someone asks me if I like charter schools, I always ask them, "Do you like restaurants?" Chartering is merely a governance mechanism that may or may not remove some of the obstacles to quality professional practice. In the best cases, charters leverage that governance mechanism to do amazing - sometimes transformative - things. In the worst cases, they squander that potential advantage and do worse than comparable traditional public schools. We need to develop more nuance in our discussion of charter schools. What are the good ones doing that work? Are there particular policy milieus that are more conducive to quality than others? How do we increase the likelihood of quality?

Three, one of the great benefits of charters is the extrinsic impact they can and should have. One of the early promises of chartering was that we would learn great things that we could transfer to the traditional public schools. This happens far less than it should, and policies should do more to facilitate and incentivize that transfer. (My pet issue: more charter operators should take on the challenging work of school turnaround. It's a beast of a task, and we need the talent.) The other extrinsic impact, though, is the pressure charters bring to bear on their neighboring traditional school systems. Obama and Duncan are right to emphasize charters, because chartering SHOULD force the hand of system leaders that are reluctant to make difficult choices. In the turnaround space, most of us love charters, because they can be a really good boogeyman for recalcitrant system leaders. This only works, however, if the President and Secretary stay strong on the new school improvement grant (1003g) requirements. So far, they've been exceptional on that front.

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RESPONDED ON DECEMBER 7, 2009 5:04 PM

The Case for Charter Schools

[Joel Klein](#)*Chancellor for NYC Schools, Co-Founder for Education Equality Project*

There is no question that charter schools deserve the attention of the Obama Administration. Charter schools combine high standards with strict accountability, while bringing new leaders, resources, and ideas into public education. In New York City, we've seen the value of charter schools in their students' outstanding academic performance and in huge parent demand for seats in these schools.

Charter schools are publicly financed, but free from all the micro-regulation and bureaucracy that can hinder traditional public schools. They are run by not-for-profit boards of trustees instead of municipal government agencies, and can easily be closed if they don't get good results for their students. New York City now has

99 charter schools, up from 17 when I started as Schools Chancellor in 2002. Their growth is part of a larger effort to cultivate two critical elements for fixing public schools: competition and innovation.

Most charter schools are located in our communities of greatest need. They offer poor families—in traditionally lower-performing school districts—a choice about where to send their children to school. And those parents are choosing charters. About 31,000 students currently attend charter schools in New York City, and another 30,000 students are on waiting lists. Their results explain the extraordinary demand.

On last year's New York State English Language Arts and mathematics exams—the annual measures of student achievement and progress—77 percent of charter school students were proficient in English Language Arts and 91 percent were proficient in math, compared to 69 percent and 82 percent of students citywide. These results are even more remarkable because charter school students are more likely to come from underprivileged backgrounds than students in the City as a whole. In other words, charter schools are proving that poverty is no excuse for educational failure.

One reason many charter schools do so well is that they are able to innovate and differentiate. Many have implemented longer school days and years, for example. Charter schools also have more hiring flexibility and can experiment with teacher salaries. One of our newest charter schools, The Equity Project, has fewer teachers but pays them \$125,000 annually, nearly three times more than they would earn at a traditional public school. It is too early to tell whether this approach will have an impact on student achievement. But when innovations like this work well, or don't, we can learn from them and try to replicate the successful ideas on a larger scale. We can only take advantage of these lessons, however, if schools have the freedom to try new ideas in the first place.

Critics often claim that charter schools succeed because they "skim" the best kids. In fact, admissions are based on random lotteries open to anyone. A recent study by Stanford University Economist Caroline Hoxby found that students who entered lotteries and won spots in New York City charter schools performed significantly better on state exams than students who entered the same lotteries but did not win seats. By restricting her analysis to students who lotteried for seats, Hoxby's study is the most conclusive to date on charter school performance—and it eliminates the possibility that charter students perform better because they might be advantaged in any way.

This is not to say charter schools are a panacea for public education. They require leaders with a clear vision for progress, and widespread community and governmental support. And they should be part of a comprehensive school reform effort—but not the only part.

While we give charter schools the flexibility to innovate, we also hold them accountable for results. Charter schools come up for renewal every five years and must prove their students are making academic progress. Since 2002, three charter schools in New York City have shut down for poor performance and we anticipate others will have to close in the next several years.

All students benefit from the lessons we learn at charter schools. Their successful strategies can be replicated, and the competition they create puts pressure on all schools to come up with new ways to improve. In this global economy, the competitiveness of any nation depends upon a highly-educated and well-trained workforce. To deny students more high-quality school options like charters puts them, and our futures, at a disadvantage.

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RESPONDED ON DECEMBER 7, 2009 1:15 PM

Charter promote choice for disadvantaged

Cynthia G. (Cindy) Brown

Vice President for Education Policy, Center for American Progress

Charter schools absolutely deserve the attention of the Obama Administration. For too long we have held from the policy perspective that "one size" or type of school

design serves all American public school students well. That has always been a short-sighted view especially when combined with the very inequitable treatment of students and public schools in terms of expectations and financing. Charter schools have been the reform that has gained the most traction in terms of how low-income and minority students are educated. Yes, there results are uneven, but as a nation we have been comfortable with uneven results since public schooling for all was established. All schools need to be held accountable for results, but there are many more students being poorly educated and on the short-end of financial resources in traditional public schools than there are students in low performing charter schools.

High performing charter schools have demonstrated that disadvantaged students can be held to and perform at high academic levels. Successful charters need to be expanded, replicated, and allocated their fair share of public resources through weighted student funding schemes where dollars follow individual students to the schools their parents or they select. Traditional public schools also need to be funded in this way and given freedom to innovate so that some day no school is "traditional" as we have known in the past. All students need choice of public schooling. The exciting thing in cities such as New Orleans and Washington, DC, is that low-income families are demonstrating that they can be active consumers in a choice environment.

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RESPONDED ON DECEMBER 7, 2009 10:55 AM

Charters: Looking Past The Label

[Andrew J. Rotherham](#)

Co-Founder and Partner, Bellwether Education

"a serious problem with the debate over charter schools is the generic use of the term charter"

Too often the debate over charter schools is decoupled from the larger contextual issues surrounding education outcomes today. We don't need to rehash those here but regardless of what one thinks of charter schools hopefully we can all agree that American education needs transformational change and that the debate over charters should be part of that larger conversation.

Yet a serious problem with the debate over charter schools is the generic use of the term "charter." The other day I was in a conversation with a few people and someone from Ohio was saying that they don't see charters as being very good. I said that if I were from Ohio and that was my only experience with the charter sector I likely wouldn't be very enthusiastic about the strategy either. But today with more than 5,000 of these schools across many different geographies "charter" is an increasingly meaningless label. For instance what do Mike Piscal's (he blogs below) schools really have in common with a fully online charter school in Ohio (or even in California) other than the name and statutory characterization of "charter?" In other words, asking how "charter schools" work is increasingly like asking about restaurants, stocks, or cars -- a lot of variance within each category. Yet there is a tendency toward sweeping and deterministic statements rather than nuance in this debate.

Sara Mead and I led a 12 state and city set of case studies about charter schools and when we concluded it we called our summation paper, ["A Sum Greater than the Parts."](#) That's because while overall there is much to recommend the charter strategy as one avenue of school reform, right now the quality and results of these schools are mixed. The variance can be traced to policy and practice decisions -- especially on the part of charter school authorizers. We offer some ideas and recommendations for improving that. But to understand those issues you have to get beneath the label charters and start looking at different types of charters,

different policy arrangements, and other variables that do shed some light on what's happening out there. That's how we can learn from experience and accelerate the good schools and deal with the lousy ones.

Because charter schools have become so politicized, however, it's difficult to have those conversations and every study becomes a club for advocates on various sides of the debate rather than a chance for policy feedback and change.

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RESPONDED ON DECEMBER 7, 2009 10:20 AM

[Greg Richmond](#)

President & CEO, National Association of Charter School Authorizers (NACSA)

When well-executed, charter schools deliver strong results, often for the most disadvantaged students, exceeding almost anything in the traditional public school sector. But when they are not well-run, many charter schools produce academic, financial and compliance outcomes that are worse than the traditional public school sector.

How do we get more of the former and fewer of the latter? By setting clear standards for those organizations that would like to operate a charter school. The agencies that establish and enforce those standards are called authorizers and every authorizer has three core responsibilities to the public:

- 1) **To set high standards** for groups that wish to start a school and for existing charter schools that are up for renewal,
- 2) **To preserve the autonomy that allows charter schools to excel** by protecting them from re-regulation, and
- 3) **To protect the interests of students and the public** in areas such as admissions, special education services and financial management.

Quality authorizing is a linchpin for quality charter schools. In cities and states where authorizing is done well, students, families and the public benefit from charter schools that provide a solid education to students. Where authorizing is done poorly, the charter sector is often plagued by a number of weak schools.

Unfortunately, authorizing is a kaleidoscope of varying state policies and local practices across the nation. In some states, only school districts can authorize charter schools; in other states school districts *cannot* authorize them. Some states require charter schools to operate under legal contracts and to conduct annual audits, some do not. Some states hold charter schools accountable for achieving the state's academic standards as a condition of renewal; other states allow each charter school to establish its own academic goals.

Secretary Duncan is personally familiar with this work from his years leading the Chicago Public Schools, one of the best authorizers in the country. Indeed, the final Race to the Top guidelines recognize the importance of authorizing, but missed the opportunity to establish strong standards for authorizing. Charter schools deserve the spotlight that the Administration has placed on them. Going forward, Congress and the Department of Education should support a quality charter school sector by distributing federal funds only to states that have strong authorizing policies and practices in place.

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RESPONDED ON DECEMBER 7, 2009 5:49 AM

[Mike Antonucci](#)

Director, Education Intelligence Agency

As an education issue, charter schools are no more or less controversial than magnet schools, alternative schools, or open enrollment schools. Regardless of the

relative quality of the regular schools to which students are assigned by arbitrary district boundaries, parents still like to choose the best school for their children. So why is there such resistance to charters, and why should the President of the United States feel it necessary to champion their expansion?

Two reasons: 1) Charters operate largely outside of school district authority; and 2) they are mostly non-union. No matter how popular they may be with parents, they are demonstrably unpopular with most of those employed by the public school system.

NEA President Van Roekel's remarks are telling. He has visited many traditional public schools with innovative and successful programs. "One thing they have in common," he writes, "is collaboration among local administrators, unions, parents and other partners."

Not "collaboration among local administrators, teachers...

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RESPONDED ON DECEMBER 7, 2009 9:42 AM

[Diane Ravitch](#)

Research Professor Of Education, New York University

Charter schools are being overhyped and oversold. They are no panacea.

"Charters are not the answer to our education problems"

They represent deregulation and privatization. Deregulation nearly destroyed our national economy. What will it do to public education?

Every study except one shows that charter schools run the gamut from excellent to abysmal. The Stanford CREDO study reflected this wide disparity in quality. Last June, Andrew Rotherham and Richard Whitmire wrote an article in U.S. News & World Report acknowledging that only about 300 of the nation's nearly 5,000 charter schools are truly excellent. Tom Toch recently released a study of charter management organizations that recognized that most are not equipped to scale up to handle hundreds or thousands of new schools (Toch removed his name from the study because the editors at EdSector [which he co-founded] deleted his frank criticism of the charter sector).

In my research for my forthcoming book (*The Death and Life of the Great American School System: How Testing and Choice are Undermining Education*), I found study after study that reach common conclusions:

1. Most charter schools get the most motivated students in the poorest communities, because they are the ones whose parents enter lotteries and are willing to sign contracts to take on extra responsibility.
2. Charter schools often have disproportionately small shares of the hardest to educate students, such as those who are English language learners, those who are homeless, and those with disabilities. Consequently the public schools get disproportionately large numbers of these students. Consequently, charter schools have a built-in advantage in any comparison.
3. In New York City, charters are placed in regular public school buildings, taking space away from the public schools, and presenting the appearance of "separate but equal" education: the charter students have small classes, nicely renovated space, and lots of technology, while the regular public school students make do with overcrowded classrooms, lacking in any advantages. The charters have millionaire (and billionaire) sponsors who attend to their every need, while the public schools students must accept the leavings.

4. Despite the advantages enjoyed by charters in comparison to public schools, students in charters have never outperformed their peers in public schools on any National Assessment of Educational Progress test. Typically there is no significant difference, or the public schools outscore the charters. Even in the 2009 math NAEP, recently released, there was no difference in performance between the sectors, not for black kids, Hispanic kids, poor kids, or urban kids.

Charters are not the answer to our education problems. Privatization is creating a very well-compensated private sector, but is doing nothing for the vast majority of kids who are left behind or pushed out. Privatization is not the answer.

Diane Ravitch

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RESPONDED ON DECEMBER 7, 2009 8:42 AM

Charters show the way forward

Tom Vander Ark

Partner, Revolution Learning

Given the US challenge of achieving quality at scale—the combination of equity and excellence—the most important innovation of the last decade is charter networks. Their success is undeniable. Their lessons are clear. Key elements include:

- clear goals and a strong college-bound no-excuses culture;
- data-driven instruction and performance-based employment;
- extended learning time and personalized environments;
- efficient support services and knowledge management; and
- effective leadership—school, community, network

Perhaps most important, charters give us a picture of a sound governance alternative to school districts based on accountability and autonomy. Dozens of charter management organizations have taken advantage of the opportunity to design systems of school from scratch creating strong examples of high performance organizations. Schools shouldn't get tenure; if they are not serving their community effectively they should be closed. All schools should operate under a performance contract.

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RESPONDED ON DECEMBER 7, 2009 8:01 AM

Nelson Smith

President & CEO, National Alliance for Public Charter Schools

The answer is an emphatic yes. Expansion of high-quality charter schooling is well worth the attention it's getting from Obama and Duncan. But let's understand what that "attention" actually is, and why it's justified. The Administration doesn't advocate unconditional proliferation of charters. As Duncan recently told Ed Week: "We've never said charter schools are the magic answer. I went to the charter school community and said third-rate charter schools are part of the problem. But successful charter schools are part of the answer."

Research on charter schools generally finds three tiers of performance:

- At the top is a set of path-breaking charters, both independent and networked, that are blasting through the low expectations that have kept so many poor and minority students from achieving.

- At the bottom are some charter schools that are failing their students. Their charters shouldn't be renewed. That's the essence of charter accountability.

- In the middle is the largest group of schools. They're doing pretty well and, according to several recent studies, improving with time.

The argument among researchers is mostly about the size of each tier -- but everyone agrees that the quality of public policy has a strong impact on whether charters succeed or not.

Right now, Race to the Top is the big engine driving policymaker interest in charters, even in the 11 states that currently have no laws. The final guidelines do a remarkably good job of asking the right questions. Most press attention has focused on charter "caps" -- the rules that hamper growth in number or size of charters in 24 states -- but to score serious points on the R2T application, governors must do more than promise to open the floodgates. They must also describe a thoughtful system of charter authorizing, which is glossed over in most state laws. They must address funding equity, putting charters on a more level playing field with other public schools. They must say how they'll ensure suitable learning spaces for charter school kids by providing either funding or access to existing public school buildings.

R2T also includes charters within the "restart" and "closure" options for turning around low-performing schools. There's been some wariness in the charter community about using successful startup-based models to salvage existing schools; happily, the final guidelines now make clear that starting a healthy new school qualifies as a bona fide "turnaround" under the closure model. Whether it happens in the same building or in the adjacent neighborhood is beside the point; the objective is to turn around the life prospects of the kids, and that's what the best charters do. And here, as elsewhere in the app, there's an emphasis on *high-performing* charter schools, a crucial point that many critics seem to ignore. We're not talking about replicating every charter school, whatever its track record; we're talking about taking terrific, proven models and letting them serve more students.

No question that R2T provides a mighty incentive for states without charter laws to enact them. (It allows the holdouts to propose "innovative schools" but only awards them 8 points.) Here again, the aim is not to insist that every state become a California with its 800 charter schools, but to insist that states not arbitrarily bar the door to a reform that has shown such promise.

Finally, as respondents grapple with this week's research-based question, I expect there will be some enthusiastic back-and-forth about what the research is actually telling us. In addition to the capsule summary provided above, here are a couple of thoughts about the rules of this often-bumpy road:

First, remember that no one study will ever produce a definitive answer to the question everyone asks: "Do charter schools work?" Better questions are "How do the best ones work?" "What combination of rigorous approval, sound oversight, adequate resources, capable management, and strong accountability produce the great charter schools?" Almost every new study tells us something, but in this business there are no slam-dunks. (For an exhaustive look at more than 150 studies of charter performance, see "Charter School Achievement: What We Know" at www.publiccharters.org.)

Second, watch out for apples and oranges. This week's question counterpoints two recent studies that made headlines, the national CREDO report and Caroline Hoxby's NBER study of New York City charters. We're obviously delighted at the strong results Hoxby's work found, but it does not predict the performance of all charter schools nationally. As a lottery-based study in one jurisdiction, it's not designed to do that. However, it does demonstrate what can happen when you create the right conditions for success, as NYC does through strong authorizing and provision of facilities space.

Third, remember that this is all about tradeoffs. Anytime a President, governor, or county executive creates a budget, they're selecting some policy choices above others. I don't know of a single algorithm that will predict the specific payoffs of

charter schooling as a policy/budget choice, but researchers' Julian Betts and Emily Tang sure got my attention with a comment in their review of "gold standard" charter studies: "The magnitude, or effect size, of the results for the elementary and K-8 charter schools is sizable" – and far greater by comparison, they say, than for another popular reform, class-size reductions. We need a lot more of this kind of analysis. I'm confident it will show that well-structured charter programs not only produce strong benefits for students, but are also be a wise investment of public dollars.

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RESPONDED ON DECEMBER 7, 2009 8:00 AM

[Michael D. Fiscal](#)

Founder and CEO, ICEF Public Schools

The parents of nearly 60,000 students in Los Angeles have taken their children out of traditional public schools and put them into public charter schools—a clear sign that the public is not confused about the promise that charter schools hold for their children, despite the recent release of two studies that appear to have conflicting results.

Ten years ago in Los Angeles, there were fewer than 5,000 children in public charter schools. Twelve years ago only four or five charter management organizations (CMOs) existed, and today there are over 20 high-performing CMOs in the country. But the rate of parents pulling their children out of public schools in Los Angeles has increased at an almost geometrical rate. Why? Because the promise of charter schools for them has turned 10 years later into a promise kept.

Charter school operators like ICEF Public Schools, Aspire, Green Dot, Partnerships for Urban Communities (PUC), and the Alliance have been sending more than 80% of their graduates to college for several years in a row. Within another decade, these CMOs will grow to serve nearly 300,000 students in the poorest, most underserved, and sometimes forgotten areas of our country.

These are the types of successes Secretary Duncan and President Obama are excited about. Charters in Los Angeles, Houston, Chicago, New York, Boston and D.C. are sending low-income and children of color to college in record numbers. These charters are located in neighborhoods where too often more students end up incarcerated than graduating from college. We have a track record, and the President and the Secretary are going to do everything they can to help us reach of our goal of helping hundreds of thousands of students get their shot at the American Dream. The data is clear, irrefutable, and compelling to an honest mind. Think Socrates.

Sadly, what was generally glossed over were the details beyond the recent headlines, which show the findings of the two studies do not, in fact, contradict each other. CREDO found that while nationwide the performance of charters was lagging, there are many areas of great success including New Orleans and Denver, where the charter schools are doing better than the traditional public schools.

The CREDO study also showed that charters in other states do very well in certain key areas. In California, the finding revealed that students do better in charter schools over time and they boast significant gains for English Language Learners. But charter schools also had a larger and more positive effect for low-income students than traditional public schools—a point directly in line with the second study, which showed charters closing the achievement gap between students in poor and affluent communities. We see that every day at ICEF Public Schools, where we serve the predominantly African-American community of South Los Angeles. ICEF now has 15 high-performing public charters and have graduated 100 percent of our three graduating classes, getting all of the students into college—99 percent of them to four-year colleges.

What the Harvard University study revealed is what thousands of parents and educators in this country have known for years: where they matter and are needed the most—in large, urban neighborhoods—charter schools are not only working, they're infinitely better than the traditional public schools.

Like all public schools there are some great charters and some low-performing charters, but by-and-large the very successful charter schools are knocking it out of the park. Two separate district-level reports found that nearly 70 percent of charter schools at L.A. Unified outperform their nearby district public schools. Every ICEF school, for example, has scored in the top 10 percent of all public schools in the state compared to schools serving similar students. According to the California Department of Education, View Park Prep is the top-ranked public high school at educating African-American students in California.

Given the tremendous gains in achievement spurred by charter schools, this reform movement is one that certainly deserves the attention it's been receiving from the Obama administration. President Obama wants more parents to have the choice that thousands already have in cities across the nation. It is imperative that we quickly replicate the charter school models that are working very well, like ICEF's and the ones named above, while holding all low-performing public schools accountable--charters and traditional schools alike.

Ask yourself this: if charter schools are a drug that are saving the lives of tens of thousands of children now, but they're not yet saving millions of kids' lives, would we stop administering it?

Or if an otherwise healthy person--our public schools--developed a high cholesterol problem, would you not treat them with the Lipitor of reform--charter schools--so that all parts of the body remained healthy?

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RESPONDED ON DECEMBER 7, 2009 1:59 AM

Dennis Van Roekel

President, National Education Association

The Administration has been absolutely correct to emphasize innovation in education - but wrong to equate innovation with charter schools. We all know there are some great charter schools. We also know there are some that aren't so good. It all depends on how well they're designed and held accountable. Charter schools are not a magic bullet, and they aren't the only schools where you can find innovative ideas at work today.

"a recent report by Education Sector raised questions about the ability of successful charter schools and charter management organizations to replicate their success on a large scale"

The Administration's initial emphasis on charter schools was misplaced because it ignored the great innovation occurring in many traditional public schools. I have visited many of these successful programs, and one thing they have in common is collaboration among local administrators, unions, parents and other partners. It isn't always easy to get all of these parties together, but when it happens it is a powerful thing.

Charter schools have sometimes been used as a shortcut to avoid collaboration, but that shortcut won't work in the long run; indeed, a recent report by Education Sector raised questions about the ability of successful charter schools and charter management organizations to replicate their success on a large scale.

Thankfully, the Administration has listened to NEA and others who were concerned about the emphasis on charters. The revised guidelines for the Race to the Top grants now refer to "innovative, autonomous schools" -- which is not limited to charters.

We should remember that charter schools were originally envisioned as places where educators, communities and parents could try new ideas. That process can also occur in traditional public schools. The key is to encourage collaboration, not avoid it.

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Agenda Date: 5-3-11

Agenda Item: 9c

Approved: _____

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: CITY MANAGER
DATE: 03 MAY 2011
SUBJECT: APPROVAL OF REQUEST FOR PROPOSALS – CITY ATTORNEY SERVICES

RECOMMENDATION

Following Council review of the draft Request for Proposals (RFP) for contract city attorney legal services and allowance for public comment, it is recommended the City Council by motion approve its RFP for advertisement for replacement city attorney legal services to the City of Clayton.

BACKGROUND

By mutual arrangement, the City's long-standing relationship with the law firm of Turner, Huguet & Adams for 47 years as Clayton's first and only City Attorney is now in the state of transition for a new city attorney. City Attorney Dan Adams and Assistant City Attorney Maurice Huguet, Jr. indicated by letter to the City Council dated 24 March 2011 that the time has arrived for the City to seek a new city attorney and the Law Firm will continue to serve in this capacity until the City secures replacement city attorney services.

At its public meeting on 05 April 2011, the City Council established an Ad-Hoc Committee comprised of Mayor Shuey and Council Member Pierce to work with its City Manager in the drafting of a Request for Proposals (RFP) for a new city attorney. The Council Ad-Hoc Committee met on April 22nd to review sample RFP's by other public agencies and to evaluate desirable qualifications and pose initial questions for law firms and individuals seeking interest in being the next city attorney for Clayton. The attached RFP is now submitted to the full City Council for review and approval before the process begins to advertise and solicit Proposals for contract city attorney services.

Attachments: 1. Draft RFP for Contract City Attorney Services [8 pp.]

Request for Proposals City Attorney Services



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

www.ci.clayton.ca.us

CITY OF CLAYTON, CA
REQUEST FOR PROPOSALS
CONTRACT CITY ATTORNEY SERVICES
May 2011

Public notice is given the City Council of the City of Clayton, CA seeks statements of qualifications from qualified firms and/or individuals desiring to provide municipal legal services to the City as its designated contract City Attorney. This Request for Proposals includes background information, scope of services, desirable qualification requirements, specifications, submission requirements and delineates the evaluation and selection process.

A. INTRODUCTION

The City of Clayton is soliciting proposals for City Attorney services from law firms and/or individuals that have a fully-developed practice with experience advising and representing California municipalities.

B. THE CLAYTON COMMUNITY

Clayton is a safe residential community of approximately 10,960 people. It is a town which values civic partnership with business leaders, community leaders, and our neighbors. Claytonians turn out in high numbers to celebrate annual family-friendly festivities such as the Art and Wine Festival, our homespun 4th of July Parade, the Oktoberfest celebration, the "Clayton Counts Down" New Year's Eve Celebration and the popular Concerts in The Grove series in our beautiful Downtown Park.

Nestled at the bucolic base of picturesque Mt. Diablo in central Contra Costa County, Clayton is in close proximity to the greater San Francisco - Bay Area with all the amenities, sports and cultural opportunities offered by that choice location.

In 2009, Clayton celebrated its 45th Anniversary of Incorporation (1964) yet still retains many of the time-honored characteristics treasured by its founding fathers in 1857.

In Clayton, everyone is family. And families are most important. Clayton is simply a great place to live, work and play for people who cherish small-town living and traditional American values.

In this community, crime is low and police are respected. High-quality public and private schools are plentiful. Trails for pedestrians, equestrians and bicyclists meander through the City connecting one with another.

Whether you're a first-time visitor to our city, long-time resident, or are considering moving here to reside, raise a family or open a business, the Clayton experience helps make your stay the highest quality of life one can enjoy.

C. CITY GOVERNMENT

The City of Clayton is a general law city that operates under the Council-Manager form of government. The 5-member part-time City Council is elected at large by its voters (overlapping terms of office for 4 years each) and the Council in turn selects one of its members in December of each year to serve as mayor. The City Council hires its city attorney and its city manager, and each appointed official is directly accountable to the governing body. For purpose of day-to-day administration, the City Attorney is expected to coordinate operational activities and priorities with the City Manager.

The Clayton City Council regularly meets in public session twice a month on the first and third Tuesdays at 7 P.M. Joint meetings are held from time to time on the same evening with the elected officials serving as the Board of Directors for the Clayton Redevelopment Agency and the Oakhurst Geologic Hazard Abatement District (GHAD). The FY 2010-2011 General Fund Budget for the City is \$3.65 million and employs 26 full-time employees (including 11 sworn law enforcement officers).

D. REQUESTED SCOPE OF SERVICES

The City Attorney (and/or Assistant City Attorney) will provide the following services:

- Provide clear and concise legal advice and consultation on a daily basis as requested or required to individual members of the City Council, the City Manager and staff. Contacts are usually made by email and telephone, and same-day response is typically expected.
- Attend at least one (1) regular City Council meeting per month and be prepared to advise the Council on matters on the agenda as well as procedural or substantive issues that arise during the meeting. Attendance at Planning Commission or other Council subcommittee meetings is rare and only as requested.
- Provide guidance concerning the requirements of the Brown Act, Conflict of Interest (AB1234), the Political Reform Act, the Public Records Act, due process and other legal requirements imposed by statute and common law.
- Review and revise staff documents, including, but not limited to, initiation of memorandums concerning legal issues, contracts, agreements, ordinances, resolutions, land use decisions on appeal, and staff reports as determined by the City Manager. Clear, concise, well-organized writing in plain English is a pre-requisite.
- Represent the City in litigation not covered by the City's self-insured risk pools (which provide coverage for tort claims, workers compensation claims, and employment matters). This non-covered litigation typically includes defending land use writs and regulatory inverse condemnation claims, supporting code enforcement actions, initiation of litigation, and the handling of Pitchess motions.
- Represent the City in inter-agency projects and other matters.
- Oversee coordination with special legal counsel on all City litigation including oversight of the City's risk management program and general liability claims.

- Provide legal advice and assistance to operating departments, assist in notice of disciplinary actions and provide advisory service to the Personnel Officer during appeal hearings. Advisor to the Personnel Officer, including terminations.
- Serve as general legal counsel to the Clayton Redevelopment Agency, Oakhurst Geologic Hazard Abatement District, and 5-member appointed Planning Commission.

The City Council seeks a City Attorney who is service-oriented, actively involved in the business of the City, creative in finding solutions and pro-active in assisting City officials and personnel to avoid legal pitfalls. The City Attorney serves at the pleasure of the City Council. Compensation typically involves a monthly retainer for regular legal services plus an hourly fee for additional extraordinary service.

E. MINIMUM AND DESIRABLE QUALIFICATIONS.

- The City Attorney and designated Assistant City Attorney must have a college degree and a law degree (J.D.) from a law school accredited by the American Bar Association.
- The City Attorney and Assistant City Attorney must be licensed and active members of the California State Bar.
- It is desirable for the City Attorney to hold experience in public land use matters; designing and drafting Municipal Code sections and regulations, providing support to staff, Planning Commission and the Council during land use and other appeals to the Council, and in code enforcement actions.
- Preference is given to respondents who have served as a California City Attorney or as an Assistant/Deputy City Attorney in a California municipality, yet such qualification is not mandatory.
- The City Attorney must demonstrate abilities to speak clearly and effectively in public.
- The City Attorney's writings must be clear, concise, well-organized and easily understood by non-lawyers.
- The City Attorney must have the ability to relate easily and effectively with all members of the City Council, staff and the public.
- Current clients of the candidate or law firm must provide outstanding references.

F. SPECIFICATIONS.

- The annual number of retainer hours by the current contract City Attorney has averaged approximately 525 hours each year since FY 2008-2009 (3 years), including attendance at two Council meetings per month.

- The City Attorney and Assistant City Attorney will each be specific individuals acceptable to and appointed by the City Council. Those individuals will provide legal services to the City except when unavailable due to vacation or illness. The Assistant/Deputy City Attorney may attend the City Council meetings and perform primary legal services provided their qualifications are deemed satisfactory to the City Council.
- The City Attorney's law firm will bear expenses related to support staff, general overhead, continuing legal education, and attendance at municipal-law functions such as those sponsored by the League of California Cities.
- Client confidentiality must be strictly preserved.

G. QUALIFICATIONS SUBMITTAL REQUIREMENTS

Submittals should be prepared on standard 8 ½" x 11" letter size. The use of expensive papers and bindings is unnecessary and is discouraged.

Interested firms and individuals are requested to prepare your qualifications using the following sequence:

1. **Cover letter:** Signed by an authorized representative of the firm committing to provide the legal services described above.
2. **Resumes:** Provide complete resumes of the persons designated by the firm to be the City Attorney and the Assistant/Deputy City Attorney.
3. **Firm Qualifications:** Provide professional experience and qualifications of the firm and the designated individuals to provide the services specified in this Request for Proposals. Please include responses to the following specific information:
 - a. Describe your view of the role of the City Attorney.
 - b. Describe how you will keep the City Council and City Manager informed about the status of litigation and other legal matters.
 - c. Describe how you will track and manage legal costs so that the City's legal costs are held to a minimum. Please provide an example.
 - d. Describe how you will proactively advise the City Council, City Manager and staff about legal developments or issues of concern, without being asked.
 - e. Describe how as the City Attorney you would coordinate your daily work with the City Manager and City Management staff.
 - f. How much over the base retainer would you expect the City to spend engaging the services of your firm for litigation, special expertise, or other services?
 - g. How would you evaluate whether to use an attorney within your law firm or an attorney from another firm to handle a case, provide expert advice, or provide other needed services?
 - h. Describe the firm's practices regarding professional development, training, and keeping current with the legal and legal matters affecting its clients.

i. Describe your firm's background and history; include number of years in business.

j. Location of office(s) that would serve the City of Clayton.

k. Types of communications devices that would be used by the firm in communicating with the City (e.g., email, telephone, cell phones, voice mail, conference call numbers, websites, etc.), and types of computer and computer software utilized to perform the required legal services.

l. Staff services available (clerical support, paralegals, other non-attorney staff).

m. Provide names and qualifications of attorneys in your firm who would be able to provide such legal services to and for the City.

n. If you are an individual proposing to provide contract City Attorney services, please indicate the attorneys you would expect to use on behalf of the City and specific areas of expertise.

o. Name the person(s) whom you propose to designate as City Attorney and as Assistant/Deputy City Attorney(s). Provide the following for each:

- 1). Certificates or licenses, including the date of admission to the State Bar of California;
- 2). Description of education (including name of educational institutions, degrees conferred, and year of each degree);
- 3). Professional background and professional associations;
- 4). Experience with and knowledge of the law relating to general law cities related to public land use and planning, environmental law including the California Environmental Quality Act (CEQA), redevelopment law, general plans, code enforcements and other related areas of law, administrative law; labor relations/personnel law, and other areas of municipal law;
- 5). Specific expertise and training.

4. **References.** Provide contact information for three (3) municipal, public agency and/or key clients for which legal services have been provided in the last three years. Please include the contact person's name, address, phone number and email address.

5. **Clients/Potential Conflicts of Interest.**

a. Identify any foreseeable or potential conflicts of interest and public clients you serve and the manner in which you would propose to resolve such conflicts.

b. For the person to be designated as City Attorney, list all public clients that person presently represents as City Attorney or general counsel, along with the meeting dates and times for each governing body.

c. List all private clients that could potentially pose a conflict of interest with your representation of the City of Clayton.

d. Identify all situations in the last five years in which you have been adverse to public entities, either in litigation or administrative matters.

6. **Compensation and billing practices.** It is generally expected the selected City Attorney will provide services under a monthly retainer fee format for regular City Council meetings, special City Council meetings, communications with and on behalf of the City of Clayton, and legal and support services works provided to and on behalf of the City.

In that regard, please provide a description of the proposed compensation schedule and what services would and would not be included in the monthly retainer. Please provide an hourly rate for each individual expected to work for the City under this arrangement, as well as a rate for specified special legal services beyond the base monthly retainer.

7. **Insurance.** Please include a description and pertinent information regarding the general liability and malpractice insurance carried by the firm or individual, including the amount of coverage provided by such insurance.
8. **Confidentiality.** Describe how your firm protects client confidentiality while at the same time benefiting from the in-house store of knowledge and experience gained from representing other local agencies.

H. EVALUATION AND SELECTION PROCESS

The City Attorney Search Committee composed of the current Mayor, a current Council Member/Former Mayor, and the City Manager will review all written qualifications and select a certain number to forward for full City Council review. The City Council will then select and interview certain candidates before making its decision and formal appointment(s).

Selection will be based on the following criteria:

- Understanding of and commitment to the requirements described above;
- Professional qualifications and specialized experience;
- Past or current performance with municipal law clients or municipal law practice; and
- Compensation proposed.

All qualifications will be reviewed. The City of Clayton reserves the right:

1. To reject any and/or all of the submittals;
2. To waive any of the provisions of this Request for Proposals;
3. To issue subsequent Requests for Proposals;
4. To elect to cancel the entire Request for Proposals; and/or
5. To waive technical errors in the responses to Request for Proposals.

This Request for Proposals does not commit the City of Clayton to negotiate a contract, nor does it obligate the City to pay for any costs incurred in the preparation and submission of responses in anticipation of a contract.

I. QUALIFICATIONS SUBMITTAL AND DEADLINE

The Search Committee will review each submitted Proposal for thoroughness and substance pertaining to the Firm's Qualifications. Should you and/or your firm be selected for further consideration, the screening process may involve a preliminary interview with the City's Search Committee by the individual(s) to be designated as the City Attorney and the Assistant/Deputy City Attorney. The full City Council will conduct the interview of the Search Committee's recommended finalists. After reference checks, a decision on appointment will be made as soon as practical.

Interested firms and individuals should submit one unbound original of its Qualifications Submittal in a sealed envelope, marked on the outside, ***"RESPONSE TO REQUEST FOR PROPOSALS - CITY ATTORNEY"*** by Friday, _____ 2011, at noon to:

Laci J. Jackson, City Clerk
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

All Submittals become the property of the City of Clayton subject to the disclosure law.

Questions may be directed to Gary Napper, City Manager, by calling (925) 673-7300 during City Hall business hours.

Thank you for your interest.

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