CITY OF CLAYTON

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AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

* * *

TUESDAY, July 5, 2011

6:15 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 *

July 5, 2011

6:15 P.M.

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

2. **CLOSED SESSION**

(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 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 June 7, 2011. (View Here)

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

(c) Adopt a Resolution approving an agreement with Contra Costa County for the continuance of contract Building Plan Check and Inspection Services. (View Here)

(d) Adopt a Resolution authorizing the levy of annual tax assessments for CFD 2007-1 (Landscape Maintenance District; Fund No. 210) in FY 2011-2012. (View Here)

(e) Adopt a Resolution authorizing the levy of annual tax assessments for CFD 2006-1 (Downtown Park O & M; Fund No. 211) in FY 2011-2012. (View Here)

(f) Adopt a Resolution approving a one (1) year Addendum to the Agreement with the Clayton Undesignated Miscellaneous City Employees Group effective the Fiscal Year 2011-12. (View Here)

(g) Adopt a Resolution authorizing the levy of annual tax assessments for the Clayton Station Community Facilities District (1990-2R; Fund No. 421) for the 2011-2012 Tax Year. (View Here)

5. RECOGNITIONS AND PRESENTATIONS

(a) Certificate declaring July 18th as "Hannah Johnson Day" in Clayton in recognition of her 100th birthday. (View Here)

(b) Certificate of Recognition for an Eagle Scout Project in Clayton:
1. Trevor J. Murphy, BSA Troop 363 - trail stile at Blue Oak Trail. (View Here)

6. REPORTS

(a) Planning Commission – Commissioner Bob Armstrong
(b) Trails and Landscaping Committee – No meeting held to report.
(c) City Manager/Staff
(d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.
(e) Other

7. PUBLIC COMMENT ON NON - AGENDA ITEMS

Citizens may address the City Council on items within the Council's jurisdiction, (which are not on the agenda) by completing a speaker card available on the Lobby table and submitting it to the City Clerk. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Mayor's discretion. When one's name is called by the Mayor, the speaker shall approach the public podium and adhere to the time limit. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked, or may request Staff to report back at a future meeting concerning the matter.

Public comment and input on Public Hearing, Action Items and other Agenda Items will be allowed when each item is considered by the City Council.

8. PUBLIC HEARINGS - None.

9. ACTION ITEMS

(a) Discussion and approval of the City's official responses to recent Contra Costa Civil Grand Jury Reports concerning matters within the City's municipal jurisdiction and responsibility: (View Here)
(City Council and City Manager)

1. Civil Grand Jury Report No. 1103 – "County and City Vehicle Maintenance and Usage".

2. Civil Grand Jury Report No. 1104 – "Elected Board Membership".

Staff recommendation: Following Council discussion and opportunity for public comment, it is recommended the City Council consider and modify as appropriate the drafted response letters, and then by motion approve the letters and authorize Mayor Shuey to sign on behalf of the City.

(b) Consideration and approval of the negotiated Deal Points with Republic Services, Inc. (dba Allied Waste Services) for a 10-year extension to its Franchise Agreement with the City for Solid Waste Management and Recyclable Materials collection and disposal services. (View Here)
(City Manager and Council Ad-Hoc Committee)

Staff recommendation: Following presentation and public comment on the negotiated deal points, it is recommended the City Council by motion accept the Franchise Agreement Extension Deal Points and authorize staff to prepare an amended and revised Franchise Agreement for public hearing and adoption at a future meeting.

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

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

# # #

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 7-5-11

Agenda Item: 4a

TUESDAY, June 21, 2011

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 3:50 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, Community Development Director David Woltering, and City Clerk Laci Jackson.

2. **INTERVIEW OF PLANNING COMMISSION APPLICANTS**

The following six applicants were interviewed for two appointed positions on the Planning Commission (term of office ends 30 June 2013): Janise Trezise, Dan Richardson, Ted Meriam, Jake Pauline, Bob Stahle, and Keith Haydon.

3. **CLOSED SESSION**- Mayor Shuey announced the following purpose for Closed Session and then adjourned into Closed Session at 5:35 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)

(2) Employee Organization: Undesignated City Employees Unit

7:00 p.m. Report Out from Closed Session: Mayor Shuey reported the Council gave direction to its City-designated negotiator.

Additional staff members present: City Attorney Dan Adams and Finance Manager Merry Pelletier.

Patrick Gillespie, student "Mayor for the Day" re-opened the Council meeting and noted all Councilmembers were present.

4. **PLEDGE OF ALLEGIANCE** – led by Dylan Gillespie, also student "Mayor for the Day."

Mayor Shuey presented Patrick and Dylan Gillespie with certificates stating they both served as Mayor for the Day and declared Wednesday, June 22, 2011 as Patrick Gillespie Day and Thursday, June 23, 2011 as Dylan Gillespie Day in the City of Clayton.

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

(a) Approved the minutes of the regular meeting of June 7, 2011.

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

(c) Approved a one (1) year time extension to the City's Agreement with All Out Sports League (AOSL) for development and operation of community recreation services at the joint use Clayton Community Gymnasium (through June 2012).

(d) Adopted Resolution 15-2011 authorizing the City to join other Contra Costa County cities and special districts in filing litigation to challenge the County Auditor-Controller's determination to charge all taxing entities in the County for the ordered refund of property taxes to Chevron Corporation for its refinery in the city of Richmond.

(e) Accepted with regret the resignation of Tuija I. Catalano from her appointed office as a City Planning Commissioner, effective 01 August 2011.

6. RECOGNITIONS AND PRESENTATIONS

(a) Mayor Shuey presented an Appreciation Plaque to Jim Webb for 5 years of sponsorship donations to the City's 4th of July Parade and for his nearly 200 hours of volunteer service to the City of Clayton.

(b) Certificates of Recognition: "Do The Right Thing" school students (22).

Irene Keenan, Principal, Mt. Diablo Elementary School, stated she talked with teachers about recognizing students who had displayed this month's trait of courage during the school year. Katie Grace Groebner and Kate Amos were both recognized for showing "Courage" by their teachers, Kelly Morry and Tami Welcer.

Patti Bannister, Principal at the Diablo View Middle School, stated they were recognizing the nominees for the Spirit Award at their school. These students demonstrate the traits we want to see in all students by being a positive influence and doing the right thing in and out of the classroom. Principal Bannister recognized the following students: Daisy Agers, Mykelle D'Tiole, Rachel DeLong, Shane Mann; Emma Keneipp, Connor McMurdo, Katie Lewis, Robbie Parker, Casey Mitchell, and Jared Vance.

Mayor Shuey recognized the "Do The Right Thing" students from Clayton Valley High School: Mary Madera, J.P. DeSouza, Ariana Alvarez, Aamena Alloo, Kyle Metz, Sara Kommer, Jason Fernandez, Lauren Valory, Ted Hall, and Jacquelyn Svoboda

7. REPORTS

(a) Planning Commission –Commission Chair Sandra Johnson reported on the Commission meeting of June 14th. She stated the Commission reviewed the Diablo Estates project and Toll Brothers presented their report. The Commission asked for more information on the varying architecture of the homes. She stated the Commission did not take action on the project, but did approve a temporary sales trailer on the site. On a separate note, she stated the 4th of July is coming up and volunteers are needed.

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

(c) The City Manager stated he would give his report during the budget presentation.

(d) City Council

Councilmember Stratford attended the Clayton Valley High school arts academy project day, a budget sub-committee meeting, and represented the City at an Eagle Court of Honor.

Councilmember Pierce attended two ABAG meetings, a League of California Cities policy task force meeting, a Transportation Authority meeting, and a CalCOG conference, and represented the City at several Eagle Courts of Honor.

(e) Other – None.

8. PUBLIC COMMENTS

Mary Spryer, representing the Clayton Historical Society, stated they have great concerns and would like to respond to the DEIR for the Clayton Community Church project. She stated this is a formal response limited to issues regarding historical preservation. She noted Ted Meriam, the Historical Society's current President but also a City Planning Commissioner knows nothing about the Board's decision and was not part of the discussions. She stated there are several significant historical and archeological sites of significance on the property (Keller Ranch and Pioneer Inn). She submitted written comments which will be forwarded to LSA Associates for inclusion with the final EIR.

10. ACTION ITEMS

Mayor Shuey asked that Item 10(b) be moved up on the Agenda.

(b) Request for the City Council to fully endorse the charter petition and application for a Clayton Valley Charter High School as presented to the Board of Education of the Mount Diablo Unified School District on June 8, 2011.

Mayor Shuey invited Neil McChessney, Co-Petitioner Leader, forward to discuss the status of the Charter application.

Neil McChessney, teacher at Clayton Valley High School, stated the Charter application was officially submitted to the school district on June 8th. He stated in the end 80% of the certificated teachers signed the Charter application. The District has 30 days to hold a public hearing. The first Public Hearing will be held at the August 9th Board meeting and the second meeting will be held at the September 13th Board meeting.

Mayor Shuey stated previously the Council voted to support the Charter idean in "concept" but now that the actual Charter is drafted and available for public review, he is seeking Council's full support.

No Public Comments were received.

Councilmember Pierce stated the all of the Council endorsed it in concept previously, and stated she hopes the school district will endorse the Charter.

Councilmember Stratford stated it will be great for the community and our youth.

Vice Mayor Geller stated it took hard work to bring the Charter together in a short time frame and it is commendable.

Mayor Shuey stated he received close to 500 emails supporting the High School Charter.

It was moved by Councilmember Medrano, seconded by Vice Mayor Geller, to support the Clayton Valley High School Charter petition and application as submitted to the MDUSD Board of Education (Passed; 5-0 vote).

9. PUBLIC HEARINGS

(a) Public Hearing on the proposed City of Clayton Budget for Fiscal Year 2011-2012 and its 5-Year Capital Improvement Project Budget (CIP) for Fiscal Years 2011-2016.

The City Manager presented a balanced budget that is $20,189 (.14%) less than last year. He noted that number changed nominally because of increased fees to Transpac of $1,191. He stated the General Fund Budget is balanced at $3.65 million with the City's allocation of Property Taxes at 4.2%. He stated there is no draw on General Fund Reserves. He stated he has some concerns for the COPS Grant funding since the State has not yet approved the tax extension and this is $100,000 per year expenses for the City. This budget proposes a one time use of monies for COPS grant officer funding to fill the gap until mid-year and then decide whether or not to fund the position if money from the State does not arrive. He stated the budget has a $172k Capital Equipment Upgrade for computers and software in City Hall. He noted labor negotiations have not concluded and the General Fund Reserve will stay at $5.1 million (140% of Operating Budget).

He noted the dollar amount staff has made in labor concessions over the last two years.

He stated in the Landscape Maintenance District Budget includes median and roadway re-landscaping projects, trail resurfacing, master remote computer controller for irrigation, trail crack-sealing and minor repairs, tree replacement and trimming.

He stated the CIP Budget includes the Community Park parking lot expansion, the 2011 Neighborhood Street paving project, the El Molino Drive sanitary sewer improvement, the Oak Street school bridge area improvement project, and the Cardinet Trail restoration.

He stated Clayton's GANN Taxation Limit $12,323,379 and we have revenues of $3,916,126 which creates an available tax gap of $8,407,253.

He stated the Council sub-committee met and believes this is a sound budget strategy.

The Council thanked the City Manager and the Finance Manager for balancing the budget.

Mayor Shuey opened the Public Hearing at 8:17 p.m. Janise Tresize stated the City Manager had answered her questions regarding the Cardinet Trail restoration dollar amount, and no other comments were received. Mayor Shuey closed the Public Hearing at 8:18 p.m.

It was moved by Vice Mayor Geller, seconded by Councilmember Pierce to adopt Resolution 16-2011 approving a City Budget for FY 2011-2012 and a 5-Year CIP for FY 2011-2016 (Passed; 5-0 vote).

10. ACTION ITEMS

(a) Public Meeting on the proposed levy of annual assessments on real property in the Street Lighting Assessment District (residential street lights) for FY 2011-2012, pursuant to Streets and Highways Code 18070 and Government Code 54954.6.

The City Engineer stated the street light assessments have been unchanged since 1996. The staff recommendation is to leave the assessments unchanged. He stated no written objections or protests to the assessments have been received to date.

Mayor Shuey opened the Public Meeting.

No public comment was offered. No Council action was necessary or taken.

(c) Consideration of the various redistricting map options for Contra Costa County supervisorial districts and determination of City preference(s).

Councilmember Pierce stated the Supervisors will be considering many map options for redistricting. She stated they have to draw new districts to account for the change in populations. She stated splitting Concord doesn't appeal to Clayton and she stated the goal of redistricting is to keep communities of interest together. She stated personally she feels it is important that Clayton stay part of Central County. She stated someone from the City should attend the Board of Supervisors meeting to express Clayton's opinion. She also suggested a letter be written.

The Council discussed the various merits of the different maps.

Pete Laurence offered comments regarding the Morgan Territory Road area remaining together in one district and not be split.

It was moved by Councilmember Stratford, seconded by Councilmember Pierce, to have Councilmember Pierce attended the Board of Supervisors' meeting and convey Clayton's strongly desire to remain in central county; and, recommend the including Morgan Territory Road area, up to the East Bay Parks District stay in Clayton's district, and stay with whatever District Concord is put in. (Passed; 5-0 vote).

(d) City Council discussion and determination of citizen appointments to three (3) vacancies on the Clayton Planning Commission: two (2) full terms of appointed office from 01 July 2011 through 30 June 2013, and one (1) unexpired term of appointed office effective 01 August 2011 through 30 June 2012.

The City Manager stated after the Agenda was set, the City Attorney informed staff the CA Government Code prevents the Council from filling the 3rd upcoming Commission vacancy due to advertising requirements. Therefore, staff has benched an amended resolution for approval tonight with two Planning Commissioners to be named and appointed.

Councilmember Stratford started the discussion and stated he would like to re-appoint Dan Richardson, but was not inclined to have Ted Meriam be re-appointment mainly for his residence geographical reasons of proximity to the Downtown area and its projects presenting potential conflicts of interest. He stated he would rather have someone on the

Commission who can who can serve and vote on all projects in the Downtown. He stated he would also like to appoint Keith Haydon.

Councilmember Pierce stated that during the interviews the Council talked about the potential conflict Ted Meriam may have. She stated she is concerned about a section of the FPPC letter provided to Mr. Meriam which outlines the potential conflict on the church project. She stated she believes Mr. Meriam does have a conflict, and with all of the projects coming up in the Downtown many would fall within a 500 foot radius of his home. She stated if a Planning Commissioner who has to withdraw due to a conflict there is the potential for a tie vote. She stated she would like to have a team of five members can all participate actively on items that come before them. She commended Mr. Meriam for the work he has done on the Commission the past two years. She stated Dan Richardson should be re-appointed. She believes Bob Staehle has a conflict with the Creekside Terrace project so her choice is for Keith Haydon to fill the other seat.

Councilmember Medrano stated six great candidates applied for the Commission. He stated the answers Mr. Meriam provided were far above the other candidates in his opinion. He stated as far as the Church project and the FPPC letter go, he questioned why the issue was not brought up months back when Mr. Meriam received his letter from the FPPC?

The City Attorney stated he had not seen any materials on this matter before this day and he reviewed the 8 step FPPC conflict process. He stated after his review his opinion is that it clearly states that Mr. Meriam has a conflict. Whether the facts provided to the FPPC were inaccurate or not the appropriate thing for Mr. Meriam to do is go back to the FPPC to obtain additional written opinion as whether Mr. Meriam's conclusion is correct.

Councilmember Pierce stated the part of the letter she believes shows the conflict of interest is in Step 5. She stated that is the materiality standard that basically states whether the project will have effects on traffic and could potentially change the character of his neighborhood. She also stated the Conclusion section on Page 1 states there is a conflict.

Councilmember Medrano stated Dan Richardson should be re-appointed, but he would still recommend Ted Meriam for re-appointment. He also questioned whether or not Keith Haydon's name had been put on a political flyer circulated years ago regarding the church project.

Since Mr. Haydon was in the audience, Mayor Shuey asked if eh would respond to that question. Keith Haydon stated his name was not on the flyer, and Pete Laurence further noted no city planning commissioner or city councilmember had their names on the flyer.

The City Manager reminded every that a Conflict of Interest does not bar someone from public appointed office, though on projects with a conflict they are required to step down.

Mayor Shuey stated after reading the FPPC letter it seems as though Mr. Meriam does indeed have a conflict on the upcoming church land use project.

Councilmember Medrano stated the Council should have looked at this before today.

Vice Mayor Geller recommended Dan Richardson for re-appointment. He stated Mr. Meriam did a great job as a Planning Commissioner and he hopes he stays involved a citizen who can have input on future projects. He recommended Keith Haydon for the second appointment.

Mayor Shuey stated there is no conflict with Dan Richardson. He stated Mr. Meriam has served the Commission well and was well prepared for the interview. He stated he is concerned about the timing and not being able to flush out the conflict but Mr. Meriam should have made sure the accuracy was there with more diligence. He stated perhaps Mr. Meriam can get clarification from the FPPC and he can be considered in the future for a Planning Commission position. He stated he would recommend Keith Haydon for the second position.

No further public comments were received. Councilmember Medrano requested a separate vote on each appointment.

It was moved by Councilmember Pierce, seconded by Stratford, to adopt Resolution 17-2011 appointing Dan Richardson to the Planning Commission (Passed; 5-0 vote).

It was moved by Councilmember Pierce, seconded by Vice Mayor Geller, to adopt Resolution 18-2011 appointing Keith Haydon to the Planning Commission (Passed; 4-1- No- Medrano).

(e) City Council discussion of holding regularly scheduled Council meetings in July, August and/or September 2011 relative to quorum availability and summer vacation plans.

Councilmembers discussed its summer plans and upcoming City business items requiring attention.

It was moved by Councilmember Stratford, seconded by Councilmember Pierce, to cancel the City Council meetings of August 2 and September 6, 2011 (Passed; 5-0 vote).

11. **COUNCIL ITEMS-** None.

12. **ADJOURNMENT–** On call by the meeting adjourned at 9:22 p.m.

Respectfully submitted,

_____
Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

_____
David T. Shuey, Mayor

CITY OF CLAYTON

Agenda Date: 7/5/11

Agenda Item: 4b

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER

DATE: JULY 5, 2011

SUBJECT: INVOICE SUMMARY

RECOMMENDATION **Approve the following Invoices.**

7/1/11	Cash Requirements Report	$281,544.86

Attachments:
Cash Requirements Report, dated 7/1/11 (6 pages)

City of Clayton
Cash Requirements Report
CC Meeting 7/5/11

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.	6/29/2011	6/6/2011	23105	Crossing Guard WE 6/4/11	$325.50	$0.00		$325.50
All City Management Services, Inc.	6/29/2011	6/20/2011	23289	Crossing Guard WE 6/18/11	$186.00	$0.00		$186.00
				Totals for All City Management Services, Inc.:	*$511.50*	*$0.00*		*$511.50*
All-Guard Systems, Inc.								
All-Guard Systems, Inc.	7/1/2011	7/1/2011	A458677	Library Fire & Burglary Montioring 11-12	$648.00	$0.00		$648.00
All-Guard Systems, Inc.	7/1/2011	7/1/2011	A458684	City Hall Fire Monitoring 11-12	$564.00	$0.00		$564.00
				Totals for All-Guard Systems, Inc.:	*$1,212.00*	*$0.00*		*$1,212.00*
AT&T/ CalNet 2								
AT&T/ CalNet 2	7/1/2011	6/8/2011	5/11B	Local Phone Service 5/11B	$162.19	$0.00		$162.19
AT&T/ CalNet 2	7/1/2011	6/22/2011	6/11A	Local Phone Service 6/11A	$1,311.10	$0.00		$1,311.10
				Totals for AT&T/ CalNet 2:	*$1,473.29*	*$0.00*		*$1,473.29*
Blackbaud								
Blackbaud	7/1/2011	5/18/2011	90314066	Financial Software Support 11-12	$2,530.84	$0.00		$2,530.84
				Totals for Blackbaud:	*$2,530.84*	*$0.00*		*$2,530.84*
CalPERS Health								
CalPERS Health	7/1/2011	6/15/2011	405	Health Premiums 7/11	$28,927.82	$0.00		$28,927.82
				Totals for CalPERS Health:	*$28,927.82*	*$0.00*		*$28,927.82*
CalPERS Retirement								
CalPERS Retirement	6/30/2011	6/30/2011	PPE 6/26/11	Retirement Premiums PPE 6/26/11	$20,473.06	$0.00		$20,473.06
				Totals for CalPERS Retirement:	*$20,473.06*	*$0.00*		*$20,473.06*
Caltronics Business Systems, Inc								
Caltronics Business Systems, Inc	6/29/2011	6/14/2011	874573	Admin Copier Copies 6/11	$407.98	$0.00		$407.98
				Totals for Caltronics Business Systems, Inc:	*$407.98*	*$0.00*		*$407.98*
CCC Auditor-Controller (Booking)								
CCC Auditor-Controller (Booking)	6/29/2011	6/10/2011	6/10/11	PD Booking Fees 5/11	$245.00	$0.00		$245.00
				Totals for CCC Auditor-Controller (Booking):	*$245.00*	*$0.00*		*$245.00*
CCC Auditor-Controller (LAFCO)								
CCC Auditor-Controller (LAFCO)	7/1/2011	6/20/2011	1112-222	LAFCO Net Cost Appnt. FY 11-12	$1,093.80	$0.00		$1,093.80
				Totals for CCC Auditor-Controller (LAFCO):	*$1,093.80*	*$0.00*		*$1,093.80*
CCC Office of the Sheriff - Forensic Svc Division (Lab)								
CCC Office of the Sheriff - Forensic Svc	6/29/2011	6/15/2011	CLPD-1105	PD Crime Lab 5/11	$1,742.00	$0.00		$1,742.00
				Totals for CCC Office of the Sheriff - Forensic Svc Division (Lab):	*$1,742.00*	*$0.00*		*$1,742.00*
CERCO Analytical, Inc.								
CERCO Analytical, Inc.	6/29/2011	6/21/2011	1106139	Well Monitoring 6/11	$420.00	$0.00		$420.00

City of Clayton
Cash Requirements Report
CC Meeting 7/5/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
				Totals for CERCO Analytical, Inc.:	*$420.00*	*$0.00*		*$420.00*
City of Concord								
City of Concord	6/29/2011	6/10/2011	24953	PD Dispatch & Rounter Services 6/11	$13,285.00	$0.00		$13,285.00
City of Concord	6/29/2011	6/17/2011	25028	PD Live Scans 6/11	$83.00	$0.00		$83.00
City of Concord	6/29/2011	6/17/2011	25035	PD Vehicle Maintenance 5/11	$505.16	$0.00		$505.16
				Totals for City of Concord:	*$13,873.16*	*$0.00*		*$13,873.16*
Clay Younger								
Clay Younger	6/29/2011	6/27/2011	EH 6/25/11	Refund Deposit Less Fees EH 6/25/11	$320.00	$0.00		$320.00
				Totals for Clay Younger:	*$320.00*	*$0.00*		*$320.00*
Concord Uniforms								
Concord Uniforms	6/29/2011	6/1/2011	5463	PD Body Armor (6) Officers 6/11	$6,321.60	$0.00		$6,321.60
Concord Uniforms	6/29/2011	6/3/2011	5471	PD Body Armor (3) Officers 6/11	$3,160.80	$0.00		$3,160.80
				Totals for Concord Uniforms:	*$9,482.40*	*$0.00*		*$9,482.40*
Contra Costa Topsoil								
Contra Costa Topsoil	6/29/2011	6/8/2011	93077	Water Feature Soil Conditioner Mix 6/11	$721.05	$0.00		$721.05
Contra Costa Topsoil	6/29/2011	6/8/2011	93119	Water Feature Soil Conditioner Mix 6/11	$721.05	$0.00		$721.05
Contra Costa Topsoil	6/29/2011	6/9/2011	93124	Water Feature Cedar 6/11	$1,573.20	$0.00		$1,573.20
				Totals for Contra Costa Topsoil:	*$3,015.30*	*$0.00*		*$3,015.30*
Emergency Vehicle Solutions, Inc								
Emergency Vehicle Solutions, Inc	6/29/2011	4/5/2011	9529	PD Vehicle Supplies 4/11	$57.96	$0.00		$57.96
Emergency Vehicle Solutions, Inc	6/29/2011	4/5/2011	9530	PD Vehicle Supplies 4/11	$832.63	$0.00		$832.63
				Totals for Emergency Vehicle Solutions, Inc:	*$890.59*	*$0.00*		*$890.59*
Ghilotti Bros Contractors								
Ghilotti Bros Contractors	6/29/2011	6/28/2011	11415-01	CCP Parking Lot Paving 6/11	$68,247.40	$0.00		$68,247.40
				Totals for Ghilotti Bros Contractors:	*$68,247.40*	*$0.00*		*$68,247.40*
Goldfarb & Lipman								
Goldfarb & Lipman	6/29/2011	6/17/2011	101629	RDA LMI Legal Services 5/11	$490.00	$0.00		$490.00
				Totals for Goldfarb & Lipman:	*$490.00*	*$0.00*		*$490.00*
Health Care Dental Trust								
Health Care Dental Trust	7/1/2011	6/16/2011	127024	Dental Premiums 7/11	$2,569.96	$0.00		$2,569.96
				Totals for Health Care Dental Trust:	*$2,569.96*	*$0.00*		*$2,569.96*
John Deere Landscapes Inc								
John Deere Landscapes Inc	6/29/2011	6/9/2011	58167958	PW Sprinkler Material 6/11	$291.59	$0.00		$291.59
John Deere Landscapes Inc	6/29/2011	6/10/2011	58182967	PW Landscape Material 6/11	$117.57	$0.00		$117.57
John Deere Landscapes Inc	6/29/2011	6/10/2011	58182980	Water Feature Sprinkler Material 6/11	$243.03	$0.00		$243.03
John Deere Landscapes Inc	6/29/2011	6/13/2011	58210000	Water Feature Landscape Controls 6/11	$8,935.56	$0.00		$8,935.56

City of Clayton
Cash Requirements Report
CC Meeting 7/5/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
John Deere Landscapes Inc	6/29/2011	6/16/2011	58257821	PW Sprinkler Material 6/11	$94.93	$0.00		$94.93
				Totals for John Deere Landscapes Inc:	*$9,682.68*	*$0.00*		*$9,682.68*
LarryLogic Productions								
LarryLogic Productions	6/29/2011	6/22/2011	1159	CC Meeting Video 6/21/11	$360.00	$0.00		$360.00
				Totals for LarryLogic Productions:	*$360.00*	*$0.00*		*$360.00*
Legal Defense Fund								
Legal Defense Fund	6/29/2011	6/1/2011	600-120479	PORAC LDF Dues 6/11	$15.00	$0.00		$15.00
				Totals for Legal Defense Fund:	*$15.00*	*$0.00*		*$15.00*
LSA Associates Inc								
LSA Associates Inc	6/29/2011	6/21/2011	108643	CC Church EIR 5/11	$12,815.65	$0.00		$12,815.65
				Totals for LSA Associates Inc:	*$12,815.65*	*$0.00*		*$12,815.65*
Lynn Cupit								
Lynn Cupit	6/30/2011	6/8/2011	RE 6736482	New Server Backup Device 6/11	$436.62	$0.00		$436.62
				Totals for Lynn Cupit:	*$436.62*	*$0.00*		*$436.62*
Mark & Lisa Zachan								
Mark & Lisa Zachan	7/1/2011	5/16/2011	CAP 0006 EP	Refund Unused EP Deposit 6/11	$452.27	$0.00		$452.27
				Totals for Mark & Lisa Zachan:	*$452.27*	*$0.00*		*$452.27*
Mary Ann Gannon-Benevides								
Mary Ann Gannon-Benevides	6/29/2011	6/22/2011	EH 6/18/11	Refund Deposit EH 6/18/11	$500.00	$0.00		$500.00
				Totals for Mary Ann Gannon-Benevides:	*$500.00*	*$0.00*		*$500.00*
Michel & Fackler APC								
Michel & Fackler APC	6/29/2011	6/20/2011	10932	MPA Legal Services 5/11	$6,053.49	$0.00		$6,053.49
				Totals for Michel & Fackler APC:	*$6,053.49*	*$0.00*		*$6,053.49*
Mt Diablo Landscape Centers Inc								
Mt Diablo Landscape Centers Inc	6/29/2011	6/11/2011	176462	Water Feature Cobbles 6/11	$431.15	$0.00		$431.15
Mt Diablo Landscape Centers Inc	6/29/2011	6/16/2011	176581	Water Feature CA Gold Fines 6/11	$394.89	$0.00		$394.89
Mt Diablo Landscape Centers Inc	6/29/2011	6/21/2011	243201	Water Feature CA Gold Fines 6/11	$109.69	$0.00		$109.69
				Totals for Mt Diablo Landscape Centers Inc:	*$935.73*	*$0.00*		*$935.73*
Municipal Pooling Authority								
Municipal Pooling Authority	7/1/2011	7/1/2011	7/11	LIfe, LTD, AD&D Premiums 7/11	$1,180.55	$0.00		$1,180.55
				Totals for Municipal Pooling Authority:	*$1,180.55*	*$0.00*		*$1,180.55*
NBS Govt. Finance Group								
NBS Govt. Finance Group	7/1/2011	6/20/2011	C06201106	Administration Fees FY 11-12	$4,760.46	$0.00		$4,760.46
NBS Govt. Finance Group	6/29/2011	6/16/2011	D06161103-KH	CFD Delinquency Mgmt Services 6/11	$1,297.45	$0.00		$1,297.45
				Totals for NBS Govt. Finance Group:	*$6,057.91*	*$0.00*		*$6,057.91*

City of Clayton
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Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Neopost (add postage)								
Neopost (add postage)	6/29/2011	6/29/2011	6/29/11	GHAD Mailing Postage 6/30/11	$660.00	$0.00		$660.00
				Totals for Neopost (add postage):	*$660.00*	*$0.00*		*$660.00*
Neopost Leasing (Mail Finance)								
Neopost Leasing (Mail Finance)	7/1/2011	6/23/2011	N2593243	Admin Postage Lease 7/11	$223.64	$0.00		$223.64
				Totals for Neopost Leasing (Mail Finance):	*$223.64*	*$0.00*		*$223.64*
Pacific Nurseries								
Pacific Nurseries	6/29/2011	6/2/2011	SI-232761	Water Feature Plants 6/11	$2,468.21	$0.00		$2,468.21
Pacific Nurseries	6/29/2011	6/7/2011	SI-233033	Water Feature Landscape Material 6/11	$235.08	$0.00		$235.08
				Totals for Pacific Nurseries:	*$2,703.29*	*$0.00*		*$2,703.29*
Pacific Telemanagement Svc								
Pacific Telemanagement Svc	7/1/2011	6/15/2011	279391	Outside Phone Booth 7/11	$73.00	$0.00		$73.00
				Totals for Pacific Telemanagement Svc:	*$73.00*	*$0.00*		*$73.00*
Paramount Elevator Corp.								
Paramount Elevator Corp.	6/29/2011	6/17/2011	152805	CH Elevator Regular Maint 6/11	$220.00	$0.00		$220.00
				Totals for Paramount Elevator Corp.:	*$220.00*	*$0.00*		*$220.00*
Peace Officers Research Assoc of CA								
Peace Officers Research Assoc of CA	6/29/2011	6/15/2011	11204	PORAC PRA Dues 6/11	$10.00	$0.00		$10.00
				Totals for Peace Officers Research Assoc of CA:	*$10.00*	*$0.00*		*$10.00*
PERMCO, Inc.								
PERMCO, Inc.	6/30/2011	6/27/2011	9456	City Engineering Services 6/11-6/24/11	$2,927.00	$0.00		$2,927.00
PERMCO, Inc.	6/30/2011	6/27/2011	9457	PG&E Minor EP Inspections	$62.25	$0.00		$62.25
PERMCO, Inc.	6/30/2011	6/27/2011	9458	CCWD Minor EP Inspections	$332.00	$0.00		$332.00
PERMCO, Inc.	6/30/2011	6/27/2011	9459	O'Meara SWP 02-10 Inspections	$20.75	$0.00		$20.75
PERMCO, Inc.	6/30/2011	6/27/2011	9459	Richards SWP 11-10 Inspections	$20.75	$0.00		$20.75
PERMCO, Inc.	6/30/2011	6/27/2011	9460	CCP Prkg Lot Exp Insp, Mtgs & Plans	$9,888.69	$0.00		$9,888.69
PERMCO, Inc.	6/30/2011	6/27/2011	9461	2010 Pavement Rehab Inspections	$38.13	$0.00		$38.13
PERMCO, Inc.	6/30/2011	6/27/2011	9462	Metro PCS UP-CCP - Rvw Appl Plans	$300.00	$0.00		$300.00
PERMCO, Inc.	6/30/2011	6/27/2011	9463	Diablo Estates Rvw Const & Grdg Plans	$150.00	$0.00		$150.00
PERMCO, Inc.	6/30/2011	6/27/2011	9464	Diablo Pointe Grading Inspections	$539.50	$0.00		$539.50
PERMCO, Inc.	6/30/2011	6/27/2011	9465	Diablo Pointe SW Inspections	$20.75	$0.00		$20.75
PERMCO, Inc.	6/30/2011	6/27/2011	9466	Hedges CAP 0004 SW Inspections	$41.50	$0.00		$41.50
PERMCO, Inc.	6/30/2011	6/27/2011	9466	Pallotta/ Majestic Pools CAP 0007 SW Insps	$20.75	$0.00		$20.75
PERMCO, Inc.	6/30/2011	6/27/2011	9466	VanBrusselen CAP 0010 SW Inspections	$20.75	$0.00		$20.75
PERMCO, Inc.	6/30/2011	6/27/2011	9466	Caldwell/Swan Pools CAP 0012 SW Insps	$20.75	$0.00		$20.75
PERMCO, Inc.	6/30/2011	6/27/2011	9466	JMS/ Magdefrau CAP 0016 SW Inspections	$20.75	$0.00		$20.75
PERMCO, Inc.	6/30/2011	6/27/2011	9467	OH GHAD AD-Prepare 11-12 Budget & SR	$467.00	$0.00		$467.00
				Totals for PERMCO, Inc.:	*$14,891.32*	*$0.00*		*$14,891.32*

City of Clayton
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Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Pete Weisendanger								
Pete Weisendanger	7/1/2011	5/20/2011	SWP 13-09	Refund Unused SWP Deposit 6/11	$19.41	$0.00		$19.41
				Totals for Pete Weisendanger:	*$19.41*	*$0.00*		*$19.41*
PG&E								
PG&E	7/1/2011	6/23/2011	Indv 6/11	PW, EH, Irrigation Service 6/11	$497.32	$0.00		$497.32
PG&E	7/1/2011	6/20/2011	Mst #119... 6/11	Traffic Signal & Irrigation Service 6/11	$509.42	$0.00		$509.42
PG&E	7/1/2011	6/23/2011	Mst #121.. 6/11	City Hall & Misc Services 6/11	$2,661.90	$0.00		$2,661.90
				Totals for PG&E:	*$3,668.64*	*$0.00*		*$3,668.64*
Raney Planning & Management, Inc.								
Raney Planning & Management, Inc.	6/29/2011	2/11/2011	1018E-4B	CPP Pkg Lot Expansion Consultant 2/11	$474.79	$0.00		$474.79
				Totals for Raney Planning & Management, Inc.:	*$474.79*	*$0.00*		*$474.79*
Rolling Hills Landscape, Inc								
Rolling Hills Landscape, Inc	6/29/2011	6/20/2011	750	Water Feature Stone Caps, Pavers 6/11	$16,587.00	$0.00		$16,587.00
				Totals for Rolling Hills Landscape, Inc:	*$16,587.00*	*$0.00*		*$16,587.00*
Ross Recreation Equipment, Co., Inc								
Ross Recreation Equipment, Co., Inc	6/29/2011	6/10/2011	89981	Park benches & garbage/recycle cans 6/11	$6,561.49	$0.00		$6,561.49
				Totals for Ross Recreation Equipment, Co., Inc:	*$6,561.49*	*$0.00*		*$6,561.49*
Rutan & Tucker LLP								
Rutan & Tucker LLP	6/29/2011	6/10/2011	611922	Land Use & Econ Dev Legal Svc 6/11	$1,472.50	$0.00		$1,472.50
				Totals for Rutan & Tucker LLP:	*$1,472.50*	*$0.00*		*$1,472.50*
Samuel Agronow								
Samuel Agronow	7/1/2011	6/30/2011	6/30/11	Reimb - Eagle Scout Trail Bench Project	$471.45	$0.00		$471.45
				Totals for Samuel Agronow:	*$471.45*	*$0.00*		*$471.45*
Stanley & Glenda Gaunt								
Stanley & Glenda Gaunt	7/1/2011	5/9/2011	CAP 0009 Grd	Refund Unused Grading Deposit 6/11	$832.96	$0.00		$832.96
Stanley & Glenda Gaunt	7/1/2011	5/9/2011	CAP 0009 SW	Refund Unused SW Deposit 6/11	$904.55	$0.00		$904.55
				Totals for Stanley & Glenda Gaunt:	*$1,737.51*	*$0.00*		*$1,737.51*
Thomas & Mary Hedges								
Thomas & Mary Hedges	7/1/2011	6/23/2011	CAP 0004 Dep Ref	Refund Unused SWP Deposit 6/11	$1,642.06	$0.00		$1,642.06
				Totals for Thomas & Mary Hedges:	*$1,642.06*	*$0.00*		*$1,642.06*
Turf Star, Inc.								
Turf Star, Inc.	6/29/2011	6/14/2011	343203-00	PW Equipment Maintenance 6/11	$280.50	$0.00		$280.50
				Totals for Turf Star, Inc.:	*$280.50*	*$0.00*		*$280.50*
Undercover Computers								
Undercover Computers	6/29/2011	6/25/2011	210	Install New Back-up Device-Adm Server 6/11	$300.00	$0.00		$300.00

City of Clayton
Cash Requirements Report
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Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
				Totals for Undercover Computers:	*$300.00*	*$0.00*		*$300.00*
Wally's Rental Center, Inc.								
Wally's Rental Center, Inc.	6/29/2011	6/9/2011	100841-3	Water Feature Equip Rental 6/11	$401.88	$0.00		$401.88
Wally's Rental Center, Inc.	6/29/2011	6/15/2011	101105-3	Water Feature Lawn Roller 6/11	$34.38	$0.00		$34.38
				Totals for Wally's Rental Center, Inc.:	*$436.26*	*$0.00*		*$436.26*
Waraner Brothers Tree Service								
Waraner Brothers Tree Service	6/29/2011	6/20/2011	9372	Fire Weed Abatement 6/11	$31,296.00	$0.00		$31,296.00
Waraner Brothers Tree Service	6/29/2011	6/20/2011	9373	Clayton Road Tree Work 6/11	$900.00	$0.00		$900.00
				Totals for Waraner Brothers Tree Service:	*$32,196.00*	*$0.00*		*$32,196.00*
William Jordan								
William Jordan	6/29/2011	6/23/2011	6/11	Refund SW CAP 0011 Deposit 6/11	$500.00	$0.00		$500.00
				Totals for William Jordan:	*$500.00*	*$0.00*		*$500.00*
				GRAND TOTALS:	**$281,544.86**	**$0.00**		**$281,544.86**

CITY OF CLAYTON
Founded 1857 — Incorporated 1964

Agenda Date: 7-5-11

Agenda Item: 4c

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: DAVID WOLTERING, COMMUNITY DEVELOPMENT DIRECTOR

DATE: JULY 5, 2011

SUBJECT: BUILDING INSPECTION SERVICES AGREEMENT (CDD 02-11)

RECOMMENDATION

It is recommended the City Council authorize the City Manager to enter into a Building Inspection Services Agreement (See **Attachment 1**) with Contra Costa County.

BACKGROUND

The City of Clayton has contracted for Building Inspection Services with Contra Costa County since the City's incorporation in 1964. Documentation related to this arrangement and the services provided are included in a November 6, 1964 letter (See **Attachment 2**) from then Mayor Robert W. Hoyer to County Principal Planner H. Russell Griffith. The services provided to the City by the County have included the provision of information to prospective applicants, plan check, permit issuance, site inspection, and code enforcement related to construction activities within the City of Clayton. Over the years, an initial 25% surcharge on permit fees charged by the County for applications coming from the City of Clayton has been increased to 40% to cover the City's initial review of applications for compliance with Clayton Planning and Zoning requirements and administrative overhead. These surcharges have been forwarded to the City by the County.

This past year, County staff contacted City staff to indicate the County's desire to update the Building Inspection Services Agreement. Besides the fact this arrangement has not been comprehensively updated since 1964, the amount of development activity has fallen off substantially over the past two to three years in both the County and the City. Previously, the County has been willing to absorb the cost of related Code Enforcement services, given the amount of activity and resulting revenues from the City. The County has indicated that its reduced revenues from the City no longer allow this cost to be absorbed.

The attached Building Services Agreement with the County would essentially continue the same level and range of services to the City, except in the area of Code Enforcement. The City's surcharge would continue to be 40%. In the past, the County provided regular (weekly) drive-through code enforcement services, and this cost was absorbed by the County within the existing permit fee schedule.

In the proposed new Agreement, under Section 3, the City would be charged for Code Enforcement services, based on the rates and timeframes indicated in that Section. City staff is concerned about containing these costs and, consequently, has requested that these services be provided only upon City advanced and authorized request and managed to minimize travel costs. City staff will take a more active role in attempting to resolve these issues/complaints, and a qualified, but lower level (reduced cost), inspector would be used (See Attachment A, II. Code Enforcement of **Attachment 1)**.

FISCAL IMPACT

The surcharge that, in the past, has been forwarded to the City by the County will be reduced by the charges for Code Enforcement services authorized by the City in advance. Please note the surcharges received from the County by the City in recent years are as follows: $25,839.54 in FY 08-09; $25,354.27 in FY 09-10; and $19,105.30 in FY 10-11.

Attachments:
1. Resolution with Agreement For Building Inspection Services
2. Letter from Mayor Robert W. Hoyer

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RESOLUTION NO. XX-2011

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR BUILDING INSPECTION SERVICES (CDD 02-11)

THE CITY COUNCIL
City of Clayton, California

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

WHEREAS, the City's contractual arrangement for Building Inspection Services with Contra Costa County (County) has not been comprehensively or formally updated since 1964; and

WHEREAS, County staff representatives have requested that this contractual relationship be formally updated; and

WHEREAS, County staff representatives have indicated a need to charge for Code Enforcement services previously absorbed within the County's permit fee schedule related to the Building Inspection Services being provided to the City and provided a fee schedule for these services in the Agreement For Building Inspection Services; and

WHEREAS, The County will continue to charge a 40% surcharge for City of Clayton building applications and remit to the City the surcharges collected, less any charges authorized in advance by the City for Code Enforcement services in accordance with provision of the Agreement For Building Inspection Services; and

WHEREAS, the services to be provided to the City by the County for Building Inspection Services are described in the Agreement For Building Inspection Services are essentially the same as have been provided to the City by the County, except as described in the Agreement pertaining to Code Enforcement services; and

WHEREAS, the City has alerted the County in the Agreement For Building Inspection Services that any charges for Code Enforcement services must be authorized in advance by the City.

NOW, THEREFORE BE IT RESOLVED, that the City Council of Clayton, California, does hereby approve the Agreement For Building Inspection Services (see **Attachment A),** based on the following determination:

SECTION 1. The above recitals and citations are true and correct.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON

David T. Shuey, Mayor

ATTEST

Laci J. Jackson, City Clerk

Attachment A: Agreement For Building Inspection Services

CDD\02-11.resolution.cc.mtg.7.5.11

AGREEMENT

FOR BUILDING INSPECTION SERVICES

This Agreement is entered into between the City of Clayton ("City") and Contra Costa County ("County") for building inspection and code enforcement services to be provided by the County and the City.

RECITALS:

A. The City desires to utilize County Department of Conservation and Development (DCD) Building Inspection Division staff to provide Building Inspection services to the City including inspection, plan checking, permit issuance, responses to citizen complaint and investigation services to the City's Community Development Department.

B. The purpose of this Agreement is to set forth the terms and fees for providing building inspection services to the City's Community Development Department.

NOW, THEREFORE, the parties, for valuable consideration, agree as follows:

Section 1. SERVICES TO BE RENDERED

The City agrees to hire DCD Building Inspection Division staff to provide services to the City's Community Development Department as set forth in Attachment A, which is incorporated by reference herein. The City will furnish direction to the DCD Building Inspection Division staff as needed through its Community Development Director ("Director"), in order to accomplish the services listed in this Agreement. The County will provide vehicles and communication equipment as deemed necessary by the County. County staff shall remain employees of the County. City shall not be responsible for worker's compensation or any employee benefits, other than provided in this Agreement and attached Attachment A.

Section 2. TERM

This Agreement is effective July 1, 2011 through June 30, 2014 unless otherwise terminated as set forth in the Agreement.

Section 3. PAYMENT OF FEES AND REIMBURSEMENT OF COSTS

A. To cover the cost of doing Building Inspection Services as set forth on Item I – Inspection Services in the attached Attachment A, DCD will keep all permit fees that it collects from customers except for the City Surcharge (40%) which will be remitted to the City on or before the 15th day of the following month.

B. In addition to the fees mentioned in Section 3.A, the City shall also pay the fees described below to DCD for Code Enforcement Services as set forth on Item II – Code Enforcement.

C. Enforcement Services are described in the attached Attachment A:

a. The fee for the DCD staff person who will perform Code Enforcement function to the City shall be $95.00 per hour for the period July 1, 2011 through June 30, 2012, $100.00 per hour for the period July 1, 2012 through June 30, 2013, and $105.00 per hour for the period July 1, 2013 through June 30, 2014.

b. DCD will invoice the City for Code Enforcement services for the month on the 10th of the following month. The City shall pay DCD within 30 days of receipt of an invoice from DCD.

c. DCD will provide the City monthly reports showing City Surcharge fees collected by DCD and returned to the City, as well as Code Enforcement services charged to the City by DCD.

Upon receiving and monitoring such reports, the City will provide ongoing direction to DCD regarding the requested level of Code Enforcement services.

Section 4. HOLD HARMLESS AND INDEMNITY

County agrees to indemnify and hold harmless City from County's share of liability for damages caused by negligence or willful misconduct of the County, its officers, agents or employees in the County's performance under this Agreement. County's obligations under this section shall not apply to any claim, cost or liability caused in whole or in part by the negligence or willful misconduct of the City. Under no circumstances shall County have any liability to City or to any other person or entity, for consequential or special damages, or for any damages based on loss of use, revenue, profits or business opportunities arising from or in any way relating to County's performance under this Agreement. City shall defend, indemnify and save harmless County, its officers and employees from all claims, suits or actions of every name, kind and description brought by or on account of injuries to or death of any person or damage to property resulting from anything done or omitted to be done by City, its officers, agents or employees under or in connection with this agreement or with any work, authority or jurisdiction of City.

Section 5. NOTICES

All correspondence regarding this agreement, including invoices, payments, and notices, shall be directed to the following persons at the following addresses and telephone numbers:

COUNTY: Deputy Director, Building Inspection
Conservation and Development Department
Contra Costa County
651 Pine Street, 3rd Floor, N. Wing, Martinez, CA 94553
(925) 335-1108

CITY: City Manager
City of Clayton
6000 Heritage Trail
Clayton, CA 94517
(925) 673-7300

Section 6. TERMINATION

a. This Agreement may be terminated by either the City or the County, giving at least 90 days written notice thereof to the other party.

b. Should either party be in default of the terms of this Agreement, the non-defaulting party may give written notice of such default and should such default not be cured within thirty days after the mailing of said notice, this Agreement may then be terminated by the non-defaulting party by giving ten days written notice thereof.

The parties, by the Deputy Director of the County's Department of Conservation and Development, Building Inspection Division as authorized by the County Board of Supervisors and by the City Manager of the City as authorized by the City Council, each hereunto duly authorized, have executed this Agreement on the date appearing below.

CONTRA COSTA COUNTY

By: _____
Jason Crapo
Deputy Director,
Building Inspection

Dated: _____

Approved as to form:

By: _____
Deputy County Counsel

Dated: _____

CITY OF Clayton

_____
Gary A. Napper
City Manager
City of Clayton

Dated: _____

Approved as to form:

_____
City Attorney

Dated: _____

ATTACHMENT A

SERVICES PROVIDED BY THE COUNTY CONSERVATION AND DEVELOPMENT DEPARTMENT - BUILDING INSPECTION DIVISION (DCD) STAFF TO THE CITY OF CLAYTON'S COMMUNITY DEVELOPMENT DEPARTMENT.

I. Plan Check and Inspection Services

A. Plan check services to determine compliance with applicable State and City codes.

B. Inspection services related to permits issued.

C. Supervision of plan check and inspection operations.

D. Respond to building, electrical, plumbing, mechanical, slide and drainage concerns and complaints.

E. Provide construction inspections of improvements on private property as noted below.

1. City will plan check and approve project prior to submittal to DCD.

2. Owner or contractor will submit to DCD all plans, specifications, and cost estimates approved by the City.

3. DCD will inspect the project at appropriate stages to ensure proper construction methods.

F. DCD will issue permits and collect fees.

G. DCD will complete and remit annual tracking forms of building activity required by outside agencies (i.e., State Department of Finance and State Department of HCD).

II. Code Enforcement

A. Code Enforcement services shall be only upon specific request for this service from the City's Director or his/her designee. DCD will make every attempt possible to respond in a manner to minimize travel time of the inspector assigned to the service request. The city acknowledges that in some cases this might result in a delay in response times of City requests for Coe Enforcement services.

B. At the request of, and as directed by the City, through the Director, DCD staff will investigate complaints regarding zoning and/or building code violations.

C. Inspections and investigations will follow the requirements of the current building codes, as adopted by the City, and applicable provisions of the City's Municipal Code.

D. The DCD staff person providing code enforcement services will be a Building Inspector II.

Attachment 2

RECEIVED
DEC 3 1 1964
CONTRA COSTA COUNTY
BUILDING INSP.

CEIVED
8 45 AM '64

[illegible] Anderson, City Clerk
MAIN AT OAK STREET
Monday, Wednesday and Friday
9:00 a.m. - 1:00 p.m.

P O Box 268 • Clayton, California
Telephone 689-3622

CONTRA COSTA COUNTY
PLANNING DEPARTMENT

Robert W Hoyer, Mayor
Councilmen
George A. Abbott
Dr David N. Cook
Alvin H Liming
Henry J Wagner
Treasurer
William E Walker

November 6, 1964

Contra Costa
Planning Dept.
Refer to:
HEATON
GRIFFITH
DEHAESUS
SCHMIDT
HALVERSON
HARTZ
ARIN

Mr. H. Russell Griffith
Principal Planner
County Planning Commission
County Administration Building
Martinez, California

Dear Mr. Griffith:

The City of Clayton Planning Commission and City Council have determined, in principle, how to handle planning matters through your office. It shall be as follows:

If a citizen of Clayton applies for a building permit, he will submit his plan to your office just as citizens of the unincorporated areas must do. If his plans are such that no variance, land use permit, or rezoning is necessary, and the plan complies with all county regulations (which Clayton adopted), he will be charged $2.00 and will proceed to apply for his building permit. The $2.00 fee will defray the County's cost in handling the case.

If the plan the citizen presents is not in compliance and requires a variance or land use permit, he should be referred to the Clayton City Clerk who will handle the application etc., according to existing County procedure. The Clayton Planning Commission will handle the case. Should a large project requiring rezoning and other problems come up, the City would like the opportunity to contract for professional help from the County at a predetermined hourly rate.

If you have further questions on this matter, please do not hesitate to let me know. Would you inform our City Attorney what resolutions etc. are necessary to put this plan into effect. The City Council will very promptly effect any required legislation.

Very sincerely,

Robert W. Hoyer

Robert F. Hoyer

Agenda Date: 7-5-11

Agenda Item: 4d

CITY OF CLAYTON
Founded 1857 . . Incorporated 1964

Approved:

Gary A. Napper, City Manager

STAFF REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

FROM: **Laura Hoffmeister, Asst. to the City Manager**

MEETING DATE: **July 5, 2011**

SUBJECT: Approval of resolution ordering the levy and collection of special taxes and setting forth the special tax amount for Community Facilities District (CFD) 2007-1 (City Wide Landscape Maintenance) on the fiscal year 2011-2012 Tax Assessment

RECOMMENDATION

Adoption of Resolution No. __-2011 ordering the levy and collection of special taxes and setting forth the special tax amount for Community Facilities District (CFD) 2007-1 (City Wide Public Landscape Maintenance) on the fiscal year 2011 - 2012 Tax Assessment Roll.

BACKGROUND

In June 2007 the electorate voted 82.94% approval to establish a special tax, known as Measure B, for the care and maintenance of City Wide Public Landscaping. Measure B was established for a 10-year period (through 2017).Measure B is the only funding source for the Citywide Public Landscape District-known as Community Facilities District (CFD) 2007-1.

The tax is for costs related to public roadway, trail, open space landscape maintenance, and the Clayton Fountain at the corner of Oakhurst Blvd. and Clayton Rd. These areas have 2 million square feet of landscaping and irrigation, 515 acres of open space, 2,871 street trees, and 27 miles of public trails. City parks are not maintained by this special tax but through the General Fund (except for the Grove Park Downtown which has its own separate special maintenance district funding source).

Since 1999 the City has employed only five permanent city maintenance employees who spend approximately 60% of their time on tasks in the Landscape Maintenance District. Necessity has required maintenance crews to spend more work hours maintaining District assets as landscaping matures, irrigation systems break, and vandalism or vehicle accidents that cause damage to trees and shrubs; along with increases in metered irrigation water, electricity increases which run the irrigation controllers and pumps to the fountain; professional services are used for open space weed abatement and tree trimming.

The collection of the tax is done by the County, and property owners' payments for this new District first occurred in November/December 2007. Established in the voter approved tax is an ability after the initial year, to increase the assessment by the CPI with a maximum of 3% annually. The Citizens Oversight Committee for this District, [known as the Trails and Landscape Committee (TLC)] recommended an increase based upon the CPI of 2.82% ($5.86 increase per residential unit - equivalent). This CPI adjustment was reflected in the City Council adopted budget, which was also reviewed and recommended by the Trails and Landscape Committee.

FISCAL IMPACT

For the 2011-12 fiscal year the levy amount is $213.42 per residential parcel, or per non residential acre or fraction thereof. For fiscal year 2010-11 there are 4,102 parcels that will be subject to the special tax. Of these 4,038 are residential and 63 are non residential. The total amount of revenue estimated to be received from this tax for FY 2011-12 is $936,063.80. These tax revenues are placed into a Special Revenue Fund (No.210) through which all eligible expenses are tracked, paid and audited. Allowable expenses include only that for the purposes of the Landscape District Maintenance materials, supplies, equipment, utilities, labor, and administration. There is still apx. $2.5 million in desired major landscape replacements/repairs and enhancements that are not funded through this tax amount. This amount is prior to any additional plant/turf loss due to the FY 09-10 Contra Costa Water District mandatory landscape water reductions (45%). Cost savings from water reductions were realized. In FY 10-11 the TLC recommended, and the City Council approved, the use of $260,000 in Landscape Maintenance District funds for hardscape of median island narrow noses, Clayton fountain area replanting and other targeted tree and shrub replanting. Most of these projects were recently completed. For FY 11-12 the TLC recommended and the City Council approved, the use of $330,000 in Landscape Maintenance District funds for Clayton Road median work (Oakhurst to Mitchell Canyon), some trail repairs/resurfacing, additional tree trimming and computer based irrigation control.

The Citizens Oversight Committee will soon begin its preparation of the 3rd Annual Report covering the period FY 10-11. This report is expected to be provided to the City Council at its meeting in September/October. This report will include the highlights of the District and future direction as well as the District budget.

CONCLUSION

The City Council, by Ordinance 409, as authorized by Section 53340 of the Government Code of the State of California, has authorized the levy of a special tax to pay for costs and expenses related to Community Facilities District 2007-1. This resolution authorizes the Contra Costa County auditor to place unpaid direct bill taxes for the 2011 -2012 fiscal year on the next assessment roll.

Attachments:

- 1) Resolution No. __-2011
- 2) Summary of Exhibit A to Resolution __-2011
- 3) Annual Special Tax Levy Report
- 4) Ordinance 409
- 5) Resolution No. 06-2007
- 6) Resolution No. 07-2007
- 7) Resolution No. 17-2007
- 8) Landscape District Budget FY 11-12

RESOLUTION NO. _____-2011

A RESOLUTION ORDERING THE LEVY AND COLLECTION OF SPECIAL TAXES AND SETTING THE SPECIAL TAX AMOUNT FOR FISCAL YEAR 2011-12 FOR COMMUNITY FACILITIES DISTRICT NO. 2007-1 (CITYWIDE LANDSCAPE MAINTENANCE)

THE CITY COUNCIL
City of Clayton, California

WHEREAS, the City Council of the City of Clayton, California, (hereinafter referred to as the "legislative body"), has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in Community Facilities District No.2007-1(hereinafter referred to as "District"), all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982"; being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act"). ; and,

WHEREAS, this legislative body, by Ordinance No. 409 as authorized by Section 53340 of the Government Code of the State of California, has authorized the levy of a special tax to pay for costs and expenses related to said District, and this legislative body is desirous to establish the specific rate of the special tax to be collected for fiscal year 2011 -12; and,

WHEREAS, the special taxes are in compliance with all laws pertaining to the Act and the levy of special taxes; the special taxes are levied without regard to property valuation, and the special taxes are in compliance with the provisions of Prop 218.

NOW THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the specific rate and amount of the special tax to be collected to pay for the costs and expenses for the next fiscal year (2011 -12) for the referenced

District is hereby determined and established as set forth in the attached, referenced and incorporated Exhibit "A".

SECTION 3. That the rate as set forth above does not exceed the amount as previously authorized by Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. That the proceeds of the special tax shall be used as provided in Ordinance No. 409, including, but not limited to, the payment of, in whole or in part, the costs of the following:

A. Payment of costs and expenses of public landscape facilities;
B. Payment of District administrative costs.
C. Cost of collecting and administering the special tax

The proceeds of the special taxes shall be used as set forth above, and shall not be used for any other purpose.

SECTION 5. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the Tax Collector is hereby authorized to collect the special tax and to deduct reasonable administrative costs incurred in collecting said special tax.

SECTION 6. All monies above collected shall be paid into the Community Facilities District 2007-1 fund.

SECTION 7. The Auditor of the County is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land effected in a space marked "public improvements, special tax" or by any other suitable designation, the installment of the special tax, and for the exact rate and amount of said tax, and assessor's parcel number (APN), reference is made to the attached Exhibit "A".

SECTION 8. The County Auditor shall then, at the close of the tax collection

period, promptly render to this City a detailed report showing the amount and/or amounts of such special tax installments, interest, penalties and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

David T. Shuey, Mayor

ATTEST:

Laci J. Jackson, City Clerk

Laura/cfd2007-1resofy2011-12

Summary of EXHIBIT A
to Resolution ___ -2011

CFD 2007-1 Citywide Landscape Maintenance District
Special Tax

For fiscal year 2011-2012 the assessor's parcel numbers and the special tax amounts are as set forth in the Community Facilities District No.2007-1 (Citywide Landscape Maintenance) Preliminary Billing Levy Detail Report for FY 2011-12 on file in the City Clerk's office, City Hall, 6000 Heritage Trail, Clayton, CA.

Due to the length of the report, it is summarized as follows:

In general all residential parcels, (single family, condo, and townhouse) shall have a rate for FY 11-12 of $213.42 per parcel. All non-residential parcels shall have a rate for FY 11-12 of $213.42 per acre or fraction thereof, based on parcel size as shown on the most recent County tax and parcel records.

There are a total of 4102 parcels to be levied:
There are 4038 residential levies.
There are 63 non-residential levies comprising 349 acres.

$861,789.96 est. total revenue from residential
$77,273.84 est. total revenue from non-residential
$936,063.80 est. revenue for FY 10-11

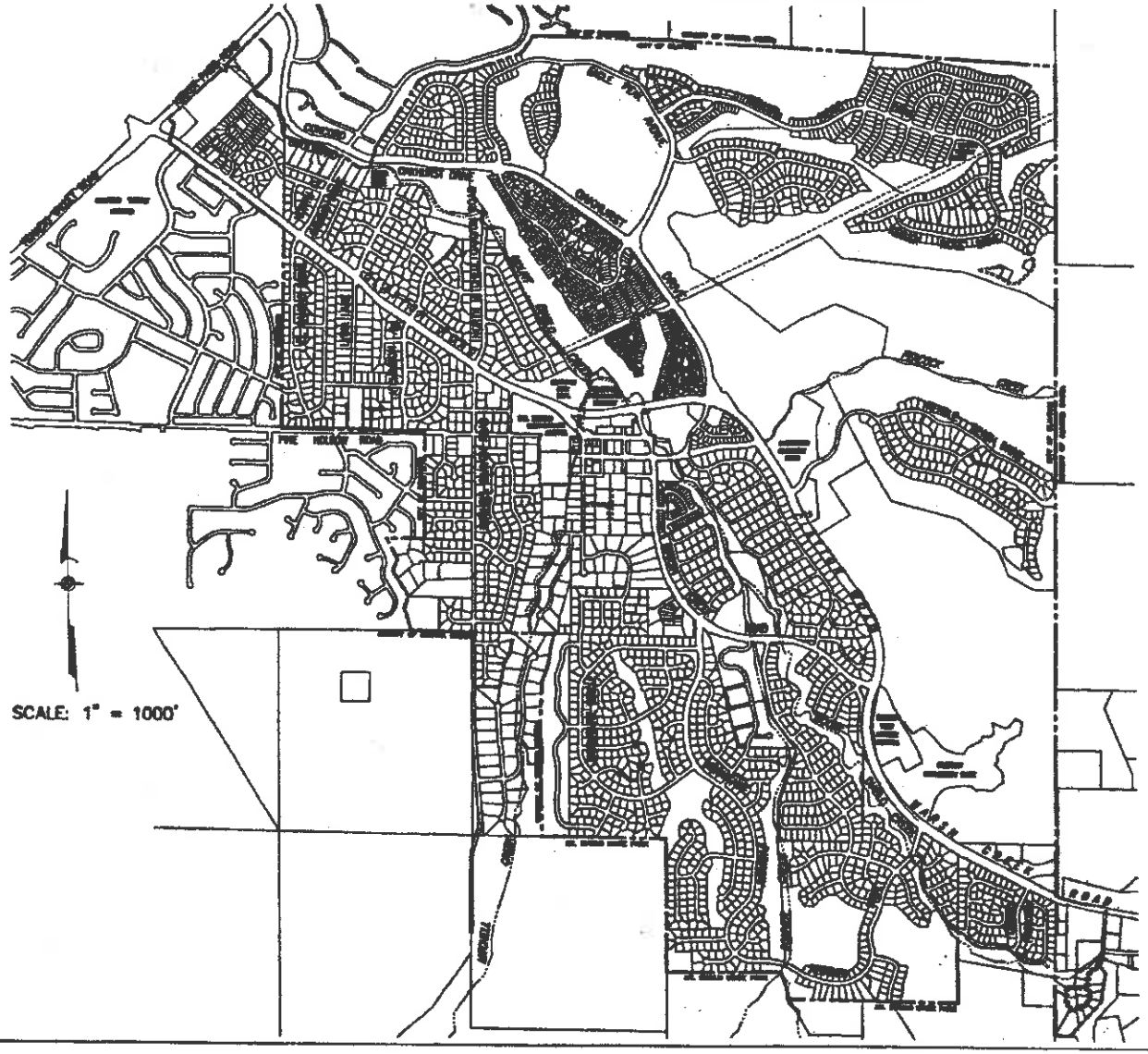
laura/Exhibit A rescfd2007-1 fy11-12

Attachment 2

PROPOSED BOUNDARIES OF

COMMUNITY FACILITIES DISTRICT NO. 2007-1
(CITYWIDE LANDSCAPE MAINTENANCE DISTRICT)

CITY OF CLAYTON, COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



CITY RECORDER'S STATEMENT:

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CLAYTON, THIS 4th DAY OF January, 2007.

BY: Lei J. Jackson
CITY CLERK
CITY OF CLAYTON

CITY CLERK'S STATEMENT:

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NUMBER 2007-1 IN THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON AT A REGULAR MEETING THEREOF, HELD ON THE 16th DAY OF January, 2007, BY ITS RESOLUTION NO. 04-2007

BY: Lei J. Jackson
CITY CLERK
CITY OF CLAYTON

RECORDER'S CERTIFICATE:

FILED THIS 23rd DAY OF January 2007. AT THE HOUR OF 2:04 O'CLOCK P.M. IN BOOK 81 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 15, AND AS INSTRUMENT NUMBER 07-0000 IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

BY: STEPHEN L. WEIR
COUNTY RECORDER
COUNTY OF CONTRA COSTA

BY: D. Mardel
DEPUTY COUNTY RECORDER

LEGEND

——— CITY LIMIT LINE AND COMMUNITY FACILITY DISTRICT BOUNDARY

1-23-07 2:04 PM 81-15

NBS
helping communities
fund tomorrow

City of Clayton

Community Facilities District No. 2007-1
Citywide Landscape Maintenance Tax

Annual Report

July 2011

Main Office
32605 Temecula Parkway, Suite 100
Temecula, CA 92592
Toll free: 800.676.7516 Fax: 951.296.1998

Regional Office
870 Market Street, Suite 1223
San Francisco, CA 94102
Toll free: 800.434.8349 Fax: 415.391.8439

Attachment 3

CITY OF CLAYTON
6000 Heritage Trail
Clayton, CA 94517
Phone - (925) 673-7300
Fax - (925) 672-4917

City Council

David Shuey, Mayor
Howard Geller, Vice Mayor
Joe Medrano, Councilmember
Julie K. Pierce, Councilmember
Hank Stratford, Councilmember

City Staff

Gary Napper, City Manager
Laura Hoffmeister, Assistant to the City Manager
Merry Pelletier, Finance Manager

Special Tax Administrator

NBS
Tim Seufert, Client Services Director
Greg Davidson, Director
Kristin Harvey, Senior Consultant
Temecula, California
Phone – (800) 676-7516
Fax – (951) 296-1998
www.nbsgov.com

EXECUTIVE SUMMARY/SPECIAL ISSUES

General Information Summary

Maturity	2011/12 Levy (1)	Parcel Count	Delinquency Rate (2)
Fiscal Year 2016/17	$936,063.80	4,300	2.03%

(1) Includes a rounding adjustment for County tax submittal purposes.
(2) Delinquency Rate for Fiscal Year 2010/11.

Community Facilities District No. 2007-1, Citywide Landscape Maintenance Tax (the "District"), was created to finance services necessary to operate and maintain public roadway landscaping, open space and trails and Clayton Fountain.

For Fiscal Year 2011/12, all taxable parcels within this District will be levied at 100% of their respective Maximum Special Tax. The Maximum Special Tax rates for Fiscal Year 2011/12, which have been escalated by 2.82%, are as follows:

Residential Parcels:	$213.43 per parcel
Non-residential Parcels:	$213.43 per acre or fraction thereof

The delinquency rate for the District was 2.03% for Fiscal Year 2010/11. With the City's authorization, NBS sent reminder and demand letters to delinquent property owners to encourage the immediate payment of delinquent property tax bills.

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1. 2011/12 LEVY

1.1. Special Tax Spread

All taxable parcels within the District were levied at 100% of their respective Maximum Special Tax rate for Fiscal Year 2011/12. The details of the Special Tax, spread amongst the 4,300 parcels within the District, are as follows:

Parcel Classification	Parcel Count	Maximum Rate	Total Maximum Special Tax	Total Amount Levied (3)
Residential (1)	4,038	$213.43	$861,830.34	$861,789.96
Non-Residential (2)	63	213.43	74,274.27	74,273.84
Exempt	199	0.00	0.00	0.00
Total	**4,300**		**$936,104.61**	**$936,063.80**

(1) Per the Rate and Method of Apportionment, the maximum special tax for residential parcels is calculated on a per parcel basis.
(2) Per the Rate and Method of Apportionment, the maximum special tax for non-residential parcels is calculated per acre or fraction thereof.
(3) Includes a rounding adjustment for County tax submittal purposes.

The table below shows the Fiscal Year 2010/11 Maximum Special Tax for the District:

Parcel Classification	Parcel Count	Maximum Rate	Total Maximum Special Tax
Residential (1)	4,038	$207.57	$838,167.66
Non-Residential (2)	64	207.57	72,443.47
Exempt	199	0.00	0.00
Total	**4,301**		**$910,611.13**

(1) Per the Rate and Method of Apportionment, the maximum special tax for residential parcels is calculated on a per parcel basis.
(2) Per the Rate and Method of Apportionment, the maximum special tax for non-residential parcels is calculated per acre or fraction thereof.

Please refer to section 3 of this report for details of the Special Tax Formula.

2. DELINQUENCY MANAGEMENT

2.1. Delinquency Summary

The following table shows the Fiscal Year 2010/11 delinquency rate for the District:

2010/11 Levy	2010/11 Delinquencies	2010/11 Delinquency Rate	Delinquency Management Steps Taken
$910,570.52	$18,472.84	2.03%	Reminder and Demand Letters Sent

NBS monitors the delinquency rate and reviews the delinquency situation after each payment date. With the City's authorization, NBS sent reminder and demand letters to delinquent property owners to encourage the immediate payment of delinquent property tax bills.

Please refer to section 5 of this report for a delinquency detail report for the District.

2.2. Delinquency Summary Report

The following page summarizes delinquencies for 2010/11 and prior fiscal years.

City of Clayton

Delinquency Summary Report

As of: 06/08/2011

District	Due Date	Billed Amount	Paid Amount	Delinquent Amount	Delinquent Amount %	Billed Installments	Paid Installments	Delinquent Installments	Delinquent Installments %
CFD 2007-1									
	8/1/2007 Billing:								
	12/10/2007	$430,512.48	$430,020.58	$491.90	0.11 %	4,071	4,066	5	0.12 %
	4/10/2008	430,512.48	429,823.82	688.66	0.16 %	4,071	4,064	7	0.17 %
	Subtotal:	**$861,024.96**	**$859,844.40**	**$1,180.56**	**0.14 %**	**8,142**	**8,130**	**12**	**0.15 %**
	8/1/2008 Billing:								
	12/10/2008	$443,649.10	$443,041.78	$607.32	0.14 %	4,078	4,072	6	0.15 %
	4/10/2009	443,649.10	442,434.46	1,214.64	0.27 %	4,078	4,066	12	0.29 %
	Subtotal:	**$887,298.20**	**$885,476.24**	**$1,821.96**	**0.21 %**	**8,156**	**8,138**	**18**	**0.22 %**
	8/1/2009 Billing:								
	12/10/2009	$447,607.48	$445,362.82	$2,244.66	0.50 %	4,102	4,080	22	0.54 %
	4/10/2010	447,607.48	445,056.73	2,550.75	0.57 %	4,102	4,077	25	0.61 %
	Subtotal:	**$895,214.96**	**$890,419.55**	**$4,795.41**	**0.54 %**	**8,204**	**8,157**	**47**	**0.57 %**
	8/1/2010 Billing:								
	12/10/2010	$455,285.26	$449,473.58	$5,811.68	1.28 %	4,102	4,046	56	1.37 %
	4/10/2011	455,285.26	442,624.10	12,661.16	2.78 %	4,102	3,980	122	2.97 %
	Subtotal:	**$910,570.52**	**$892,097.68**	**$18,472.84**	**2.03 %**	**8,204**	**8,026**	**178**	**2.17 %**
CFD 2007-1	**Total:**	**$3,554,108.64**	**$3,527,837.87**	**$26,270.77**	**0.74 %**	**32,706**	**32,461**	**255**	**0.78 %**
Agency Grand Total:		**$3,554,108.64**	**$3,527,837.87**	**$26,270.77**	**0.74 %**				

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3. RATE AND METHOD OF APPORTIONMENT

3.1. Method of Apportionment

A Special Tax will be levied annually on each taxable parcel of land within the District and collected in the same manner as ordinary ad-valorem property taxes or in such manner as the City Council or its designee shall determine, including City-originated billing of the affected property owners.

3.2. Definitions

Taxable Parcels - Parcels of land within the boundaries of the District that are not included in the "Exempt Parcel" category listed below.

Exempt Parcels - Parcels of land owned by a public agency, right-of-way parcels, schools, hospitals, cemeteries, mortuaries, libraries, parks, mineral rights, private roads, pipelines, public parking facilities and common areas.

Residential Parcels - Taxable Parcels of land that are classified as single-family, condominium, townhouse, multi-family or rural residential parcels.

Non-residential Parcels - Taxable Parcels that are not classified as "Residential Parcels."

Special Tax - The Special Tax allowed to be levied on a property within the District, calculated pursuant to the Rate and Method of Apportionment of Special Tax.

3.3. Special Tax Formula

A. **Residential Parcels** - An annual Special Tax will be levied on all Residential Parcels, as defined above, at the per parcel tax rate shown below for each Fiscal Year 2007/2008 through 2016/2017:

   Residential Parcel Annual Special Tax Rate for Fiscal Year 2007/08: $196.77 per parcel.

B. **Non-residential Parcels** - An annual Special Tax will be levied on all Non-residential Parcels, as defined above, at the per acre rate shown below for each Fiscal Year 2007/08 through 2016/17:

   Non-residential Parcel Annual Special Tax Rate for Fiscal Year 2007/08: $196.77 per acre or fraction thereof.

3.4. Special Tax Escalator Factor

In Fiscal Years 2008/09 through 2016/17, the Special Annual Tax rate may be increased annually by the City of Clayton City Council in an amount not to exceed the full annual adjustment (April to April) in the Consumer Price Index – All Urban Consumers, San Francisco-Oakland-San Jose, CA Area (Base Period 1982-84 = 100). This escalation factor is applicable if determined by the City to be necessary due to expected or actual increases in the operational and maintenance expenses attributable to the District. Such determination shall be made by action of the City of Clayton City Council, which must occur at a regular public meeting thereof accompanied by a prior

recommendation of the citizens' Trails and Landscaping Committee established by the City Council in February 2006 (City Resolution No. 08-2006). In no event shall each annual Special Tax rate in any fiscal year increase by more than three percent (3%) over the previous year.

The Special Tax Escalation Factor for Fiscal Year 2011/12 is 2.82%.

3.5. Duration of Special Tax Levy

The Special Tax will be levied annually for a period of ten (10) years commencing with Fiscal Year 2007/08 through and including Fiscal Year 2016/17. After the ten (10) year duration has expired the Special Tax may no longer be collected unless extended pursuant to applicable laws, except that a Special Tax that was lawfully levied in or before the final tax year and that remains delinquent may be collected in subsequent years.

3.6. Relationship to Special Tax of Community Facilities District 1997-1

The District was created to replace Community Facilities District 1997-1 as the new district to levy an annual Special Tax for Citywide Landscape Maintenance purposes for duration of 10 years. The Community Facilities District 1997-1 had a maturity date of June 30, 2007. In order to continue landscaping maintenance for the City of Clayton, the City has adopted and approved Resolution 06-2007 on February 20, 2007.

4. BACKGROUND INFORMATION

4.1. Project Description

The services to be financed by the District shall include the maintenance of:

A. **Public Roadway Landscaping** – which includes but is not limited to the following improved rights-of-way:

Atchinson Stage Road - from Pine Hollow Road to Caulfield Drive
Black Point Place - center median island
Caulfield Court - center median island
Center Street - from Oak Street to Clayton Road
Clayton Road - from the western city limits to the southern Marsh Creek Road intersection
Cul-de-sacs - landscaped areas at the end of Ahwanee Lane, Wawona Court, Tuyshtak Court, Antelope Court, Obsidian Court, Blue Oak Lane, Falcon Place, Windmill Canyon Place, Hummingbird Place, Raven Place, and Golden Eagle Place
Diablo Parkway - from Marsh Creek Road to El Portal Drive
Eagle Peak Avenue - from the east intersection with Oakhurst Drive to just west of the Ohlone Heights intersection, and including the west intersection with Oakhurst Drive
Indianhead Way - entrance area at Oakhurst Drive
Indian Wells Way - both entrance areas with Oakhurst Drive, and center medians up to Anizume Court and Jalalon Place
Jeffry Ranch Court - center median island
Keller Ridge Drive - to Golden Eagle Place intersection
Lydia Lane - from intersection of Clayton Road to Lydia Lane Park
Main Street - from Clayton Road to (old) Marsh Creek Road
Marsh Creek Road - from the northern intersection of (old) Marsh Creek Road to the eastern city limits
Oakhurst Drive - from the western city limits to Clayton Road intersection
Peacock Creek Drive - from Clayton Road to approximately the Pebble Beach Drive intersection
Pine Hollow Road - from Atchinson Stage Road to Panadero Way
Regency Drive – median entrance from Marsh Creek Road
So. Mitchell Canyon Road - from approx. Del Trigo Lane to Herriman Court intersection

B. **Open Space and Trails** – which include but are not limited to:

Publicly-owned creek-side, intra-community and open space trails located within the boundaries of the District.

C. **Clayton Fountain** – which includes but is not limited to:

Maintenance to the fountain itself, rock structure and all attendant appurtenances, including the geyser and water pump system as well as the surrounding public landscaped area located at east side of the intersection of Oakhurst Drive, Center Street and Clayton Road.

Definitions

"Maintenance" means the furnishing of services and materials for the ordinary and usual operation, maintenance and care of the public landscaping and appurtenant facilities, including repair, removal or replacement of all or part of any landscaping and appurtenant facilities providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid wastes; and the eradication of landscape pests, including but not limited to vermin and rodents, ground squirrels, gophers, moles and wild pig. "Maintenance" also includes the furnishing of water for irrigation of the public landscaping, and the supply of electricity to operate the attendant irrigation systems.

The foregoing services shall be provided through and by the City of Clayton, either with its own labor forces or by contract with third parties, or any combination thereof, as determined solely by the City of Clayton.

"Costs" means the costs and expenses directly or indirectly incurred by the City of Clayton in connection with the Maintenance described above. Allowable Costs payable from special taxes of the District also include the County's imposed costs to levy and collect the District's special taxes through the annual property tax bill, the City's shared equipment and facilities charges, City prorated overhead charges to administer and manage the District and collect the special taxes and District reserve funds for replacement and major repairs.

4.2. Resolution

The resolution approved by the City Council authorizing the levy of the special tax was not available at the time of writing this report.

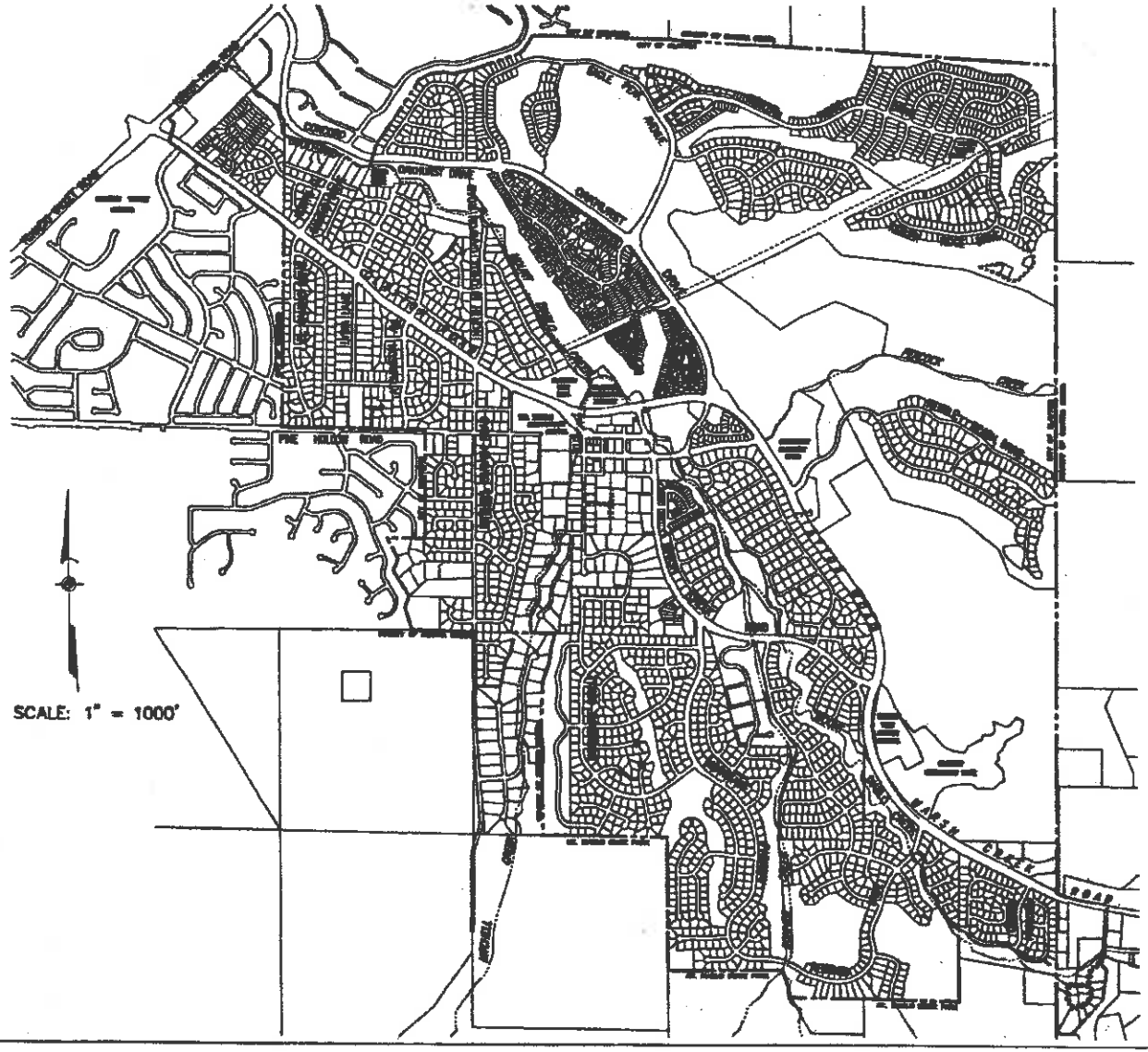
4.3. Boundary Map

The following page shows the boundaries of the District.

PROPOSED BOUNDARIES OF

COMMUNITY FACILITIES DISTRICT NO. 2007-1
(CITYWIDE LANDSCAPE MAINTENANCE DISTRICT)

CITY OF CLAYTON, COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



CITY RECORDER'S STATEMENT:

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CLAYTON, THIS 4th DAY OF January, 2007.

BY: Lai J. Jackson
CITY CLERK
CITY OF CLAYTON

CITY CLERK'S STATEMENT:

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NUMBER 2007-1 IN THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON AT A REGULAR MEETING THEREOF, HELD ON THE 16th DAY OF January, 2007, BY ITS RESOLUTION NO. 04-2007

BY: Lai J. Jackson
CITY CLERK
CITY OF CLAYTON

RECORDER'S CERTIFICATE:

FILED THIS 23rd DAY OF January 2007, AT THE HOUR OF 2:04 O'CLOCK P.M. IN BOOK 81 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 15, AND AS INSTRUMENT NUMBER 07-0000 IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

BY: STEPHEN L. WEIR
COUNTY RECORDER
COUNTY OF CONTRA COSTA

BY: D. Mandel
DEPUTY COUNTY RECORDER

LEGEND

——— CITY LIMIT LINE AND COMMUNITY FACILITY DISTRICT BOUNDARY

1-23-07 2:04 PM 81-15

5. DELINQUENCY DETAIL

The following pages detail delinquencies for 2010/11 and prior fiscal years.

City of Clayton

CFD 2007-1 Citywide Landscaping Tax

Delinquency Detail Report

Late Charges Calculated Through 06/08/2011

Account ID	Owner	Due Date	Amount	Penalty	Interest	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
118-031-012	DOWNS DAVID F & KRISTEN K 5484 TARA DR CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-061-005	FOSBERY JEFFERY PO BOX 485 CLAYTON, CA 94517	12/10/2007	98.38	9.84	53.13	0.00	161.35	RL DL	
		04/10/2008	98.38	9.84	53.13	0.00	161.35	RL DL	
		12/10/2008	101.22	10.12	36.44	0.00	147.78	RL DL	
		04/10/2009	101.22	10.12	36.44	0.00	147.78	DL	
		12/10/2009	102.03	10.20	18.37	0.00	130.60	DL	
		04/10/2010	102.03	10.20	18.37	0.00	130.60	DL	
		12/10/2010	103.78	10.38	0.00	0.00	114.16	DL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	DL	
		Account Subtotal:	**$810.82**	**$81.08**	**$215.88**	**$0.00**	**$1,107.78**		
118-063-006	HUSTON JEFFREY J & JANINE 1531 N MITCHELL CANYON RD CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-071-017	HAFT STEVEN K & JULIE L & STEVENS MURRAY 1518 EL CAMINO DR CLAYTON, CA 94517	12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
118-071-020	DUENAS CONRAD R & ANA R 1500 EL CAMINO DR CLAYTON, CA 94517	04/10/2009	101.22	10.12	36.44	0.00	147.78	RL	
		12/10/2009	102.03	10.20	18.37	0.00	130.60	RL	
		04/10/2010	102.03	10.20	18.37	0.00	130.60	RL	
		Account Subtotal:	**$305.28**	**$30.52**	**$73.18**	**$0.00**	**$408.98**		
118-093-004	VANATTA DANIEL L & GESINEE CH 5979 WALLACE DR CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		

(1) Fees: This amount excludes Delinquency Management fees that were or will be collected in a subsequent billing.

(2) Delinquency Management Codes: RL=Reminder Sent; DL=Demand Letter Sent; SR=Tax Roll Removal Requested; SC=Tax Roll Removal Confirmed; FL=Foreclosure Letter Sent; OL=Other Letter Sent; FI=Judicial Foreclosure Initiated; CP=County Payment Plan; FH=Judicial Foreclosure on Hold/Special Case; FC=Foreclosure Complete; LIT=Litigation Guarantee; LGL=Legal Fees and Costs; O=Other Fees; SO=Tax Roll Removal County Fee; PP = Payment Plan.

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City of Clayton
CFD 2007-1 Citywide Landscaping Tax
Delinquency Detail Report
Late Charges Calculated Through 06/08/2011

Account ID	Owner	Due Date	Amount	Penalty	Interest	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
118-101-007	DELGADO DAVID F & DEBRA 11 XAVIER PL CLAYTON, CA 94517	12/10/2010 04/10/2011	103.78 103.78	10.38 10.38	0.00 0.00	0.00 0.00	114.16 RL 114.16 RL		
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
118-164-004	DIRA MARIBEL 9172 QUAIL COVE DR ELK GROVE, CA 95624	12/10/2010 04/10/2011	103.78 103.78	10.38 10.38	0.00 0.00	0.00 0.00	114.16 114.16		
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
118-164-013	GUANZON JEANNIE M 5472 TARA DR CLAYTON, CA 94517	12/10/2010 04/10/2011	103.78 103.78	10.38 10.38	0.00 0.00	0.00 0.00	114.16 114.16		
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
118-164-019	THOMAS GARY & LORETTA & ERIC THOMAS 1505 OHARA CT CLAYTON, CA 94517	12/10/2009 04/10/2010	102.03 102.03	10.20 10.20	18.37 18.37	0.00 0.00	130.60 RL 130.60 RL		
		Account Subtotal:	**$204.06**	**$20.40**	**$36.74**	**$0.00**	**$261.20**		
118-164-025	BASAVARAJ BHARATUR & SHIVAMALA 1531 OHARA CT CLAYTON, CA 94517	12/10/2010 04/10/2011	103.78 103.78	10.38 10.38	0.00 0.00	0.00 0.00	114.16 RL 114.16 RL		
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
118-164-047	HENDRICKS-BOTSFORD LYNETTE R & BOTSFORD 1537 HAVILAND PL CLAYTON, CA 94517	12/10/2010 04/10/2011	103.78 103.78	10.38 10.38	0.00 0.00	0.00 0.00	114.16 114.16		
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
118-164-048	GWIN HALTON M & CAROLYN M 1541 HAVILAND PL CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		

(1) Fees: This amount excludes Delinquency Management fees that were or will be collected in a subsequent billing.

(2) Delinquency Management Codes: RL=Reminder Sent; DL=Demand Letter Sent; SR=Tax Roll Removal Requested; SC=Tax Roll Removal Confirmed; FL=Foreclosure Letter Sent; OL=Other Letter Sent; FI=Judicial Foreclosure Initiated; CP=County Payment Plan; FH=Judicial Foreclosure on Hold/Special Case; FC=Foreclosure Complete; LIT=Litigation Guarantee; LGL=Legal Fees and Costs; O=Other Fees; SO=Tax Roll Removal County Fee; PP = Payment Plan.

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City of Clayton

CFD 2007-1 Citywide Landscaping Tax

Delinquency Detail Report

Late Charges Calculated Through 06/08/2011

Account ID	Owner	Due Date	Amount	Penalty	Interest	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
118-221-005	SANCHEZ SALVADOR & AILEEN J 614 BLACK POINT CT CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-222-003	FAINA KEITH J & SUSAN M 115 JEFFRY RANCH CT CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-222-004	KHACHADOORIAN GARY 121 JEFFRY RANCH CT CLAYTON, CA 94517	12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
118-222-011	HENDRICK IVAN L & CHRISALEE C PO BOX 860 CLAYTON, CA 94517	04/10/2009	101.22	10.12	36.44	0.00	147.78	RL	
		12/10/2009	102.03	10.20	18.37	0.00	130.60	RL	
		04/10/2010	102.03	10.20	18.37	0.00	130.60	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$409.06**	**$40.90**	**$73.18**	**$0.00**	**$523.14**		
118-230-001	SUNDERLAND WILLIAM C & DEBRA 5801 CAULFIELD DR CLAYTON, CA 94517	12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
118-230-008	MAROWSKY HORST K c/o: LORETTA L HEFNER MA 25A CRESCENT DR #345 PLEASANT HILL, CA 94523	12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
118-230-010	SUNDERLAND WILLIAM C & DEBRA 5801 CAULFIELD DR CLAYTON, CA 94517	12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		

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City of Clayton
CFD 2007-1 Citywide Landscaping Tax
Delinquency Detail Report
Late Charges Calculated Through 06/08/2011

Account ID	Owner	Due Date	Amount	Penalty	Interest	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
118-321-005	LEONBERGER LIDIA 1809 YOLANDA CIR CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-331-005	HUERTA RAFAEL JR & EVELIA 1827 YOLANDA CIR CLAYTON, CA 94517	12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
118-381-001	HUTFLIESS MARK R & LINDA 11 EAGLE PEAK PL CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-392-004	ESPINOZA DARIO W & LILIA M 1828 OHLONE HTS CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-392-012	AMMONS WILLIAM STEVE 1568 HUDSON ST REDWOOD CITY, CA 94061	04/10/2010	102.03	10.20	18.37	0.00	130.60		
		12/10/2010	103.78	10.38	0.00	0.00	114.16		
		04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$309.59**	**$30.96**	**$18.37**	**$0.00**	**$358.92**		
118-401-006	DIMATTEO DIANE C 1780 INDIAN WELLS WAY CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-401-014	ROW PAUL K & LINDA H 23 RIDGETOP WAY NAPA, CA 94558	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-402-023	RUBINO MARY KATHRYN 1648 CORTE DE CALLAS SAN JOSE, CA 95124	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		

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Late Charges Calculated Through 06/08/2011

Account ID	Owner	Due Date	Amount	Penalty	Interest	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
118-402-054	RICHARDSON DENIS E & JANICE H 201 ROUND HOUSE PL CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-402-059	HAGUE LILLIAN 38 JALALON PL CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-410-019	WELLS FARGO BANK NA c/o: CARRINGTON MORTGAGE 1610 E SAINT ANDREW PL SANTA ANA, CA 92705	12/10/2010 04/10/2011	103.78 103.78	10.38 10.38	0.00 0.00	0.00 0.00	114.16 114.16		
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
118-410-020	PEREZ EDWARD RAPHAEL & PICKOLICK CHERYL 1355 SHELL LN CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-410-059	GELLER JANICE LYNN 1258 SHELL CIR CLAYTON, CA 94517	12/10/2010 04/10/2011	103.78 103.78	10.38 10.38	0.00 0.00	0.00 0.00	114.16 114.16		
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
118-410-071	FERRETTI DARLA J 1282 SHELL CIR CLAYTON, CA 94517	12/10/2010 04/10/2011	103.78 103.78	10.38 10.38	0.00 0.00	0.00 0.00	114.16 114.16		
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
118-410-074	RENWICK SAMUEL & JENNIFER 1288 SHELL CIR CLAYTON, CA 94517	12/10/2010 04/10/2011	103.78 103.78	10.38 10.38	0.00 0.00	0.00 0.00	114.16 114.16		
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		

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Account ID	Owner	Due Date	Amount	Penalty	Interest	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
118-422-003	RIGOLI DANIEL A & DIANA D 352 BLUE OAK LN CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-442-012	VALENCIA JANET 3013 WINDMILL CANYON DR CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-443-001	FIELD ANTHONY ROBERT 10 HIDDEN CREST CT DANVILLE, CA 94506	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-452-038	JOHNSON ROXANNE D 5102 KELLER RIDGE DR CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-460-005	KHAN FAROOQ H 608 JULPUN LOOP CLAYTON, CA 94517	12/10/2010 04/10/2011	103.78 103.78	10.38 10.38	0.00 0.00	0.00 0.00	114.16 114.16		
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
118-460-045	JENSEN MARK A & PAMELA A 803 CHERT PL CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-460-076	RIKER WILLIAM G & SUDWEEKS-RIKER JUDY 716 ANIZUMNE CT CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-470-064	WOOD FRANCESCA 1003 FEATHER CIR CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		

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Delinquency Detail Report
Late Charges Calculated Through 06/08/2011

Account ID	Owner	Due Date	Amount	Penalty	Interest	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
118-470-119	FARLEY JOHN & MARION 1025 FEATHER CIR CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-500-013	BALIDO EDMERALDO A & JEANNIE Y 1124 PEACOCK CREEK DR CLAYTON, CA 94517	12/10/2009	102.03	10.20	18.37	0.00	130.60		
		04/10/2010	102.03	10.20	18.37	0.00	130.60		
		12/10/2010	103.78	10.38	0.00	0.00	114.16		
		04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$411.62**	**$41.16**	**$36.74**	**$0.00**	**$489.52**		
118-550-015	DANGINA JOSEPH R 512 RAVEN PL CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-560-007	PRESLEY COMPANIES 6095 MAIN STREET CLAYTON, CA 94517-1203 USA	12/10/2007	98.38	9.84	53.13	0.00	161.35		DB
		04/10/2008	98.38	9.84	53.13	0.00	161.35		DB
		Account Subtotal:	**$196.76**	**$19.68**	**$106.26**	**$0.00**	**$322.70**		
118-560-022	PRESLEY COMPANIES 1350 ARNOLD DR #201	12/10/2008	101.22	10.12	36.44	0.00	147.78	RL	
		04/10/2009	101.22	10.12	36.44	0.00	147.78	RL	
		12/10/2009	102.03	10.20	18.37	0.00	130.60	RL	
		04/10/2010	102.03	10.20	18.37	0.00	130.60	RL	
		12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$614.06**	**$61.40**	**$109.62**	**$0.00**	**$785.08**		
118-570-006	WHITE RICK DUANE 373 BLUE OAK LN CLAYTON, CA 94517	12/10/2007	98.38	9.84	53.13	0.00	161.35	RL	
		04/10/2008	98.38	9.84	53.13	0.00	161.35	RL	
		12/10/2008	101.22	10.12	36.44	0.00	147.78	RL	
		04/10/2009	101.22	10.12	36.44	0.00	147.78		
		12/10/2009	102.03	10.20	18.37	0.00	130.60		
		04/10/2010	102.03	10.20	18.37	0.00	130.60		
		12/10/2010	103.78	10.38	0.00	0.00	114.16		
		04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$810.82**	**$81.08**	**$215.88**	**$0.00**	**$1,107.78**		

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118-570-014	FITZSIMMONS JOSEPH J & WALSH CAROLE A 389 BLUE OAK LN CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-570-018	OLSON BRIAN & EDYTHE 81 WILDCAT WAY CLAYTON, CA 94517	12/10/2009	102.03	10.20	18.37	0.00	130.60		
		04/10/2010	102.03	10.20	18.37	0.00	130.60		
		Account Subtotal:	**$204.06**	**$20.40**	**$36.74**	**$0.00**	**$261.20**		
118-570-022	SHEA KEVIN 479 OBSIDIAN WAY CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-580-011	ROUHANI DAVID L & MICKHAIL SALLY S 220 CONDOR WAY CLAYTON, CA 94517	12/10/2010	103.78	10.38	0.00	0.00	114.16		
		04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
118-590-024	FLACK PHYLLIS 4903 KELLER RIDGE DR CLAYTON, CA 94517	12/10/2010	103.78	10.38	0.00	0.00	114.16		
		04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
118-600-031	NICKERSON GLENNA Y 307 CONDOR PL CLAYTON, CA 94517	12/10/2009	102.03	10.20	18.37	0.00	130.60		
		04/10/2010	102.03	10.20	18.37	0.00	130.60		
		12/10/2010	103.78	10.38	0.00	0.00	114.16		
		04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$411.62**	**$41.16**	**$36.74**	**$0.00**	**$489.52**		
118-610-020	POITRAS LOUIS 3311 ROMA PL SAN RAMON, CA 94583	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		

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118-620-008	SKOV BARBARA A 3089 WINDMILL CANYON DR CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-620-033	VEGA ROBERT L & PORTHIA S 7009 MOLLUK WAY CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-640-034	WELLS FARGO BANK NA c/o: CARRINGTON MORTGAGE 1610 E SAINT ANDREW PL #B150 SANTA ANA, CA 92705	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-650-011	LANFRANCHI MARK W & LAURA E 805 GRAY FOX PL CLAYTON, CA 94517	04/10/2008	98.38	9.84	53.13	0.00	161.35	RL	
		12/10/2008	101.22	10.12	36.44	0.00	147.78	RL	
		04/10/2009	101.22	10.12	36.44	0.00	147.78		
		12/10/2009	102.03	10.20	18.37	0.00	130.60		
		04/10/2010	102.03	10.20	18.37	0.00	130.60		
		Account Subtotal:	**$504.88**	**$50.48**	**$162.75**	**$0.00**	**$718.11**		
118-650-013	MENDEZ DAVID L 809 GREY FOX PL CLAYTON, CA 94517	12/10/2010	103.78	10.38	0.00	0.00	114.16		
		04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
118-660-031	BONELLI JEANETTE 3203 COYOTE CIR CLAYTON, CA 94517	12/10/2010	103.78	10.38	0.00	0.00	114.16		
		04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
118-670-017	SHIPSTEAD JOHN & NICOLE 8053 KELOK WAY CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		

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118-670-026	ONEILL GREGORY E 5229 KELLER RIDGE DR CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-680-021	SON JENNIFER J 5210 KELLER RIDGE DR CLAYTON, CA 94517	12/10/2010	103.78	10.38	0.00	0.00	114.16		
		04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
118-690-007	CADEMARTORI DAVID & STEPHANIE 303 COAL MINE CT CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-690-030	GAMBLE JAMES K & SANDRA A 202 PROSPECTOR PL CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
118-700-007	OSULLIVAN ROBERT P JR & KATHLEEN 1214 BRIDLEWOOD CT CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
119-021-013	CAPELLA RAYMOND A & ELIZABETH 6490 MARSH CREEK RD CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
119-021-065	PACIFIC TELEPHONE & TELEGRAPH 1 MONTGOMERY ST #412 SAN FRANCISCO, CA 94104	12/10/2010	103.78	10.38	0.00	0.00	114.16		
		04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		

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119-021-070	FINE MICHAEL C & SHEEHAN LISA R 6004 HIGH ST CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
119-022-001	MATHEWS JOHN W c/o: VIOLET CHURCHILL 11507 SILVERGATE DR DUBLIN, CA 94568	12/10/2010 04/10/2011	103.78 103.78	10.38 10.38	0.00 0.00	0.00 0.00	114.16 RL 114.16 RL		
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
119-040-035	RIESSEN DAVID V & KAREN A 925 DOUGLAS RD CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
119-050-031	FRANK CARMEN D 1028 PINE HOLLOW CT CLAYTON, CA 94517	12/10/2010 04/10/2011	103.78 103.78	10.38 10.38	0.00 0.00	0.00 0.00	114.16 114.16		
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
119-050-036	FRANK CARMEN D 1028 PINE HOLLOW CT CLAYTON, CA 94517	12/10/2010 04/10/2011	103.78 103.78	10.38 10.38	0.00 0.00	0.00 0.00	114.16 114.16		
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
119-111-007	LINVILLE KATHRYN 11 NEWMAN CT CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
119-111-010	MARTINEZ ALEJANDRO & DELACERDA CECILIA 1019 KENSTON DR CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		

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119-130-007	LAVEZZOLI MARK & KRISTEN 10 WIDMAR CT CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
119-130-014	SILVESTER RICHARD & M L 128 WIDMAR PL CLAYTON, CA 94517	12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
119-152-012	TRIMBLE PATRICK A & WENDY F 176 MOUNTAIRE PKWY CLAYTON, CA 94517	12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
119-152-034	BLUE GREGORY T & NANCY K 140 MOUNTAIRE PKWY CLAYTON, CA 94517	12/10/2009	102.03	10.20	18.37	0.00	130.60	RL	
		04/10/2010	102.03	10.20	18.37	0.00	130.60	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$307.84**	**$30.78**	**$36.74**	**$0.00**	**$375.36**		
119-201-004	MORANO MICHAEL J & STEPHANIE 30 MT SCOTT CT CLAYTON, CA 94517	04/10/2010	102.03	10.20	18.37	0.00	130.60	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$205.81**	**$20.58**	**$18.37**	**$0.00**	**$244.76**		
119-212-025	SPARKS THOMAS A & JODY 372 MT WASHINGTON WAY CLAYTON, CA 94517	04/10/2009	101.22	10.12	36.44	0.00	147.78		
		Account Subtotal:	**$101.22**	**$10.12**	**$36.44**	**$0.00**	**$147.78**		
119-231-010	MARCELO MONALISA 20 MT WILSON WAY CLAYTON, CA 94517	12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		

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119-232-022	MIRMOTALEBISOHI HOSSEIN 1 LONG CREEK CIR CLAYTON, CA 94517	12/10/2007	98.38	9.84	53.13	0.00	161.35	RL DL	
		04/10/2008	98.38	9.84	53.13	0.00	161.35	RL DL	
		04/10/2009	101.22	10.12	36.44	0.00	147.78	DL	
		04/10/2010	102.03	10.20	18.37	0.00	130.60	DL	
		12/10/2010	103.78	10.38	0.00	0.00	114.16	DL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	DL	
	Account Subtotal:		**$607.57**	**$60.76**	**$161.07**	**$0.00**	**$829.40**		
119-232-023	HINDS MARK G & MARY C 5725 LAURELWOOD PL CONCORD, CA 94521	12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
	Account Subtotal:		**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
119-242-007	BENEDETTO EDMOND R 10 CLARK CREEK CIR CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
	Account Subtotal:		**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
119-281-007	PROMSUNTISIT SURACHAI CH & VANATTA GESIN 5979 WALLACE DR CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
	Account Subtotal:		**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
119-321-008	HANSON DAVID C & KATHLEEN E 50 PETAR CT CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
	Account Subtotal:		**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
119-321-010	TYRYFTER JOAN 45 PETAR CT CLAYTON, CA 94517	04/10/2009	101.22	10.12	36.44	0.00	147.78	RL	
		12/10/2009	102.03	10.20	18.37	0.00	130.60	RL	
		04/10/2010	102.03	10.20	18.37	0.00	130.60	RL	
		12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
	Account Subtotal:		**$512.84**	**$51.28**	**$73.18**	**$0.00**	**$637.30**		
119-322-020	ISAKSON DAVID O & ALICE J 2 MIRANGO CT CLAYTON, CA 94517	12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
	Account Subtotal:		**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		

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Account ID	Owner	Due Date	Amount	Penalty	Interest	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
119-353-012	HAHN MICHAEL & KUEK-HAHN KRISTINA 91 REGENCY DR CLAYTON, CA 94517	12/10/2009	102.03	10.20	18.37	0.00	130.60	RL	
		04/10/2010	102.03	10.20	18.37	0.00	130.60	RL	
		12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$411.62**	**$41.16**	**$36.74**	**$0.00**	**$489.52**		
119-362-006	SHAD SHAHRIAR S & TAMMY L 220 ROUNDHILL PL CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
119-381-004	AVEN MICHAEL 199 MOUNTAIRE PKWY CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
119-392-002	ROUNDHILL ENTERPRISES INC 312 ROUNDHILL PL CLAYTON, CA 94517	12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
119-412-010	LAIGN PAUL E JR & ANDREA L 206 MT WILSON PL CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
119-440-004	SCHROEDER CRISTY L & JOHNSON ERIK A 120 MT EVEREST CT CLAYTON, CA 94517	12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
119-440-018	FOSKETT DOUGLAS & CHERYL PO BOX 145 CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		

(1) Fees: This amount excludes Delinquency Management fees that were or will be collected in a subsequent billing.

(2) Delinquency Management Codes: RL=Reminder Sent; DL=Demand Letter Sent; SR=Tax Roll Removal Requested; SC=Tax Roll Removal Confirmed; FL=Foreclosure Letter Sent; OL=Other Letter Sent; FI=Judicial Foreclosure Initiated; CP=County Payment Plan; FH=Judicial Foreclosure on Hold/Special Case; FC=Foreclosure Complete; LIT=Litigation Guarantee; LGL=Legal Fees and Costs; O=Other Fees; SO=Tax Roll Removal County Fee; PP = Payment Plan.

(3) Miscellaneous Codes: DB=Direct Bill Sent ; BK=Declared Bankruptcy; PM=Partial Payment made, remainder delinquent.

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City of Clayton
CFD 2007-1 Citywide Landscaping Tax
Delinquency Detail Report
Late Charges Calculated Through 06/08/2011

Account ID	Owner	Due Date	Amount	Penalty	Interest	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
119-451-012	WELLS MICHAEL H 407 WRIGHT CT CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
119-451-021	COVERDALE BRUCE P & HELEN 517 E MYRICK CT CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
119-451-022	LYNN WILLIAM CRAIG & RATH RAQUEL GYNAN 523 E MYRICK CT CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
119-461-006	CARR JOHN & THONGURAI SRIPHRAI 70 EL MOLINO DR CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
119-464-004	ENGLUND DERRY L & SALLY A 717 BLOCHING CIR CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
119-472-008	BENNING HENRY & MICHELLE 107 SALAZAR CT CLAYTON, CA 94517	12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
119-472-017	WIGGENHAUSER UWE 114 SAMUEL CT CLAYTON, CA 94517	12/10/2009	102.03	10.20	18.37	0.00	130.60	RL	
		04/10/2010	102.03	10.20	18.37	0.00	130.60	RL	
		12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$411.62**	**$41.16**	**$36.74**	**$0.00**	**$489.52**		

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City of Clayton
CFD 2007-1 Citywide Landscaping Tax
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Account ID	Owner	Due Date	Amount	Penalty	Interest	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
119-480-008	MINGAY BRUCE M & MARY K 7246 MARSH CREEK CIR CLAYTON, CA 94517	12/10/2007	98.38	9.84	53.13	0.00	161.35	RL DL	
		04/10/2008	98.38	9.84	53.13	0.00	161.35	RL DL	
		12/10/2008	101.22	10.12	36.44	0.00	147.78	RL DL	
		04/10/2009	101.22	10.12	36.44	0.00	147.78	DL	
		12/10/2009	102.03	10.20	18.37	0.00	130.60	DL	
		04/10/2010	102.03	10.20	18.37	0.00	130.60	DL	
		12/10/2010	103.78	10.38	0.00	0.00	114.16	DL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	DL	
		Account Subtotal:	**$810.82**	**$81.08**	**$215.88**	**$0.00**	**$1,107.78**		
119-490-028	BEDECARRE JOHN JAY 573 MT OLIVET PL CLAYTON, CA 94517	12/10/2010	103.78	10.38	0.00	0.00	114.16		
		04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
119-490-037	DEMARTINI JOSEPH C & SAMANTHA 633 MT OLIVET CT CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
119-490-038	BOYCE JAMES G & JULIE A 639 MT OLIVET CT CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
119-490-055	LAM PRITCHARD YEE KANG & JOAN 609 MT OLIVET CT CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
119-510-020	KOHLER MICHAEL J & CARYL 297 MOUNTAIRE PKWY CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		

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City of Clayton
CFD 2007-1 Citywide Landscaping Tax
Delinquency Detail Report
Late Charges Calculated Through 06/08/2011

Account ID	Owner	Due Date	Amount	Penalty	Interest	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
119-555-002	WHEABLE GEORGE E 421 ZINFANDEL CIR CLAYTON, CA 94517	12/10/2009	102.03	10.20	18.37	0.00	130.60	RL	
		04/10/2010	102.03	10.20	18.37	0.00	130.60	RL	
		12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$411.62**	**$41.16**	**$36.74**	**$0.00**	**$489.52**		
119-573-003	HOOD GARY & LINDA 1301 EASLEY DR CLAYTON, CA 94517	12/10/2009	102.03	10.20	18.37	0.00	130.60	RL	
		04/10/2010	102.03	10.20	18.37	0.00	130.60	RL	
		12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$411.62**	**$41.16**	**$36.74**	**$0.00**	**$489.52**		
119-583-002	VANLIEW KRISTOPHER L & REBECCA 1242 EASLEY DR CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
119-620-045	DICKIE DARREN & KATHLEEN 257 STRANAHAN CIR CLAYTON, CA 94517	04/10/2008	98.38	9.84	53.13	0.00	161.35	RL DL	
		12/10/2008	101.22	10.12	36.44	0.00	147.78	RL DL	
		04/10/2009	101.22	10.12	36.44	0.00	147.78	DL	
		12/10/2009	102.03	10.20	18.37	0.00	130.60	DL	
		04/10/2010	102.03	10.20	18.37	0.00	130.60	DL	
		12/10/2010	103.78	10.38	0.00	0.00	114.16	DL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	DL	
		Account Subtotal:	**$712.44**	**$71.24**	**$162.75**	**$0.00**	**$946.43**		
120-025-002	MURRY CALVIN L & DOLLIE M 62 NOTTINGHAM CIR CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
120-025-003	OBRIEN MICHAEL D & KATHLENE 68 NOTTINGHAM CIR CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		

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City of Clayton
CFD 2007-1 Citywide Landscaping Tax
Delinquency Detail Report
Late Charges Calculated Through 06/08/2011

Account ID	Owner	Due Date	Amount	Penalty	Interest	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
120-025-004	FRANK CARMEN D 1028 PINE HOLLOW CT CLAYTON, CA 94517	12/10/2010	103.78	10.38	0.00	0.00	114.16		
		04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
120-031-009	HILL ANDREW K & CYNTHIA A 86 NOTTINGHAM PL CLAYTON, CA 94517	04/10/2009	101.22	10.12	36.44	0.00	147.78	RL	
		12/10/2009	102.03	10.20	18.37	0.00	130.60	RL	
		04/10/2010	102.03	10.20	18.37	0.00	130.60	RL	
		12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$512.84**	**$51.28**	**$73.18**	**$0.00**	**$637.30**		
120-032-001	SILVA AMARO M & YOLANDA R 2 NOTTINGHAM CIR CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
120-032-004	TREMAINE RICHARD E & MARY J 20 NOTTINGHAM CIR CLAYTON, CA 94517	12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
120-033-004	ROYSTER ROBERT C & JOANNE 19 NOTTINGHAM CIR CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$103.78**	**$10.38**	**$0.00**	**$0.00**	**$114.16**		
120-052-017	HILL JEFFREY B & KERRY 1491 LYDIA LN CLAYTON, CA 94517	12/10/2009	102.03	10.20	18.37	0.00	130.60	RL	
		04/10/2010	102.03	10.20	18.37	0.00	130.60	RL	
		12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$411.62**	**$41.16**	**$36.74**	**$0.00**	**$489.52**		
120-104-001	VARGAS JOSEPH C & MARY A 1445 EL CAMINO DR CLAYTON, CA 94517	12/10/2010	103.78	10.38	0.00	0.00	114.16		
		04/10/2011	103.78	10.38	0.00	0.00	114.16		
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		

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Delinquency Detail Report
Late Charges Calculated Through 06/08/2011

Account ID	Owner	Due Date	Amount	Penalty	Interest	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
120-114-002	SIMBIRDI HARUN & TAMARA	12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
	1353 EL CAMINO DR	04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
	CLAYTON, CA 94517								
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
121-082-017	CARLSON SCOTT R & KATHRYN	12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
	24 RHINE CT	04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
	CLAYTON, CA 94517								
		Account Subtotal:	**$207.56**	**$20.76**	**$0.00**	**$0.00**	**$228.32**		
121-082-024	SHINGLETON ARTHUR JR & ELAINE	12/10/2009	102.03	10.20	18.37	0.00	130.60	RL	
	PO BOX 653	04/10/2010	102.03	10.20	18.37	0.00	130.60	RL	
	CLAYTON, CA 94517	04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$307.84**	**$30.78**	**$36.74**	**$0.00**	**$375.36**		
121-090-012	STICE JOHN J & PATRICIA L	12/10/2009	102.03	10.20	18.37	0.00	130.60	RL	
	895 MITCHELL CANYON RD	04/10/2010	102.03	10.20	18.37	0.00	130.60	RL	
	CLAYTON, CA 94517	12/10/2010	103.78	10.38	0.00	0.00	114.16	RL	
		04/10/2011	103.78	10.38	0.00	0.00	114.16	RL	
		Account Subtotal:	**$411.62**	**$41.16**	**$36.74**	**$0.00**	**$489.52**		
District Totals:	**128 Accounts**		**$26,270.77**	**$2,627.28**	**$2,156.87**	**$0.00**	**$31,054.92**		
Report Totals:	**128 Accounts**		**$26,270.77**	**$2,627.28**	**$2,156.87**	**$0.00**	**$31,054.92**		

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6. 2011/12 SPECIAL TAX ROLL

CFD 2007-1 Citywide Landscape Maintenance District
Special Tax

For fiscal year 2011-2012 the assessor's parcel numbers and the special tax amounts are as set forth in the Community Facilities District No.2007-1 (Citywide Landscape Maintenance) Preliminary Billing Levy Detail Report for FY 2011-12 on file in the City Clerk's office, City Hall, 6000 Heritage Trail, Clayton, CA. This report is available for viewing during regular business hours, generally Monday through Friday 9am-5pm, or by calling the Clayton City Clerks office at 673-7304.

Due to the length of the report, it is summarized as follows:

In general all residential parcels, (single family, condo, and townhouse) shall have a rate for FY 11-12 of $213.42 per parcel. All non-residential parcels shall have a rate for FY 11-12 of $213.42 per acre or fraction thereof, based on parcel size as shown on the most recent County tax and parcel records. Although the actual maximum levy rate calculation per parcel in the report is slightly higher by one cent, the final levy amount is reduced to the next lowest even number (reduced by one cent) in order to divide the total levy equally in half for placement on the bi-annual tax roll as is required by the Contra Costa County tax collectors office.

There are a total of 4102 parcels to be levied:
There are 4038 residential levies.
There are 63 non-residential levies comprising 349 acres.

$861,789.96 est. total revenue from residential
$77,273.84 est. total revenue from non-residential
$936,063.80 est. revenue for FY 10-11

ORDINANCE NO. 409

AN ORDINANCE LEVYING SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 2007-1 (Citywide Landscape Maintenance)

THE CITY COUNCIL
City of Clayton, California

WHEREAS, on January 16, 2007, the City Council (the "Council") of the City of Clayton (the "City") adopted Resolution No. 04-2007 entitled *"A Resolution of Intention to Establish a Community Facilities District to Fund the Annual Operation and Maintenance of a Citywide Landscape Maintenance District for a Time Period of Ten Years, and to Authorize the Levy of Special Taxes Therein"* (the "Resolution of Intention") stating its intention to establish City of Clayton Community Facilities District No. 2007-1 (Citywide Landscape Maintenance) (the "CFD") pursuant to the Mello-Roos Community Facilities Act of 1962, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"), to finance certain services (the "Services"); and

WHEREAS, notice was published as required by the Act relative to the intention of this City Council to form the CFD and to provide for the Services; and

WHEREAS, on February 20, 2007 this City Council held a noticed public hearing as required by the Act relative to the determination to proceed with the formation of the CFD and the rate and method of apportionment of the special tax to be levied within the CFD to finance the costs of the Services; and

WHEREAS, at said hearing all persons desiring to be heard on all matters pertaining to the formation of the CFD and the levy of said special taxes were heard, substantial evidence was presented and considered by this Council and a full and fair hearing was held; and

WHEREAS, subsequent to the public hearing, on February 20, 2007 this City Council adopted Resolution No. 06-2007 entitled *"A Resolution of Formation of a Community Facilities District(Citywide Landscape Maintenance District) For a Period of Ten Years, and Authorizing the Levy of a Special Tax Therein and Preliminarily Establishing an Appropriations Limit Therefor"* (the "Resolution of Formation"), and also adopted Resolution No. 07-2007 entitled *"A Resolution Calling Special Election in a Community Facilities District,"* which resolutions established the CFD, authorized the levy of a special tax with the CFD, and called an election within the CFD on the proposition of levying a special tax and establishing an appropriations limit within the CFD, respectively; and

Attachment 4

WHEREAS, the election was held on June 5, 2007 within the CFD in which the eligible registered voters approved the propositions presented by more than the two-thirds vote required by the Act, which approvals were confirmed by Resolution No. - 2007 adopted by this City Council on June 19, 2007.

NOW THEREFORE, THE CITY COUNCIL OF CLAYTON, CALIFORNIA DOES ORDAIN as follows:

Section 1. Special Tax Authorized. By the passage of this Ordinance this City Council hereby authorizes and levies special taxes within the CFD pursuant to 53328 and 53340 of the Act, at the rates and in accordance with the method of apportionment set forth in Exhibit B to the Resolution of Formation (the "Rate and Method"). The special taxes are hereby levied commencing in fiscal year 2007-08 and in each fiscal year thereafter through fiscal year 2016-17 for the payment of all costs of the Services and payment of all costs of administering the CFD.

Section 2. Collection Official. Following the approval by the City Council of a budget for the CFD for each fiscal year after 2007-08, the City Manager (or his or her designee) (the "Collection Official") is hereby authorized and directed in each fiscal year to determine the specific special tax rate and amount to be levied for the next ensuing fiscal year for each parcel of real property within the CFD, in accordance with such approved budget and in the manner and as provided in the Rate and Method of Apportionment. In the event that this City Council has not adopted a budget for the CFD by July 31 of any year, the budget for that fiscal year shall be the same as the budget for the previous fiscal year.

Section 3. Exemptions. Properties or entities of the State, federal or local governments shall be exempt from any levy of the special taxes, to the extent set forth in the Rate and Method of Apportionment. In no event shall the special taxes be levied on any parcel within the CFD in excess of the maximum tax specified in the Rate and Method of Apportionment.

Section 4. Use of Special Tax. All of the collections of the special tax shall be used as provided for in the Act, the Rate and Method of Apportionment, and in the Resolution of Formation including, but not limited to, the payment of the costs of the Services, the payment of the costs of the City in administering the CFD and the costs of collecting and administering the special tax.

Section 5. Collection Method. The special taxes of the CFD shall be collected from time to time as necessary to meet the financial obligations of the CFD on the secured real property tax roll in the same manner as ordinary *ad valorem* taxes are collected. In each fiscal year commencing in the fiscal year 2007-08, the Collection Official is authorized and directed to provide all necessary information to the auditor/tax collector of the County of Contra Costa and to otherwise take all actions necessary in order to effect proper billing and collection of the special tax, so that the special tax shall be levied and collected in sufficient amounts and at the times necessary to satisfy the

financial obligations of the CFD in each fiscal year until the City shall cease to collect ıe special taxes and provision has been made for payment of all of the administrative costs of the CFD.

Notwithstanding the foregoing, the Collection Official may collect the special taxes by means of direct billing by the City to the property owners within the CFD if, in the judgment of the Collection Official such means of collection will reduce the administrative burden on the City in administering the CFD or is otherwise appropriate in the circumstances. In such event, the special taxes shall become delinquent if not paid when due as set forth in any such respective billing to the property owners.

Whether the special taxes are levied in the manner provided in the first or the second preceding paragraph, the special taxes shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes. In addition, the provisions of Section 53356.1 of the Act shall apply to delinquent special tax payments.

Section 6. Partial Invalidity. If for any reason any portion of this ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the CFD, by a Court of competent jurisdiction, the balance of this ordinance and the application of the special tax to the remaining parcels within the CFD shall not be affected.

Section 7. Execution and Posting. The Mayor shall sign this Ordinance and the City Clerk, within fifteen (15) days after its passage, shall cause the same to be posted in three (3) public places as designated by Resolution of the Clayton City Council for the posting of ordinances and public notices.

* * * * * *

The foregoing Ordinance was introduced at a regular public meeting of the City Council of Clayton, California held on the 19th day of June 2007.

PASSED, ADOPTED and ORDERED posted at an adjourned regular public meeting of the City Council of Clayton, California held on 26 day of June 2007, by the following vote:

AYES: Mayor Walcutt, Vice Mayor Manning, Councilmembers Pierce and Stratford

NOES: None

ABSENT: Councilmember Shuey

ABSTAIN: None

THE CITY COUNCIL OF CLAYTON, CA

WILLIAM R. WALCUTT, Mayor

ATTEST:

Laci J. Jackson, City Clerk

APPROVED AS TO FORM:

J. Daniel Adams, City Attorney

APPROVED BY ADMINISTRATION:

Gary A. Napper, City Manager

* * * * *

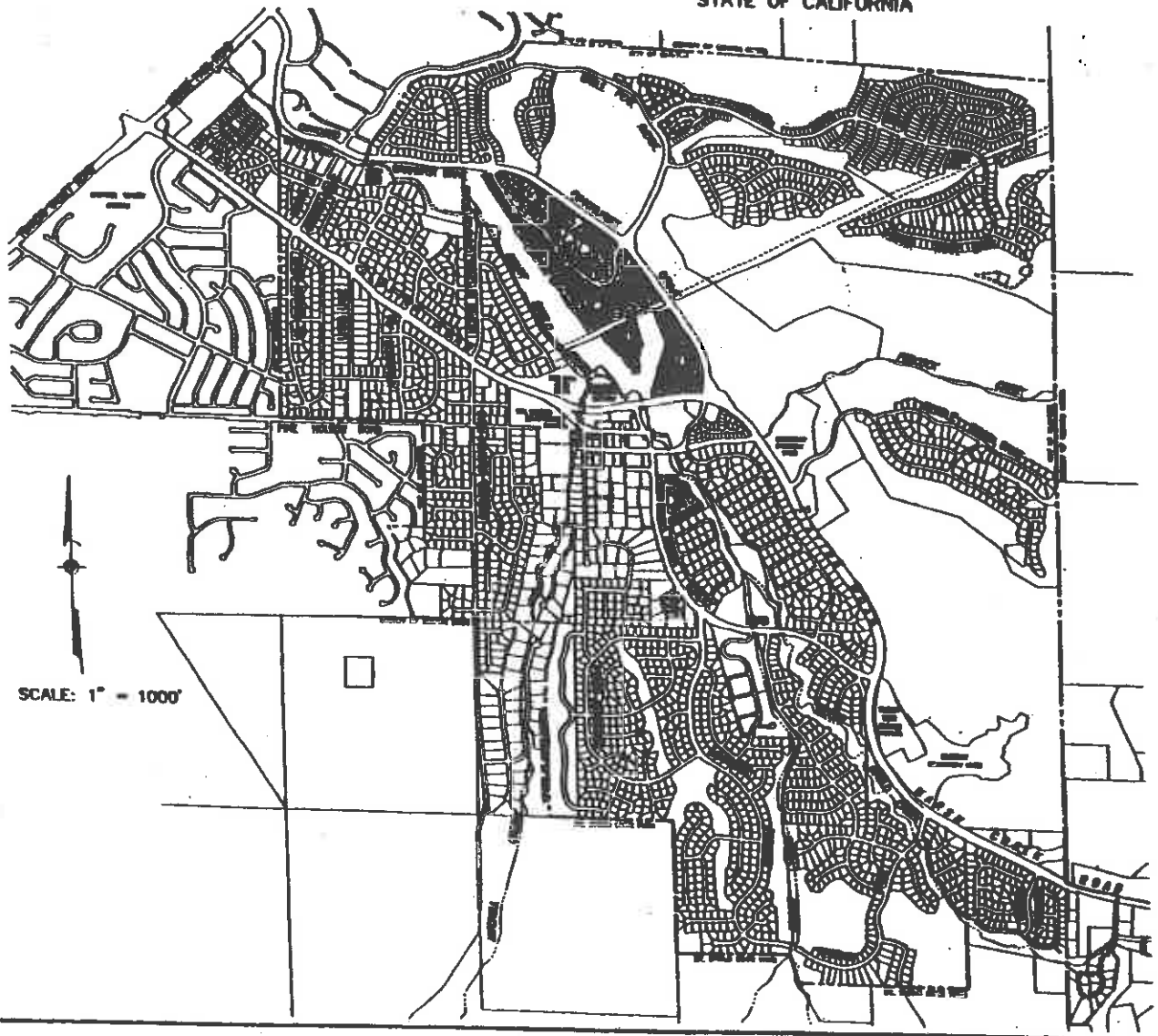
I hereby certify that the foregoing Ordinance was duly introduced at a regular public meeting of the City Council of Clayton, California held on June 19, 2007, and was duly adopted, passed, and ordered posted at an adjourned regular meeting of the City Council held on June 26, 2007.

Laci J. Jackson, City Clerk

BOUNDARIES OF

COMMUNITY FACILITIES DISTRICT NO. 2007-1
(CITYWIDE LANDSCAPE MAINTENANCE DISTRICT)

CITY OF CLAYTON, COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



CITY RECORDER'S STATEMENT:

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CLAYTON, THIS 4th DAY OF January, 2007.

BY: Lai J. Jackson
CITY CLERK
CITY OF CLAYTON

CITY CLERK'S STATEMENT:

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NUMBER 2007-1 IN THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON AT A REGULAR MEETING THEREOF, HELD ON THE 16th DAY OF January, 2007, BY ITS RESOLUTION NO. 04-2007

BY: Lai J. Jackson
CITY CLERK
CITY OF CLAYTON

RECORDER'S CERTIFICATE:

FILED THIS 23rd DAY OF January 2007, AT THE HOUR OF 2:04 O'CLOCK P.M. IN BOOK 81 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 15, AND AS INSTRUMENT NUMBER 07-0030 IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

BY: STEPHEN L. WEIR
COUNTY RECORDER
COUNTY OF CONTRA COSTA

BY: D. Mandel
DEPUTY COUNTY RECORDER

LEGEND

———— CITY LIMIT LINE AND COMMUNITY FACILITY DISTRICT BOUNDARY

1-23-07 2:04 PM 81-15

RESOLUTION NO. 06-2007

A RESOLUTION OF FORMATION OF A COMMUNITY FACILITIES DISTRICT (CITYWIDE LANDSCAPE MAINTENANCE DISTRICT) FOR A PERIOD OF TEN YEARS, AND AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN AND PRELIMINARILY ESTABLISHING AN APPROPRIATIONS LIMIT THEREFOR

The City Council
City of Clayton, California
Community Facilities District 2007-1
(Citywide Landscape Maintenance)

WHEREAS, on 16 January 2007 this City Council adopted Resolution No. 04 - 2007 entitled *"A Resolution of Intention to Establish a Community Facilities District to Fund the Annual Operation and Maintenance of a Citywide Landscape Maintenance District for a Time Period of Ten Years, and to Authorize the Levy of Special Taxes Therein"* (the "Resolution of Intention"), stating its intention to form the City of Clayton, Community Facilities District No. 2007-1 (Citywide Landscape Maintenance) (the "CFD"), pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"); and

WHEREAS, the Resolution of Intention, incorporating a map of the proposed boundaries of the CFD and stating the Services (as described herein) to be provided, the estimated maximum cost of providing such Services, and the rate and method of apportionment of the special tax to be levied within the CFD to pay for the Services (as hereafter defined) with respect to the CFD, is on file with the City Clerk and the provisions thereof are incorporated herein by this reference as if fully set forth herein; and

WHEREAS, on 20 February 2007 this City Council held a duly noticed public hearing as required by the Act on the Resolution of Intention relative to the proposed formation of the CFD; and

WHEREAS, at said public hearing all interested persons desiring to be heard on all matters pertaining to the formation of the CFD, the Services to be provided therein and the levy of said special tax were heard and a full and fair hearing was held; and

WHEREAS, at said hearing evidence was presented to this Council on said matters before it, including a report by the City Manager (the "Report") as to the Services to be provided through the CFD and the costs thereof, a copy of which is on file with the City Clerk, and this City Council at the conclusion of said hearing is fully advised in the premises; and

Attachment 5

WHEREAS, written protests with respect to the formation of the CFD, the furnishing of specified types of Services and the rate and method of apportionment of the special taxes have not been filed with the City Clerk by fifty percent (50%) or more of the registered voters residing within the territory of the CFD or property owners of one-half (1/2) or more of the area of land within the CFD and not exempt from the special tax; and

WHEREAS, the special tax proposed to be levied in the CFD to pay for the proposed Services to be provided therein, as set forth in Exhibit A hereto, has not been eliminated by protest by fifty percent (50%) or more of the registered voters residing within the territory of the CFD or the owners of one-half (1/2) or more of the area of land within the CFD and not exempt from the special tax.

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

1. Recitals. The foregoing recitals are true and correct.

2. No Majority Protest. The proposed special tax to be levied within the CFD has not been precluded by majority protest pursuant to Section 53324 of the Act.

3. Prior Proceedings. All prior proceedings taken by this City Council in connection with the establishment of the CFD and the levy of the special tax have been duly considered and are hereby found and determined to be valid and in conformity with the requirements of the Act. This City Council hereby finds and determines that the CFD is in conformity with the goals and policies heretofore adopted by this City Council with respect to the formation of the CFD.

4. CFD Established. The community facilities district designated "City of Clayton, Community Facilities CFD No. 2007-1 (Citywide Landscape Maintenance)" is hereby established pursuant to the Act.

5. Boundaries Described. The boundaries of the CFD, as set forth in the map of the CFD heretofore recorded in the Contra Costa County Recorder's Office on 23 January 2007 in Book 81 at page 15 of Maps of Assessment and Community Facilities Districts, are hereby approved and incorporated herein by reference and shall be the boundaries of the CFD.

6. Services. The type of public Services proposed to be financed by the CFD and pursuant to the Act shall consist of those items listed as Services on Exhibit A attached hereto and by this reference incorporated herein (the "Services").

7. Special Taxes. Except to the extent that funds are otherwise available to the CFD to pay for the Services, a special tax sufficient to pay the costs thereof, secured by a continuing lien against all non-exempt real property in the CFD, will be levied annually within the CFD, and collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as this City Council or its designee shall determine, including direct billing of the affected property owners. The proposed rate and method

of apportionment of the special tax among the parcels of real property within the CFD, in sufficient detail to allow each landowner within the proposed CFD to estimate the probable maximum amount such owner will have to pay, are described in Exhibit B attached hereto and by this reference incorporated herein.

8. Tax Collector For City. The City Manager, 6000 Heritage Trail, Clayton, California, 94517 telephone number (925) 673-7300 is the officer of the City who will be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and who will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Act.

9. Tax Lien. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the CFD and this lien shall continue in force and effect until the special tax obligation ceases and the lien canceled in accordance with law or until collection of the tax by the City ceases.

10. Appropriations Limit. In accordance with Section 53325.7 of the Act, the annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the CFD is hereby preliminarily established at $850,550.00 and said appropriations limit shall be submitted to the voters of the CFD as hereafter provided. The proposition establishing said annual appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of Section 53325.7 of the Act.

11. Election. Pursuant to the provisions of the Act, the proposition of the levy of the special tax and the proposition of the establishment of the appropriations limit specified above shall be submitted to the qualified electors of the CFD at an election the time, place and conditions of which election shall be as specified by a separate resolution of this Council.

12. Effective Date. This Resolution shall take effect upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held this 20th day of February 2007 on the following vote:

AYES: Mayor Walcutt, Vice Mayor Manning, Council Members Pierce, Shuey, and Stratford

NOES: None

ABSENT: None

ABSTAIN: None

THE CITY COUNCIL OF CLAYTON, CA

William R. Walcutt, Mayor

ATTEST:

Laci J. Jackson
City Clerk

# # # #

EXHIBIT A

CITY OF CLAYTON
Community Facilities District 2007-1
(Citywide Landscape Maintenance)

DESCRIPTION OF SERVICES TO BE FINANCED BY THE CFD

The Services to be financed by the special taxes of the City of Clayton Community Facilities District 2007-1 (Citywide Landscape Maintenance) (the "CFD") shall include the Maintenance of:

A. Public Roadway Landscaping – which includes but is not limited to the following improved rights-of-way:

Atchinson Stage Road – from Pine Hollow Road to Caulfield Drive
Black Point Place – center median island.
Caulfield Court – center median island.
Center Street – from Oak Street to Clayton Road.
Clayton Road – from the western city limits to the southern Marsh Creek Road intersection.
Cul-de-sacs: landscaped areas at end of Ahwanee Lane, Wawona Court, Tuyshtak Court, Antelope Court, Obsidian Court, Blue Oak Lane, Falcon Place, Windmill Canyon Place, Hummingbird Place, Raven Place, and Golden Eagle Place.
Diablo Parkway – from Marsh Creek Road to El Portal Drive.
Eagle Peak Avenue – from the east intersection with Oakhurst Drive to just west of the Ohlone Heights intersection, and including the west intersection with Oakhurst Drive.
Indianhead Way – entrance area at Oakhurst Drive
Indian Wells Way – both entrance areas with Oakhurst Drive, and center medians up to Anizume Court and Jalalon Place.
Jeffry Ranch Court – center median island.
Keller Ridge Drive – to Golden Eagle Place intersection.
Lydia Lane – from intersection of Clayton Road to Lydia Lane Park.
Main Street – from Clayton Road to (old) Marsh Creek Road. .
Marsh Creek Road – from the northern intersection of (old) Marsh Creek Road to the eastern city limits.
Oakhurst Drive – form the western city limits to Clayton Road intersection.
Peacock Creek Drive – from Clayton Road to approximately the Pebble Beach Drive intersection.
Pine Hollow Road – from Atchinson Stage Road to Panadero Way.
Regency Drive – median entrance from Marsh Creek Road.
So. Mitchell Canyon Road – from approx. Del Trigo Lane to Herriman Court intersection.

B. Open Space and Trails – which include but are not limited to:

Publicly-owned creek-side, intra-community and open space trails located within the boundaries of the CFD.

C. Clayton Fountain – which includes but is not limited to:

Maintenance to the fountain itself, rock structure and all attendant appurtenances, including the geyser and water pump system as well as the surrounding public landscaped area located at east side of the intersection of Oakhurst Drive, Center Street and Clayton Road.

Definitions

"Maintenance" means the furnishing of services and materials for the ordinary and usual operation, maintenance and care of the public landscaping and appurtenant facilities, including repair, removal or replacement of all or part of any landscaping and appurtenant facilities providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid wastes; and the eradication of landscape pests, including but not limited to vermin and rodents, ground squirrels, gophers, moles and wild pigs. "Maintenance" also includes the furnishing of water for irrigation of the public landscaping, and the supply of electricity to operate the attendant irrigation systems.

The foregoing services shall be provided through and by the City of Clayton, either with its own labor forces or by contract with third parties, or any combination thereof, as determined solely by the City of Clayton.

"Costs" means the costs and expenses directly or indirectly incurred by the City in connection with the Maintenance described above. Allowable Costs payable from special taxes of the District also include the County's imposed cost to levy and collect the District's assessment through the annual property tax bill, the City's shared equipment and facilities charges, City prorated overhead charges to administer and manage the District and collect the special taxes, and District reserve funds for replacement and major repairs.

EXHIBIT B

CITY OF CLAYTON
Community Facilities District 2007-1
(Citywide Landscape Maintenance)

RATE AND METHOD OF LEVY OF SPECIAL TAX

A special tax will be levied annually on each taxable parcel of land not defined below as an "Exempt Parcel" within the Community Facilities District 2007-1 (Citywide Landscape Maintenance) (the "CFD") and collected in the same manner as ordinary ad-valorem property taxes or in such manner as the City of Clayton City Council or its designee shall determine, including City-originated billing of the affected property owners.

Definitions

Taxable Parcels:	Parcels of land within the boundaries of the CFD that are not included in the "Exempt Parcel" category listed below.
Exempt Parcels:	Parcels of land owned by a public agency, right-of-way parcels, schools, hospitals, cemeteries, mortuaries, libraries, parks, mineral rights, private roads, pipelines, public parking facilities and common areas.
Residential Parcels:	Taxable parcels of land that are classified as either single-family, condominium, townhouse, multi-family or rural residential parcels.
Non-residential Parcels:	Taxable parcels that are not classified as "Residential Parcels".
Special Tax:	The special tax allowed to be levied on property within the CFD, calculated pursuant to this Rate and Method of Apportionment of Special Tax.

Special Tax Formula

A. Residential Parcels: An annual special tax will be levied on all Residential Parcels, as defined above, at the per parcel tax rate shown below for each fiscal year 2007-2008 through 2016-2017:

Residential Parcel Annual Special Tax Rate: $196.77

B. Non-residential Parcels: An annual special tax will be levied on all Non-residential Parcels at the per acre rate shown below for each fiscal year 2007-2008 through 2016-2017:

Non-residential Parcel Annual Special Tax Rate: $196.77 per acre or fraction thereof, based on parcel size as shown on the then-current County tax roll.

Duration of Special Tax Levy

The special tax will be levied annually for a period of ten (10) years commencing in fiscal year 2007-2008 through and including fiscal year 2016-2017. After the ten (10) year duration has expired the special tax may no longer be collected unless extended pursuant to applicable laws, except that a special tax that was lawfully levied in or before the final tax year and that remains delinquent may be collected in subsequent years.

Special Tax Escalator Factor

In fiscal years 2008-2009 through 2016-2017, the special tax may be increased annually by the Clayton City Council in an amount not to exceed the full annual adjustment (April to April) in the Consumer Price Index – All Urban Consumers, San Francisco-Oakland-San Jose, CA Area (Base Period 1982-84 = 100). This escalator factor is applicable if determined to be necessary due to expected increases in the operational and maintenance expenses attributable to the CFD. Such determination shall be made by action of the Clayton City Council, which must occur at a regular public meeting thereof accompanied by a prior recommendation of the citizens' Trails and Landscaping Committee established by the City Council in February 2006 (City Resolution No. 08-2006). In no event shall each annual special tax rate in any fiscal year increase by more than three percent (3%) over the previous year.

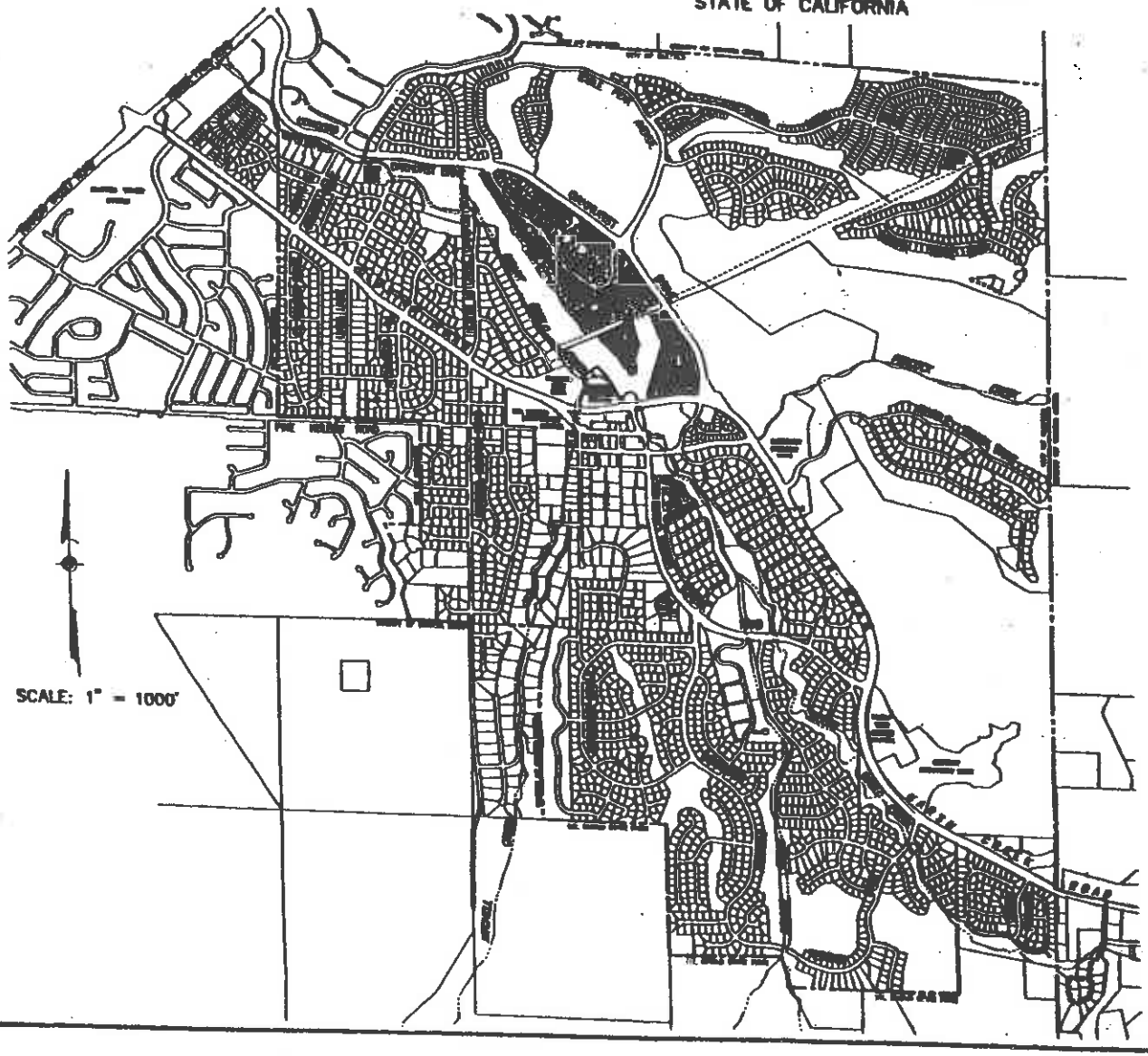
Relationship to Special Tax of Community Facilities District 1997-1

An intent of the new Community Facilities District 2007-1 is to replace the City's Community Facilities District 1997-1 that levied an annual special tax for Citywide Landscape Maintenance purposes during the last ten years and which special tax automatically expires on June 30, 2007. No further special tax can be levied by CFD 1997-1.

PROPOSED BOUNDARIES OF

COMMUNITY FACILITIES DISTRICT NO. 2007-1
(CITYWIDE LANDSCAPE MAINTENANCE DISTRICT)

CITY OF CLAYTON, COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



CITY RECORDER'S STATEMENT:

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CLAYTON, THIS 4th DAY OF January, 2007.

BY: Lisa J. Jackson
CITY CLERK
CITY OF CLAYTON

CITY CLERK'S STATEMENT:

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NUMBER 2007-1 IN THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON AT A REGULAR MEETING THEREOF, HELD ON THE 16th DAY OF January, 2007, BY ITS RESOLUTION NO. 04-2007

BY: Lisa J. Jackson
CITY CLERK
CITY OF CLAYTON

RECORDER'S CERTIFICATE:

FILED THIS 23rd DAY OF January 2007, AT THE HOUR OF 2:04 O'CLOCK P M. IN BOOK 77 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 15 AND AS INSTRUMENT NUMBER 07-48099 IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

BY: STEPHEN L. WEIR
COUNTY RECORDER
COUNTY OF CONTRA COSTA

BY: D. Mandel
DEPUTY COUNTY RECORDER

LEGEND

——— CITY LIMIT LINE AND COMMUNITY FACILITY DISTRICT BOUNDARY

1-23-07 2:04 PM

81-15

RESOLUTION NO. 07- 2007

A RESOLUTION CALLING SPECIAL ELECTION IN A COMMUNITY FACILITIES DISTRICT

THE CITY COUNCIL
CITY OF CLAYTON, CALIFORNIA
Community Facilities District 2007-1
(Citywide Landscape Maintenance)

WHEREAS, on this date, this City Council adopted its Resolution No. 06 -2007 entitled "A Resolution of Formation of a Community Facilities District (Citywide Landscape Maintenance District) for a Period of Ten Years, and Authorizing the Levy of a Special Tax Therein and Preliminarily Establishing an Appropriations Limit Therefor" (the "Resolution of Formation"), ordering the formation of City of Clayton Community Facilities District No. 2007-1 (Citywide Landscape Maintenance) (the "CFD"), authorizing the levy of a special tax on property within the CFD and preliminarily establishing an appropriations limit for the CFD, all pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"); and

WHEREAS, pursuant to the provisions of the Resolution of Formation, the propositions of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors of the CFD at a special election as required by the Act; and

WHEREAS, this City Council desires that the special election be consolidated with any other election to occur in the City on June 5, 2007 and that the proposition be included on the ballot for such election which ballot is prepared by the officer charged with the duty of conducting the general and special elections for the County of Contra Costa, such official being the Registrar of Voters of the County of Contra Costa (the "Election Official"); and

WHEREAS, Section 9280 of the Elections Code of the State of California authorizes the filing of an impartial analysis and Sections 9281 to 9287 of said code authorize the filing of written arguments for or against any ballot proposition, and, if adopted by the City Council, rebuttal arguments.

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

1. Issues Submitted. Pursuant to Sections 53326 and 53325.7 of the Act, the issues of the levy of said special tax and the establishment of the appropriations limit shall be submitted to the qualified electors (as defined below) of the CFD at an election called therefor as provided below. The question to be voted upon as it shall appear on ballot shall be as follows:

Attachment 6

Shall a new Community Facilities District 2007-1 (Citywide Landscape Maintenance District) be funded to replace the expiring District for a period of ten years to operate and maintain public roadway landscaping, trails system, open space weed abatement and related costs, with an annual levy of a special tax in the initial amount of $196.77 per residential parcel and per non-residential acre or fraction thereof, and with an initial yearly appropriations limit of $850,550?

The full text of the measure to be printed in the Voter Pamphlet shall include the "Description of Services to be Financed by the CFD" and the "Rate and Method of Levy of Special Tax", attached as Exhibits "A" and "B", respectively, to the Resolution of Formation of a Community Facilities District (Resolution No. 06 -2007).

2. Qualified Electors. Pursuant to Section 53326 of the Act, the vote shall be by the registered voters of the proposed CFD, with each voter having one vote.

3. Conduct of Election. This City Council hereby calls a special election (the "Election") to consider the measure described in paragraph 1 above, which election shall be held on June 5, 2007, and conducted by the Election Official. Within three business days of the adoption of this Resolution, the City Clerk shall provide to the Election Official a copy of this Resolution, a certified map of the proposed boundaries of the CFD, and a sufficient description to allow the Election Official to determine the boundaries of the CFD.

The Election is hereby ordered consolidated with any other election to be held within the City on said date, and within the territory affected by the consolidation; the election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating general and special elections in the City and State and specified herein. The precincts used at the election shall be those used for citywide municipal elections, and, where necessary, the County Clerk may adjust precinct lines to coincide with the boundaries of the City. The Board of Supervisors of the County of Contra Costa is hereby requested to order the consolidation of the Election hereby called with any other election held in the City on said date, and to permit the County Clerk and the County Election Department to render services relating to the conduct of said election, which services will be determined by the City and the County Election Department, and the Board of Supervisors of the County of Contra Costa is hereby authorized to canvass the returns of said special municipal election, and said election shall be held in all respects as if there were only one election, only one form of ballot shall be used and the returns of the election need not be canvassed by the City Council. The City Clerk is hereby authorized and directed to work with the Elections Official and other appropriate officials of the County to ensure that the applicable requirements of the Elections Code are met.

4. Ballot Materials. The City Attorney is hereby requested to prepare and to provide to Election Official the ballot material described in Section 53327 of the Act.

Impartial Analysis. The City Clerk is hereby directed to submit to the City Attorney a certified copy of the measure set forth above. The City Attorney is hereby authorized and directed to prepare an impartial analysis of the measures showing the effect of the measures on the existing law and the operation of the measures, said analysis to be submitted by the City Attorney to the Election Official for printing before the arguments for and against the measure. The analysis shall not exceed 500 words in length and shall otherwise comply in all respects with the applicable provisions of the Elections Code of the State of California. The deadline date for the submittal of the analysis and primary arguments shall be March 13, 2007.

5. Filing of Primary and Rebuttal Arguments. The deadline for filing primary arguments concerning the ballot measure is March 13, 2007. Provisions for Rebuttal Arguments have been previously adopted by the Council. Rebuttal arguments must be filed by March 23, 2007.

6. Effective Date. This Resolution shall take effect upon its adoption.

* * * * * *

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held this 20th day of February 2007 on the following vote:

AYES: Mayor Walcutt, Vice Mayor Manning, Council Members Pierce, Shuey, and Stratford

NOES: None

ABSENT: None

ABSTAIN: None

THE CITY COUNCIL OF CLAYTON, CA

William R. Walcutt, Mayor

ATTEST:

Laci J. Jackson
City Clerk

RESOLUTION NO. 17- 2007

A RESOLUTION DECLARING RESULTS OF THE JUNE 5, 2007 SPECIAL ELECTION ON LOCAL BALLOT MEASURE 'B' AND DIRECTING RECORDING OF NOTICE OF SPECIAL TAX LIEN

THE CITY COUNCIL
City of Clayton, California
Community Facilities District 2007-1
(Citywide Landscape Maintenance)

WHEREAS, in proceedings heretofore conducted by this City Council pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, sections 53311, *et. seq.*, of the California Government Code (the "Act"), this City Council on February 20, 2007 adopted Resolution No. 07-2007 entitled "A Resolution Calling Special Election in the Community Facilities District", calling a special election of the qualified electors within Community Facilities District No. 2007-1 (Citywide Landscape Maintenance) of the City (the "CFD") to occur on June 5, 2007; and

WHEREAS, pursuant to the terms of said resolution, which are by this reference incorporated herein, the propositions of the levy of the special tax and the establishment of the appropriations limit was submitted to the qualified electors of the CFD at a special election as required by the Act, which special election occurred on June 5, 2007, and the City Clerk has on file a Certificate of Canvass and Statement of Results of Election from the Election Department of the County of Contra Costa; and

WHEREAS, this Council has reviewed said canvass and hereby approves it.

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

1. The issues presented at said special election were the levy of a special tax within the CFD to be levied in accordance with the formula heretofore approved by the City Council by its Resolution No. 06-2007 adopted February 20, 2007 entitled "A Resolution of Formation of a Community Facilities District (Citywide Landscape Maintenance District) For a Period of Ten Years, and Authorizing the Levy of a Special Tax Therein and Preliminarily Establishing an Appropriations Limit Therefor."

2. The issues presented at said special election were approved by the qualified electors of the CFD by more than two-thirds (2/3) of the votes cast at said special election, as evidenced by the Canvass performed by the Contra Costa County Elections Office with a copy of the official results thereof attached hereto as "Exhibit A" and incorporated herein by such reference, the original being on file with the City Clerk.

3. Pursuant to said voter approval, the CFD is hereby ordered and declared to be fully formed with the authority to levy special taxes as heretofore provided in these proceedings and in the Act.

Attachment 7

4. It is hereby found that all prior proceedings and actions taken by this City Council with respect to the CFD were valid and in conformity with the Act.

5. The City Clerk is hereby directed to execute and cause to be recorded in the office of the County Recorder of the County of Contra Costa a Notice of Special Tax Lien in the form required by the Act, said recording to occur no later than fifteen (15) days following adoption by the Council of this resolution.

******

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 19th day of June 2007 on the following vote:

AYES: Mayor Walcutt, Vice Mayor Manning, Councilmembers Pierce and Stratford

NOES: None

ABSENT: Councilmember Shuey

ABSTAIN: None

THE CITY COUNCIL OF CLAYTON, CA

William R. Walcutt, Mayor

ATTEST:

Laci J. Jackson
City Clerk

STEPHEN L. WEIR
COUNTY CLERK

CANDY LOPEZ
ASSISTANT COUNTY REGISTRAR

CONTRA COSTA COUNTY
REGISTRATION-ELECTION DEPARTMENT
524 MAIN STREET
MARTINEZ, CALIFORNIA 94553-1140
(925) 646-4166

June 12, 2007

City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Attn: Lacy Jackson, City Clerk

Re: Measure B / June 5, 2007 Special Election

Dear Ms. Jackson,

I e find enclosed the **Certificate of Election** and **Certified Statement of Votes** for the Special Election held in the City of Clayton on Tuesday, June 5, 2007. Enclosed for your information is a copy of the Sample Ballot and Voters Pamphlet.

If we can be of further assistance, please do not hesitate to call.

Sincerely,

STEPHEN L. WEIR, County Clerk

Rosa M. Mena

Rosa M. Mena
Election Services Specialist

Enclosures

CERTIFICATE OF COUNTY CLERK
AS TO THE RESULT OF THE CANVASS FOR THE
CITY OF CLAYTON
MEASURE B
JUNE 5, 2007 SPECIAL ELECTION

State of California)
) ss.
County of Contra Costa)

I, STEPHEN L. WEIR, County Clerk of Contra Costa County, State of California, do hereby certify that I did canvass the returns of the votes cast at the June 5, 2007 CITY OF CLAYTON Special Election. I further certify that the statement of the votes cast, to which this certificate is attached, shows the whole number of votes cast in said County, and the whole number of votes cast for and against the measure in said County and in each respective precinct therein, and that the totals of the respective columns and the totals as shown for and against the measure are full, true and correct.

WITNESS my hand and Official Seal this 12th day of June 2007.

STEPHEN L. WEIR, County Clerk

By Rosa M. Mena
Rosa M. Mena, Deputy Clerk

SUMMARY REPT-GROUP DETAIL

CONTRA COSTA COUNTY
SPECIAL ELECTION
JUNE 5, 2007

Official Results

RUN DATE:06/11/07 01:23 PM

REPORT-EL45A PAGE 001

	TOTAL VOTES	%	Election Day	Absentee
PRECINCTS COUNTED (OF 18)	18	100.00		
REGISTERED VOTERS - TOTAL	34,604			
BALLOTS CAST - TOTAL	15,577		4,127	11,450
VOTER TURNOUT - TOTAL		45.02		

Measure B CITY OF CLAYTON
Vote for One 1
(WITH 4 OF 4 PRECINCTS COUNTED)

Yes/Si	2,445	82.94	865	1,580
No/No	503	17.06	128	375

Measure C CITY OF LAFAYETTE
Vote for One 1
(WITH 9 OF 9 PRECINCTS COUNTED)

Yes/Si	3,641	63.51	1,078	2,563
No/No	2,092	36.49	528	1,564

Measure D CITY OF LAFAYETTE
Vote for One 1
(WITH 9 OF 9 PRECINCTS COUNTED)

Yes/Si	3,980	71.40	1,136	2,844
No/No	1,594	28.60	429	1,165

Measure E CITY OF ORINDA
Vote for One 1
(WITH 5 OF 5 PRECINCTS COUNTED)

Yes/Si	4,346	63.57	917	3,429
	2,491	36.43	601	1,890

4 PRECINCTS		REGISTERED VOTERS	BALLOTS CAST	TURNOUT PERCENTAGE	Measure B CITY OF CLAYTON Yes/Si (NON)	Measure B CITY OF CLAYTON No/No (NON)
0000001 CL 1	A	1699	478	28.13	354	123
0000001 CL 1	V	1699	236	13.89	196	40
0000002 CL 1	A	2320	641	27.63	545	96
0000002 CL 1	V	2320	293	12.63	278	15
0000003 CL 1	A	930	242	26.02	204	38
0000003 CL 1	V	930	148	15.91	133	15
0000004 CL 1	A	1961	595	30.34	477	118
0000004 CL 1	V	1961	316	16.11	258	58
GRAND TOTALS		6910	2949	42.68	2445	503
ABSENTEES		6910	1956	28.31	1580	375
VOTING PRECINCTS		6910	993	14.37	865	128

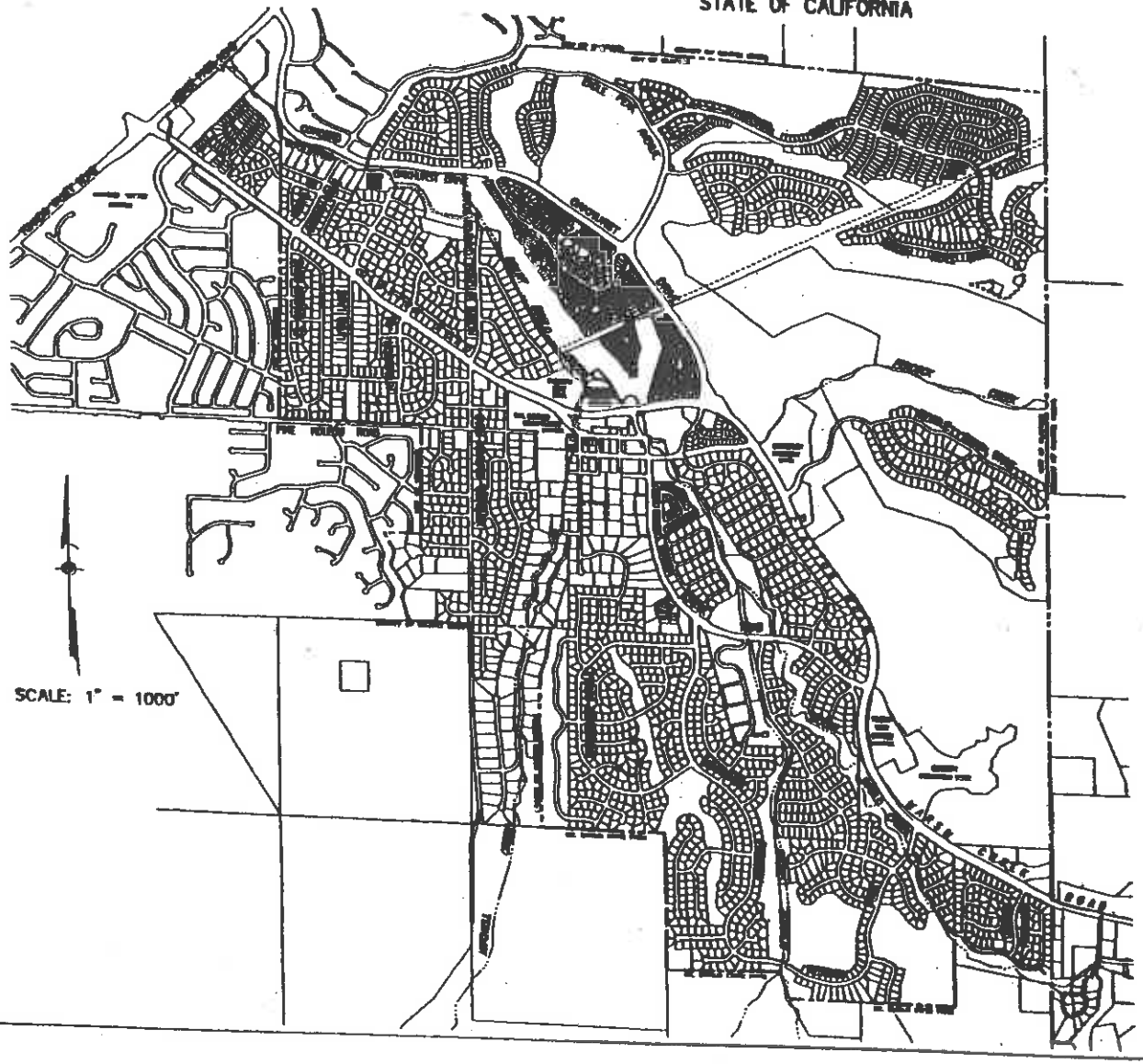
BALLOT MEASURE

Shall a new Community Facilities District 2007-1 (Citywide Landscape Maintenance District) be funded to replace the expiring District for a period of 10 years to operate and maintain public roadway landscaping, trails system, open space weed abatement and related costs, with an annual levy of a special tax in the initial amount of $196.77 per residential parcel and per non-residential acre or fraction thereof, and with an initial yearly appropriations limit of $850,550?

PROPOSED BOUNDARIES OF

COMMUNITY FACILITIES DISTRICT NO. 2007-1 (CITYWIDE LANDSCAPE MAINTENANCE DISTRICT)

CITY OF CLAYTON, COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



CITY RECORDER'S STATEMENT:

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CLAYTON, THIS 4th DAY OF January, 2007.

BY: Lai J. Jackson
CITY CLERK
CITY OF CLAYTON

CITY CLERK'S STATEMENT:

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NUMBER 2007-1 IN THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON AT A REGULAR MEETING THEREOF, HELD ON THE 16th DAY OF January 2007, BY ITS RESOLUTION NO. 04-2007

BY: Lai J. Jackson
CITY CLERK
CITY OF CLAYTON

RECORDER'S CERTIFICATE:

FILED THIS 23rd DAY OF January 2007, AT THE HOUR OF 2:04 O'CLOCK P.M. IN BOOK 81 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 15 AND AS INSTRUMENT NUMBER 07-28804 IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

BY: STEPHEN L. WEIR
COUNTY RECORDER
COUNTY OF CONTRA COSTA

BY: D Mendoza
DEPUTY COUNTY RECORDER

LEGEND

——— CITY LIMIT LINE AND COMMUNITY FACILITY DISTRICT BOUNDARY

1-23-07 2:04 PM 81-15

City of Clayton
Landscape Mtn District CFD 2007-1 Fund 210
Adopted Budget 2011/12

Account Number	Account Name	2009-10 Actual 6/30/2010	2010-11 Adopted Budget	2010-11 Actual 4/30/2011	2010-11 Projected 6/30/2011	2011-12 Adopted Budget
7111	Salaries/Regular	159,665	162,632	151,954	180,350	162,632
7112	Temporary Help	73,187	94,150	59,475	85,310	94,150
7218	LTD Insurance	1,456	1,545	993	1,263	1,057
7220	PERS Retirement	35,387	34,527	31,644	37,673	35,592
7231	Workers Comp Insurance	5,441	5,627	5,627	5,627	2,679
7232	Unemployment Insurance	5,708	5,938	5,938	5,938	6,999
7233	FICA and Medicare	7,288	9,561	7,299	9,687	9,561
7246	Benefit Insurance	34,635	33,239	30,454	32,709	31,175
7311	General Supplies	32,768	38,718	32,245	38,718	40,000
7316	Landscape Replacement Material	200	20,000	-	20,000	20,000
7335	Gas & Electric Serv.	27,467	28,840	20,596	28,840	29,000
7338	Water Service	71,995	180,000	96,753	145,000	180,000
7342	Machinary/ Equip Maint.	10,003	8,758	7,769	10,665	9,000
7343	Vehicle Maintenance	7,665	8,334	6,022	8,334	8,334
7344	Vehicle Gas, Oil, and Supplies	8,525	8,494	7,331	9,000	9,000
7381	Property Tax Admin Cost	3,368	3,400	3,550	3,737	3,737
7389	Misc. Expenses	704	-	-	-	-
7412	Engineering Inspection		-	1,425	-	-
7419	Other Prof. Services	157,801	133,355	30,068	128,600	141,181
7486	CERF Charges/Depreciation	12,936	12,936	12,936	12,936	13,500
7520	Project/Program costs		260,000	148,500	260,000	330,000
7615	Property Taxes	2,292	2,300	2,332	2,332	2,370
8101	Transfer to General Fund	26,970	29,918	29,918	29,918	30,756
	Total Expenses	685,461	1,082,272	692,827	1,056,635	1,210,723

4604	Clayton LMD Assessment	897,294	910,434	865,042	910,571	936,054
5601	Interest	12,843	5,000	13,669	14,000	5,000
5702	Donations for Adopt A Trail	1,400	-	4,850	6,050	-
5606	Unrealized Inv Gain/Loss	7,358				
	Total Revenue	918,895	915,434	883,560	930,621	941,054
	Annual Balance (Shortfall)	233,435	(166,838)	190,733	(126,014)	(269,669)
	Beginning Fund Balance	383,729	617,164	617,164	617,164	491,149
	Ending Fund Balance	617,164	450,325	807,897	491,149	221,480

Attachment 8

7419	**Wildland Resource Mgmt**	46,550	1,600	-	1,600	1,600
	Environtech Enterprises	44,708	53,416	-	53,416	53,416
	Waraner Brothers -Tree trimming	15,300	15,000	12,050	15,000	15,000
	Waraner Bros Svc 1 x per yr+2 x trails	30,385	31,296	-	31,296	35,000
	NBS Admin Fees+Del letters	3,868	3,900	3,424	3,424	3,624
	Martel Water Systems	475	1,000	-	1,000	1,000
	Rodent Control	8,151	7,500	5,169	7,500	7,500
	Advertising for TEMP labor/Live Scans	146	1,000	602	1,000	1,000
	New Signs		-	2,323	2,323	8,000
	Sprayer Sales Company (wwtreatment)		2,241	-	2,241	2,241
	Water Feature Extra + repair contingenc	1,157	8,602	-	2,000	5,000
	Water Feature $650x12	7,800	7,800	6,500	7,800	7,800
	Total	**158,540**	**133,355**	**30,068**	**128,600**	**141,181**

7311	**Herbicides**	**13,720**		**13,720**	**16,000**
	Fertilizer	**5,000**		**5,000**	**7,000**
	Irrigation	**15,000**		**15,000**	**15,000**
	Misc Supplies	**4,998**		**4,998**	**4,998**
		38,718	**32,245**	**38,718**	**42,998**

Extra to run pump for fountain
10 events (31 days @ $160=$4960.)
Art n Wine, Memorial Day, 4th of July, Halloween Parade/Ghost Walk, Veterans Day, Xmas Tree Lighting,Presidents Day, Thanksgiving, Garden Tours, Oktoberfest

Reserve Projects
Trail Resurface - Bruce Lee Trail $50k
Trail Crack sealing/repair $10k
Median/Roadway Re-Landscape $115k Clayton Rd:Old Marsh Creek Rd-Mitch Canyon
Median/Roadway Re-Landscape $115k Clayton Rd:Oakhurst - MCR
Irrigation Central Controller System $30k
Tree Replacement Trimming $10k

Citywide Landscape Maintenance District – Fund No. 210

In June 2007, Clayton voters approved a replacement real property tax to continue funding the operation and maintenance of their citywide public landscaped areas. This annual tax is restricted to costs associated with: arterial and specified roadway medians and parkways, the trails system, the annual open space noxious weed abatement in Oakhurst hills, the annual open space and trails weed abatement for fire and public safety, landscape and turf irrigation and the monthly maintenance and special occasion operation of the "Clayton Fountain".

Maintenance of City Parks *is not* included as an authorized expense under the District's Act; park maintenance obligations fall to the City's General Fund. *Citywide public landscaping services have always been funded by a special revenue tax levied on private properties throughout the City.* The District is completing its 4th year of a 10-year approved operation (Measure B), and its citizens' oversight committee (Trails and Landscaping Committee, or TLC) meets periodically to ensure the promised maintenance standards and efficiencies are achieved with these special-purpose tax revenues.

Pursuant to the terms of voter-approved Measure B, the special tax rate may be modified annually by the change in the Consumer Price Index (CPI; San Francisco – Bay Area) from April to April. In no event shall the tax rate be increased by more than 3% each year. The CPI change (from April 2010 to April 2011) posted at 2.8%. The District's revenue projection has been increased by that factor accordingly and is set at $936,054 for FY 2011-12 (add interest earnings of $5,000 for total revenue budget of $941,054). Pursuant to its oversight charge, the citizens' TLC considered the CPI change and the District's budget at its meeting on May 23rd and approved a motion to recommend the City Council implement the 2.8% CPI rate adjustment.

The Landscape Maintenance District opens the fiscal year with a projected positive equity of $491,149, an amount lower than in previous years due to the approved appropriation of $260,000 from the District's reserve (May 2010) to make certain landscape renovations and improvements in the District. Many of those improvement and landscape restoration projects were completed recently; one is underway, with the balance to be completed next fiscal year:

a. Oakhurst Drive decorative pavers in narrow medians plus plants (done) $70,000
b. Tree replacements on Keller Ridge Drive (partially complete) $16,600
c. Deferred Tree Trimming (done) $20,000
d. Clayton Fountain renovation and replanting project (almost done) $70,000
e. Restore plants: Oakhurst Dr., old Marsh Creek Rd., Clayton Rd. (next) $45,000
f. Marsh Creek Circle replanting/headlight glare mitigation (done) $19,400
g. Replant Jeffry Ranch Court island (not done yet) $ 2,500

The installation and commencement of these landscape restoration and District improvement projects represent the success of the District in managing the voter's preference for a "pay-as-you-go" ballot tax measure. The defeated Measure "O" (2005) would have issued a revenue bond in its initial year to attack public improvements sooner but conservative Clayton voters disliked the higher annual assessment and the bonded indebtedness of the District. Entering the District's 5th year of operation has allowed the accumulation of reserves to accomplish many of the same objectives, just slightly later than many might have wished.

Noteworthy expenses of the District include its annual weed abatement Citywide ($35,000 for the fire season), and the huge expense of $53,416 to abate noxious and exotic weeds in the Oakhurst Hills (a condition of project approval for the Oakhurst residential development). Metered water service is set at its historical expense of $180,000 per year by the lifting of the drought restriction last year; this expense can fluctuate wildly depending on seasonal climates and strange weather patterns. Personnel services for this labor-intensive work accounts for 30% of the District's budget this year ($343,845), down slightly from last year's portion of 33%. A gradual shift in labor deployment for services in the District to temporary/seasonal workers from the City's permanent workforce of five (5) has lessened the expense burden, which allows the availability of more funds to install beautification and improvement projects in the Landscape District.

As approved by Measure "B" voters, the District's budget includes an annual expense of $20,000 (Account 7316) for the purchase of replacement plants. The District also contributes its annual allocation of $13,500 to the City's Capital Equipment Replacement Fund (CERF), from which Maintenance vehicles and equipment are purchased for use in maintaining the Landscape District. An expense of $30,756 (3.3% of annual District revenue) is transferred to the City's General Fund to pay for administration and overhead of the City (e.g. telephones; payroll processing; accounts receivable and payable; District direction) attributable to the District's annual operations.

Consistent with the District's stated mission to maintain and improve the Landscape District, it is recommended we continue our aggressive program to further enhance the appearance and sustainability of the District's plants and landscaping. Therefore, the proposed FY 2011-12 Budget calls for an allocation of $330,000 from the District's reserves this year to perform the following enhancements:

1. Median and Roadway Re-Landscaping Projects		$230,000
a. Clayton Road, Oakhurst to old Marsh Creek Road	$115,000	
b. Clayton Road, old Marsh Creek Road to Mitchell Canyon Road	$115,000	
2. Trail Resurfacing (remainder of Bruce Lee Trail)		$ 50,000
3. Master Remote Computer Controller for all Irrigation Systems		$ 30,000
4. Trail Crack-Sealing and Minor Repairs		$ 10,000
5. Tree Replacement and Trimming		$ 10,000
Total:		$330,000

Further, it is proposed the District transfer an additional $50,000 from its reserves to the City's Capital Improvement Project Budget (CIP No. 10421) to design and install the necessary repairs on a portion of the Cardinet Trail that is being eroded by the scouring of Mt. Diablo Creek. This Cardinet Trail Restoration Project will require the involvement and permit approvals issued by the CA Fish and Game Department and other environmental regulators to ensure proper treatment of the sensitive habitat.

With all of these actions, the District's ending fund balance on 30 June 2012 will still be a healthy $221,480, which equates to a reserve of 24% of the annual revenue. The reserve status is confirmation the City does not siphon "surplus" monies of the District into its General Fund and uses the special tax revenues for the intended purposes.

Agenda Date: 7-5-11

Agenda Item: 4e

CITY OF CLAYTON

Founded 1857 . . Incorporated 1964

Approved:

Gary A. Napper, City Manager

STAFF REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

FROM: **Laura Hoffmeister, Asst. to the City Manager**

MEETING DATE: **July 5, 2011**

SUBJECT: Approval of resolution ordering the levy and collection of special taxes and setting forth the special tax amount for Community Facilities District (CFD) 2006-1 (Downtown "The Grove" Park Maintenance) on the fiscal year 2011-2012 Tax Assessment

RECOMMENDATION

Adoption of Resolution No. __-2011 ordering the levy and collection of special taxes and setting forth the special tax amount for Community Facilities District (CFD) 2006-1 (Downtown "The Grove" Park Operation and Maintenance) on the fiscal year 2011–2012 Tax Assessment Roll.

BACKGROUND

In November 2006 the electorate voted 68.19% approval to establish a special tax, known as Measure O, for the care and maintenance of Downtown Park, known as "The Grove". Measure O was established for a 10 year period (through 2017).

This special tax serves as the only funding source for the Downtown Park Operation and Maintenance - known as Community Facilities District (CFD) 2006-1. To levy the tax the city conducted a general election in the November 2006 consolidated election and received more than the minimum vote threshold (66.66%) to enact the tax.

The tax is for costs related to costs of the operation, maintenance, repair and replacement landscaping, irrigation, hardscape, lights, public restroom, gazebo, playground, water, electricity, etc. Other City parks are not maintained by this special tax but through the General Fund.

The collection of the tax is done by the County, and property owners' payments first payment occurred in November/December 2007. The Grove was opened to public use in January 2008.

The collection of the tax is done by the County, and property owners' payments for this new District first occurred in November/December 2007. Established in the voter approved tax is an ability after the initial year, to increase the assessment by the CPI with a maximum of 3% annually. It is recommended and included in the proposed levy rates to apply the annual CPI increase of 2.82%. This CPI adjustment was reflected in the City Council adopted budget.

FISCAL IMPACT

For fiscal year 2011-12 fiscal year the levy amount proposed is $17.76 per residential parcel (an increase of 48 cents from last year rate of $17.28). The non residential parcels for 2011-12 fiscal year are to be levied as follows: Downtown Core, $239.76 per ¼ acre or fraction thereof (an increase of $6.58); Other Commercial $105.11 per ¼ acre or fraction thereof (an increase of $2.88); Recreation Open Space $52.55 per ¼ acre or fraction thereof (an increase of $1.44). Multifamily Residential Care Facilities $55.23 per ¼ acre or fraction thereof (an increase of $1.52)

For fiscal year 2011-12 there apx. 4104 parcels that are subject to the special tax; of these 4044 are residential and apx. 60 are non residential. The total amount of revenue estimated to be received from this tax for FY 2011-12 is $111,814.68 (an increase of $2,805.03 over FY 10-11). These tax revenues are placed into a Special Revenue Fund (No. 211) through which all eligible expenses are tracked, paid and audited. Allowable expenses include only that for the purposes of the Downtown Park Operation and Maintenance District such as materials, supplies, equipment, utilities, labor, and administration.

CONCLUSION

The City Council, by Ordinance 401, as authorized by Section 53340 of the Government Code of the State of California, has authorized the levy of a special tax to pay for costs and expenses related to Community Facilities District 2006-1. This resolution authorizes the Contra Costa County auditor to place unpaid direct bill taxes for the 2011-2012 fiscal year on the next assessment roll.

Attachments:

- 1) Resolution No. ___ - 2011
- 2) Summary of Exhibit A to Reso. No __ - 2011
- 3) Annual Special Tax Levy Report
- 4) Ordinance 401
- 5) Resolution No. 23-2006
- 6) Resolution No. 24-2006
- 7) Resolution No. 19-2006
- 8) Resolution No. 59-2006
- 9) Resolution No. 13-2007
- 10) Downtown "The Grove" Park Maintenance (CFD 2006-1) Budget 2010-11

RESOLUTION NO. _____-2011

A RESOLUTION ORDERING THE LEVY AND COLLECTION OF SPECIAL TAXES AND SETTING THE SPECIAL TAX AMOUNT FOR FISCAL YEAR 2011-12 FOR COMMUNITY FACILITIES DISTRICT NO. 2006-1 (DOWNTOWN "Grove" PARK OPERATIONS AND MAINTENANCE)

THE CITY COUNCIL
City of Clayton, California

WHEREAS, the City Council of the City of Clayton, California, (hereinafter referred to as the "legislative body"), has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in Community Facilities District No.2006-1(hereinafter referred to as "District"), all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982"; being Chapter *2.5,* Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act"). ; and,

WHEREAS, this legislative body, by Ordinance No. 401 as authorized by Section 53340 of the Government Code of the State of California, has authorized the levy of a special tax to pay for costs and expenses related to said District, and this legislative body is desirous to establish the specific rate of the special tax to be collected for fiscal year 2011-12; and,

WHEREAS, the special taxes are in compliance with all laws pertaining to the Act and the levy of special taxes; the special taxes are levied without regard to property valuation, and the special taxes are in compliance with the provisions of Prop 218.

NOW THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the specific rate and amount of the special tax to be collected

Attachment 1

to pay for the costs and expenses for the next fiscal year (2011-2012) for the referenced District is hereby determined and established as set forth in the attached, referenced and incorporated Exhibit "A".

SECTION 3. That the rate as set forth above does not exceed the amount as previously authorized by Ordinance 401 of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. That the proceeds of the special tax shall be used as provided in Ordinance No. 401, including, but not limited to, the payment of, in whole or in part, the costs of the following:

A. Payment of costs and expenses of the operation, maintenance, repair and replacement of the downtown park facilities;
B. Payment of District administrative costs.
C. Cost of collecting and administering the special tax

The proceeds of the special taxes shall be used as set forth above, and shall not be used for any other purpose.

SECTION 5. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the Tax Collector is hereby authorized to collect the special tax and to deduct reasonable administrative costs incurred in collecting said special tax.

SECTION 6. All monies above collected shall be paid into the Community Facilities District 2006-1 fund.

SECTION 7. The Auditor of the County is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land effected in a space marked "public improvements, special tax" or by any other suitable designation, the installment of the special tax, and for the exact rate and amount of said tax, and assessor's parcel number (APN), reference is made to the attached Exhibit "A".

SECTION 8. The County Auditor shall then, at the close of the tax collection period, promptly render to this City a detailed report showing the amount and/or amounts of such special tax installments, interest, penalties and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

_____

David T. Shuey, Mayor

ATTEST:

_____

Laci J. Jackson, City Clerk

Laura/fy 11-12rescfd2006-fgrovepk

Summary of EXHIBIT A
to Resolution ___-2011

CFD 2006-1 Downtown "The Grove" Park Maintenance District
Special Tax

For fiscal year 2011-2012 the assessor's parcel numbers and the special tax amounts are as set forth in the Community Facilities District No.2006-1 (Downtown "The Grove" Park Maintenance) Preliminary Billing Levy Detail Report for FY 2011-2012 on file in the City Clerk's office, City Hall, 6000 Heritage Trail, Clayton, CA.

Due to the length of the report, it is summarized as follows:

For FY 2011-2012 the following shall be levied:
Residential parcels, (single family, condo, and townhouse) shall have a rate of $17.76 per parcel.

Downtown Core Area shall have a rate of $239.76 per ¼ acre or fraction thereof.

Other Commercial Parcels shall have a rate of $105.11 per ¼ acre or fraction thereof.

Recreation Open Space parcels shall have a rate of $52.55 per ¼ acre or fraction thereof.

Multifamily residential parcels shall have a rate of $55.23 per ¼ acre or fraction thereof

Parcel size as shown on the most recent County tax and parcel records.

There are a total of 4105 parcels to be levied:
There are 4044 residential levies
There are 31 downtown core levies comprising 16acres (or 77 ¼ unit acres)
There are 21 other commercial levies comprising 28 (or 125 ¼ unit acres)
There are 6 recreation levies comprising 31 acres (or 125 ¼ unit acres)
There are 2 multifamily levies comprising 8 acres (or 33 ¼ unit acres)

$71,821.44 est. total revenue from residential
$18,461.71 est. total revenue from downtown core
$13,139.58 est. total revenue from other commercial
$6,569.22 est. total revenue from recreation and open space
$1,822.64 est. total revenue from multifamily
$111,814.68 est. revenue for FY 11-12

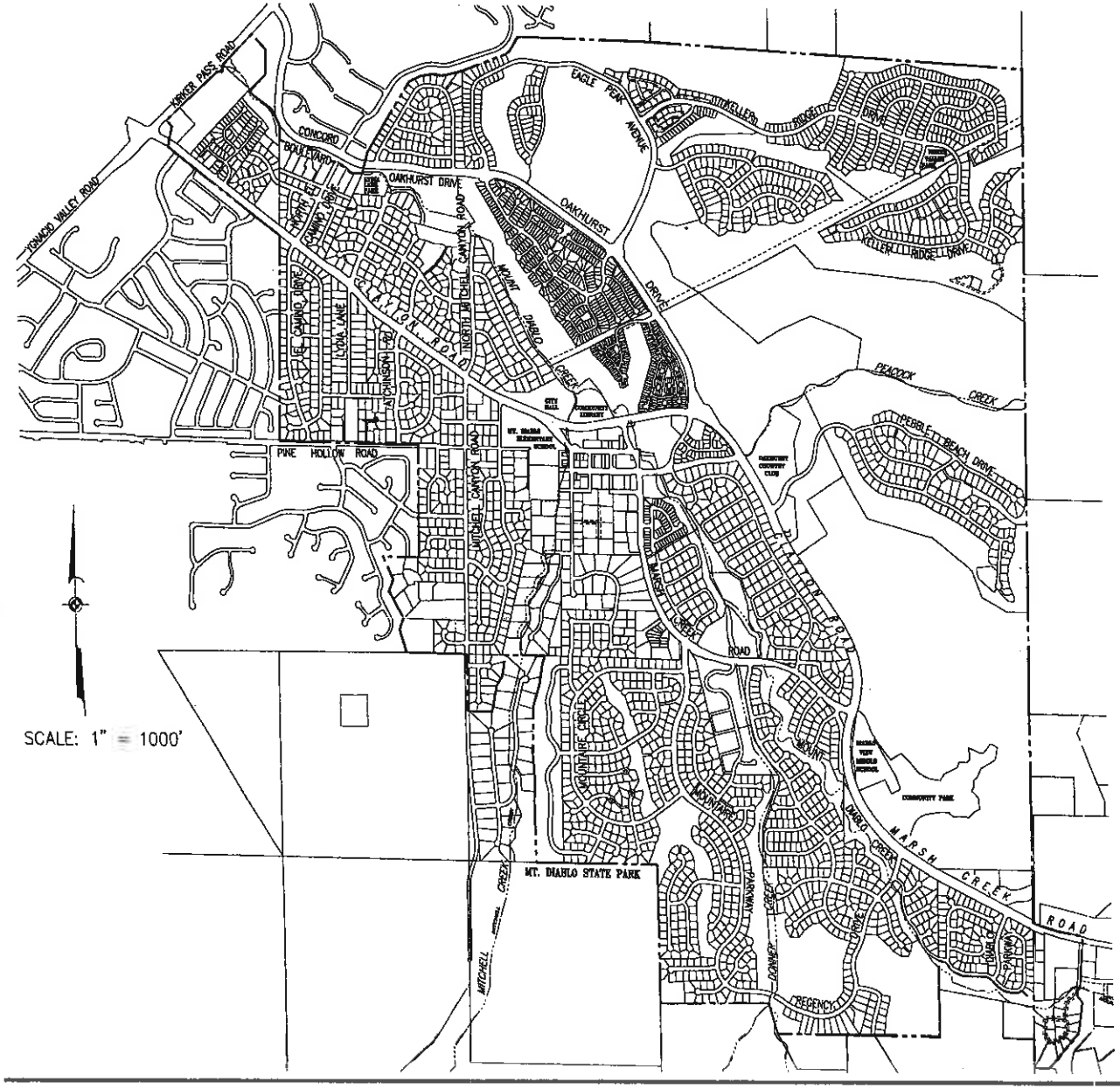
laura/Exhibit A rescfd2006-1 fy11-12

Attachment 2

PROPOSED BOUNDARIES OF

COMMUNITY FACILITIES DISTRICT NO. 2006-1
(DOWNTOWN PARK OPERATION AND MAINTENANCE DISTRICT)

CITY OF CLAYTON, COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



CITY RECORDER'S STATEMENT:

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CLAYTON, THIS 28th DAY OF April, 2006.

BY: Rhonda K Basore
CITY CLERK
CITY OF CLAYTON

CITY CLERK'S STATEMENT:

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NUMBER 2006-1 IN THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON AT A REGULAR MEETING THEREOF, HELD ON THE 16th DAY OF May, 2006, BY ITS RESOLUTION NO. 19-2006.

BY: Rhonda K Basore
CITY CLERK
CITY OF CLAYTON

RECORDER'S CERTIFICATE:

FILED THIS 31st DAY OF MAY 2006, AT THE HOUR OF 1:48 O'CLOCK P.M. IN BOOK 79 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 50, AND AS INSTRUMENT NUMBER 06-171762 IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

06-171762

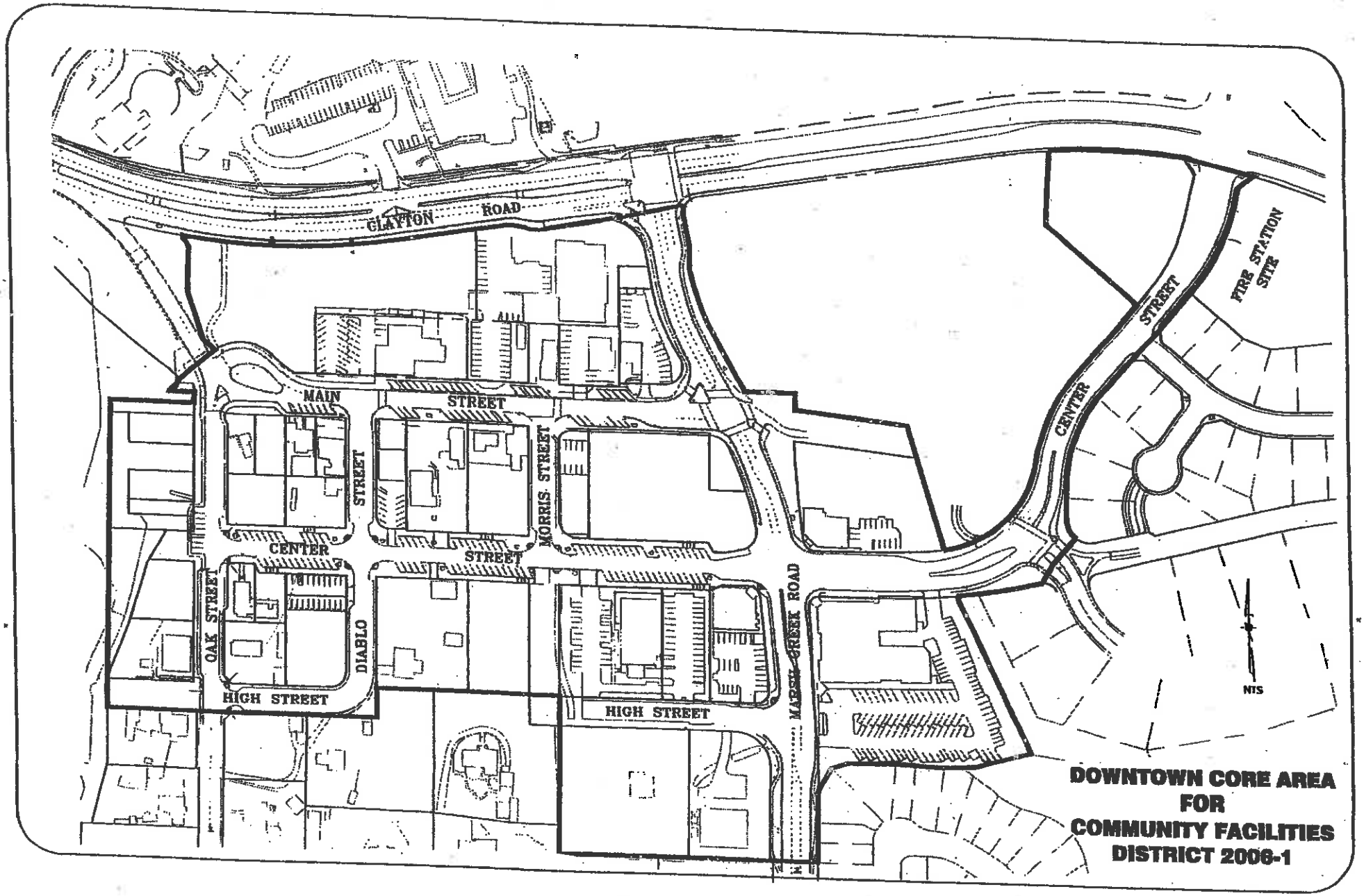
BY: Stephen L. Weir
COUNTY RECORDER
COUNTY OF CONTRA COSTA

BY: D Mandlock
DEPUTY COUNTY RECORDER

LEGEND

——— CITY LIMIT LINE AND COMMUNITY FACILITY DISTRICT BOUNDARY

5-31-06 1:48 PM 79-50


CLAYTON ROAD
MAIN STREET
OAK STREET
DIABLO STREET
CENTER STREET
MORRIS STREET
CENTER STREET
FIRE STATION SITE
HIGH STREET
HIGH STREET
MARSH CREEK ROAD
N
NTS
DOWNTOWN CORE AREA
FOR
COMMUNITY FACILITIES
DISTRICT 2006-1

NBS
helping communities
fund tomorrow

City of Clayton

Community Facilities District No. 2006-1
Downtown Park Operation and Maintenance Tax

Annual Report

July 2011

Main Office
32605 Temecula Parkway, Suite 100
Temecula, CA 92592
Toll free: 800.676.7516 Fax: 951.296.1998

Regional Office
870 Market Street, Suite 1223
San Francisco, CA 94102
Toll free: 800.434.8349 Fax: 415.391.8439

Attachment 3

CITY OF CLAYTON
6000 Heritage Trail
Clayton, California 94517
Phone – (925) 673-7300
Fax – (925) 672-4917

City Council

David Shuey, Mayor
Howard Geller, Vice Mayor
Joe Medrano, Councilmember
Julie K. Pierce, Councilmember
Hank Stratford, Councilmember

City Staff

Gary Napper, City Manager
Laura Hoffmeister, Assistant to the City Manager
Merry Pelletier, Finance Manager

Special Tax Administrator

NBS
Tim Seufert, Client Services Director
Greg Davidson, Director
Kristin Harvey, Senior Consultant
Temecula, California
Phone – (800) 676-7516
Fax – (951) 296-1998
www.nbsgov.com

EXECUTIVE SUMMARY/SPECIAL ISSUES

General Information Summary

Maturity	2011/12 Levy (1)	Parcel Count	Delinquency Rate (2)
Fiscal Year 2016/17	$111,814.68	4,300	2.23%

(1) Includes a rounding adjustment for County tax submittal purposes.
(2) Delinquency Rate for Fiscal Year 2010/11.

Community Facilities District No. 2006-1, Downtown Park Operation and Maintenance Tax (the "District") was created to finance the costs of operation, maintenance, repair and replacement of an approximate 1-acre public park (APN 119-015-005 and 006) adjacent to the western edge of (old) March Creek Road between Main and Center Streets located in Town Center Clayton.

For Fiscal Year 2011/12, all taxable parcels within this District will be levied at 100% of their respective Maximum Special Tax. The Maximum Special Tax rates for Fiscal Year 2011/12, which have been escalated by 2.82%, are as follows:

Residential Parcels:	$17.77 per parcel
Downtown Core Parcels:	$239.76 per ¼ acre or fraction thereof
Other Commercial Parcels:	$105.11 per ¼ acre or fraction thereof
Recreational Open Space Parcels:	$52.55 per ¼ acre of fraction thereof
Multi-Family Residential Care Facilities Parcels:	$55.23 per ¼ acre of fraction thereof

The delinquency rate for the District was 2.23% for Fiscal Year 2010/11. With the City's authorization, NBS sent reminder and demand letters to delinquent property owners to encourage the immediate payment of delinquent property tax bills.

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1. 2011/12 LEVY

1.1. Special Tax Spread

All taxable parcels within the District were levied at 100% of their respective Maximum Special Tax rate for Fiscal Year 2011/12. The details of the Special Tax, spread amongst the 4,300 parcels within the District, are as follows:

Parcel Classification	Parcel Count	Maximum Rate	Total Maximum Special Tax	Total Amount Levied (3)
Residential (1)	4,044	$17.77	$71,861.88	$71,821.44
Downtown Core (2)	31	239.76	18,461.93	18,461.80
Other Commercial (2)	21	105.11	13,139.75	13,139.58
Recreational Open Space (2)	6	52.55	6,569.25	6,569.22
Multi-Family Residential Care Facilities (2)	2	55.23	1,822.65	1,822.64
Exempt	196	0.00	0.00	0.00
Total	**4,300**		**$111,855.46**	**$111,814.68**

(1) Per the Rate and Method of Apportionment, the maximum special tax for residential parcels is calculated on a per parcel basis.
(2) Per the Rate and Method of Apportionment, the maximum special tax for Downtown Core, other commercial, recreational open space and multi-family residential care facilities is calculated per ¼ acre or fraction thereof.
(3) Includes a rounding adjustment for County tax submittal purposes.

The table below shows the Fiscal Year 2010/11 Maximum Special Tax within each of the six classifications of the District:

Parcel Classification	Parcel Count	Maximum Rate	Total Maximum Special Tax
Residential (1)	4,044	$17.28	$69,880.32
Downtown Core (2)	32	233.18	18,188.49
Other Commercial (2)	21	102.23	12,779.21
Recreational Open Space (2)	6	51.11	6,389.00
Multi-Family Residential Care Facilities (2)	2	53.71	1,772.63
Exempt	196	0.00	0.00
Total	**4,301**		**$109,009.65**

(1) Per the Rate and Method of Apportionment, the maximum special tax for residential parcels is calculated on a per parcel basis.
(2) Per the Rate and Method of Apportionment, the maximum special tax for Downtown Core, other commercial, recreational open space and multi-family residential care facilities is calculated per ¼ acre or fraction thereof.

Please refer to section 3 of this report for details of the Special Tax Formula.

2. DELINQUENCY MANAGEMENT

2.1. Delinquency Summary

The following table shows the Fiscal Year 2010/11 delinquency rate for the District:

2010/11 Levy	2010/11 Delinquencies	2010/11 Delinquency Rate	Delinquency Management Steps Taken
$109,009.42	$2,436.10	2.23%	Reminder and Demand Letters Sent

NBS monitors the delinquency rate and reviews the delinquency situation after each payment date. With the City's authorization, NBS sent reminder and demand letters to delinquent property owners to encourage the immediate payment of delinquent property tax bills.

Please refer to section 5 of this report for a delinquency detail report for the District.

2.2. Delinquency Summary Report

The following page summarizes delinquencies for the 2010/11 and prior fiscal years.

City of Clayton

Delinquency Summary Report

As of: 06/08/2011

District	Due Date	Billed Amount	Paid Amount	Delinquent Amount	Delinquent Amount %	Billed Installments	Paid Installments	Delinquent Installments	Delinquent Installments %
CFD 2006-1									
	8/1/2007 Billing:								
	12/10/2007	$50,888.87	$50,745.59	$143.28	0.28 %	4,074	4,069	5	0.12 %
	4/10/2008	50,888.87	50,729.21	159.66	0.31 %	4,074	4,067	7	0.17 %
	Subtotal:	**$101,777.74**	**$101,474.80**	**$302.94**	**0.30 %**	**8,148**	**8,136**	**12**	**0.15 %**
	8/1/2008 Billing:								
	12/10/2008	$52,481.16	$52,325.30	$155.86	0.30 %	4,081	4,075	6	0.15 %
	4/10/2009	52,481.16	52,274.72	206.44	0.39 %	4,081	4,069	12	0.29 %
	Subtotal:	**$104,962.32**	**$104,600.02**	**$362.30**	**0.35 %**	**8,162**	**8,144**	**18**	**0.22 %**
	8/1/2009 Billing:								
	12/10/2009	$53,567.86	$53,274.95	$292.91	0.55 %	4,105	4,083	22	0.54 %
	4/10/2010	53,567.86	53,249.48	318.38	0.59 %	4,105	4,080	25	0.61 %
	Subtotal:	**$107,135.72**	**$106,524.43**	**$611.29**	**0.57 %**	**8,210**	**8,163**	**47**	**0.57 %**
	8/1/2010 Billing:								
	12/10/2010	$54,504.71	$53,571.78	$932.93	1.71 %	4,105	4,049	56	1.36 %
	4/10/2011	54,504.71	53,001.54	1,503.17	2.76 %	4,105	3,983	122	2.97 %
	Subtotal:	**$109,009.42**	**$106,573.32**	**$2,436.10**	**2.23 %**	**8,210**	**8,032**	**178**	**2.17 %**
CFD 2006-1	**Total:**	**$422,885.20**	**$419,172.57**	**$3,712.63**	**0.88 %**	**32,730**	**32,475**	**255**	**0.78 %**
Agency Grand Total:		**$422,885.20**	**$419,172.57**	**$3,712.63**	**0.88 %**				

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3. RATE AND METHOD OF APPORTIONMENT

3.1. Method of Apportionment

A Special Tax will be levied annually on each taxable parcel of land within the District and collected in the same manner as ordinary ad valorem property taxes or in such manner as the City Council or its designee shall determine, including City-originated billing of the affected property owners.

3.2. Definitions

Taxable Parcels - Parcels of land within the boundaries of the District that are not included in the "Exempt Parcel" category listed below.

Exempt Parcels - Parcels of land owned by a public school district, and parcels of land owned by the City of Clayton or the Clayton Redevelopment Agency outside the boundaries of the defined Downtown Core area.

Residential Parcels - Taxable Parcels of land in the District that are classified in the City of Clayton General Plan as either single-family, multi-family or rural estate residential parcels.

Downtown Core Parcels - Taxable Parcels within the Downtown Core area that are not classified as "Residential Parcels."

Other Commercial Parcels - Taxable Parcels outside the boundaries of the Downtown Core area that are not classified as "Residential Parcels," "Recreational Open Space Parcels" or "Multi-Family Residential Care Facilities Parcels."

Recreational Open Space Parcels - Taxable Parcels classified as "Private Golf Course" in the City of Clayton General Plan.

Multi-Family Residential Care Facilities Parcels - Taxable Parcels having institutional or congregate care residential units within a facility with an on-site manager.

Special Tax - The Special Tax allowed to be levied on property within the District, calculated pursuant to the Rate and Method of Apportionment of Special Tax.

3.3. Special Tax Formula

A. **Residential Parcels** - An annual Special Tax will be levied on all Residential Parcels, as defined above, at the per parcel tax rate shown below for each Fiscal Year 2007/08 through 2016/17:

   Residential Parcel Annual Special Tax Rate for Fiscal Year 2007/08: $16.39 per parcel.

B. **Downtown Core Parcels** - An annual Special Tax will be levied on all non-Residential Parcels within the Downtown Core area, as defined above, at the per ¼ acre or fraction thereof, parcel rate shown below for each Fiscal Year 2007/08 through 2016/17:

   Downtown Core Parcel Annual Special Tax Rate for Fiscal Year 2007/08: $221.05 per ¼ acre or fraction thereof parcel size as shown on the County tax roll.

C. **Other Commercial Parcels -** An annual Special Tax will be levied on all non-Residential Parcels outside the Downtown Core area, as defined above, at the per ¼ acre or fraction thereof parcel rate shown below for each Fiscal Year 2007/08 through 2016/07:

Other Commercial Parcel Annual Special Tax Rate for Fiscal Year 2007/08: $96.92 per ¼ acre or fraction thereof parcel size as shown on the County tax roll.

D. **Recreational Open Space Parcels -** An annual Special Tax will be levied on all Private Golf Course Parcels, as defined above, at the per ¼ acre or fraction thereof parcel rate shown below for each Fiscal Year 2007/08 through 2016/17:

Recreational Open Space Parcel Annual Special Tax Rate for Fiscal Year 2007/08: $48.46 per ¼ acre or fraction thereof parcel size as shown on the County tax roll.

E. **Multi-Family Residential Care Facilities Parcels -** An annual Special Tax will be levied on all Multi-Family Residential Care Facilities Parcels, as defined above, at the per ¼ acre or fraction thereof parcel rate shown below for each Fiscal Year 2007/08 through 2016/17:

Multi-Family Residential Care Facilities Parcel Annual Special Tax Rate for Fiscal Year 2007/08: $50.92 per ¼ acre or fraction thereof parcel size as shown on the County tax roll.

3.4. Special Tax Escalator Factor

In Fiscal Years 2008/09 through 2016/17, each annual Special Tax rate may be increased annually by the City of Clayton City Council in an amount not to exceed the full annual adjustment (April to April) in the Consumer Price Index – All Urban Consumers, San Francisco-Oakland-San Jose, CA Area (Base Period 1982-84 =100). This escalation factor is applicable if determined by the City to be necessary due to expected or actual increases in the operational, maintenance, repair and replacement expenses attributable to the District. In no event shall each annual Special Tax rate in any fiscal year increase by more than three percent (3%) over the previous year.

The Special Tax Escalation Factor for Fiscal Year 2011/12 is **2.82%.**

3.5. Duration of Special Tax Levy

The Special Tax will be levied annually for a period of ten (10) years commencing with Fiscal Year 2007/08 through and including Fiscal Year 2016/17. After the ten (10) year duration has expired the Special Tax may no longer be levied or collected unless extended pursuant to applicable laws, except that a Special Tax that was lawfully levied in or before the final tax year and that remains delinquent may be collected in subsequent years.

4. BACKGROUND INFORMATION

4.1. Project Description

The services that are proposed to be financed by the District shall include the attributable costs of operation, maintenance, repair and replacement of:

Downtown Park – which includes, but is not limited to:

Costs of operation, maintenance, repair and replacement of an approximate 1-acre public park (APN 119-015-005, 006) abutting the western edge of (old) Marsh Creek Road between Main and Center Streets located in Town Center Clayton.

Definitions

"Costs of Operation, Maintenance, Repair and Replacement" of the foregoing public park improvements means the furnishing of services and materials for the ordinary and usual operation, maintenance and care of a downtown public park with its appurtenant facilities, public restroom, gazebo, playground equipment and improvements, including repair, removal or replacement of all or part of any landscaping or turf or appurtenant facilities providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, pruning, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris, litter and other solid wastes; and the eradication of landscape pests, including but not limited to vermin and rodents, ground squirrels, gophers, and moles.

"Maintenance" also means the furnishing of water for public health purposes and irrigation of the park turf, trees and landscaping, and the supply of the electricity to operate the attendant irrigation systems, park lights and electrical outlets. In addition, allowable expenses include the County's cost to levy and collect the District's assessment through the annual property tax bill, the City's shared equipment and facilities charges, City prorated overhead charges to administer and manage the District, and District reserve funds for capital replacements, vandalism and major repairs.

The foregoing services shall be provided through and by the City, either with its own labor forces or by contract with third parties, or any combination thereof, as determined solely by the City.

4.2. Resolutions

The resolution approved by the City Council authorizing the levy of the special tax was not available at the time of writing this report.

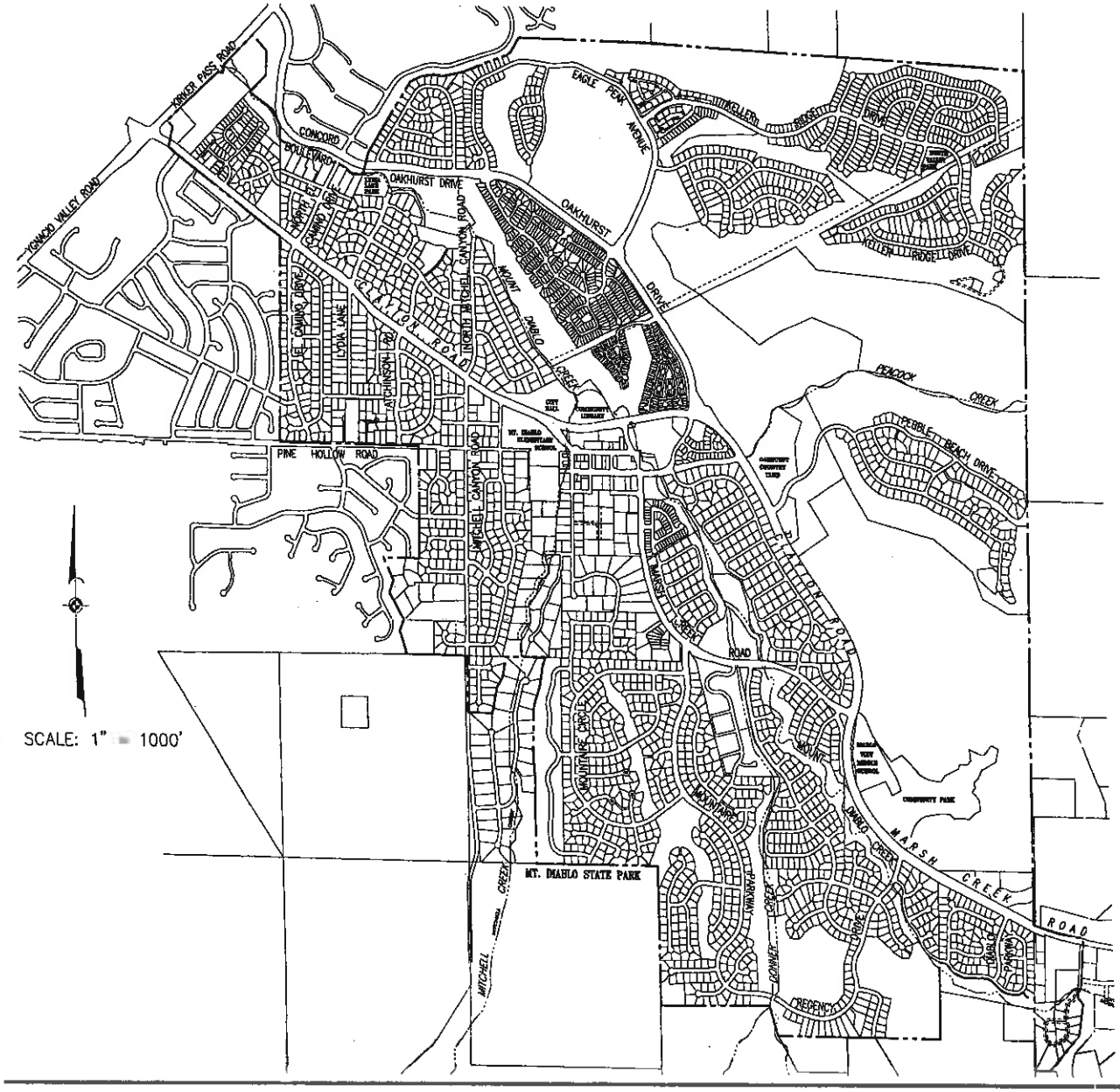
4.3. Boundary Map

The following pages show the boundaries of the District.

PROPOSED BOUNDARIES OF

COMMUNITY FACILITIES DISTRICT NO. 2006-1
(DOWNTOWN PARK OPERATION AND MAINTENANCE DISTRICT)

CITY OF CLAYTON, COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



CITY RECORDER'S STATEMENT:

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CLAYTON, THIS 28th DAY OF April, 2006.

BY: Rhonda K Basore
CITY CLERK
CITY OF CLAYTON

CITY CLERK'S STATEMENT:

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NUMBER 2006-1 IN THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON AT A REGULAR MEETING THEREOF, HELD ON THE 16th DAY OF May, 2006, BY ITS RESOLUTION NO. 19-2006.

BY: Rhonda K Basore
CITY CLERK
CITY OF CLAYTON

RECORDER'S CERTIFICATE:

FILED THIS 31st DAY OF MAY 2006. AT THE HOUR OF 1:48 ~~O'CLOCK~~ P.M. IN BOOK 79 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 50, AND AS INSTRUMENT NUMBER 06-171762 IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

06-171762

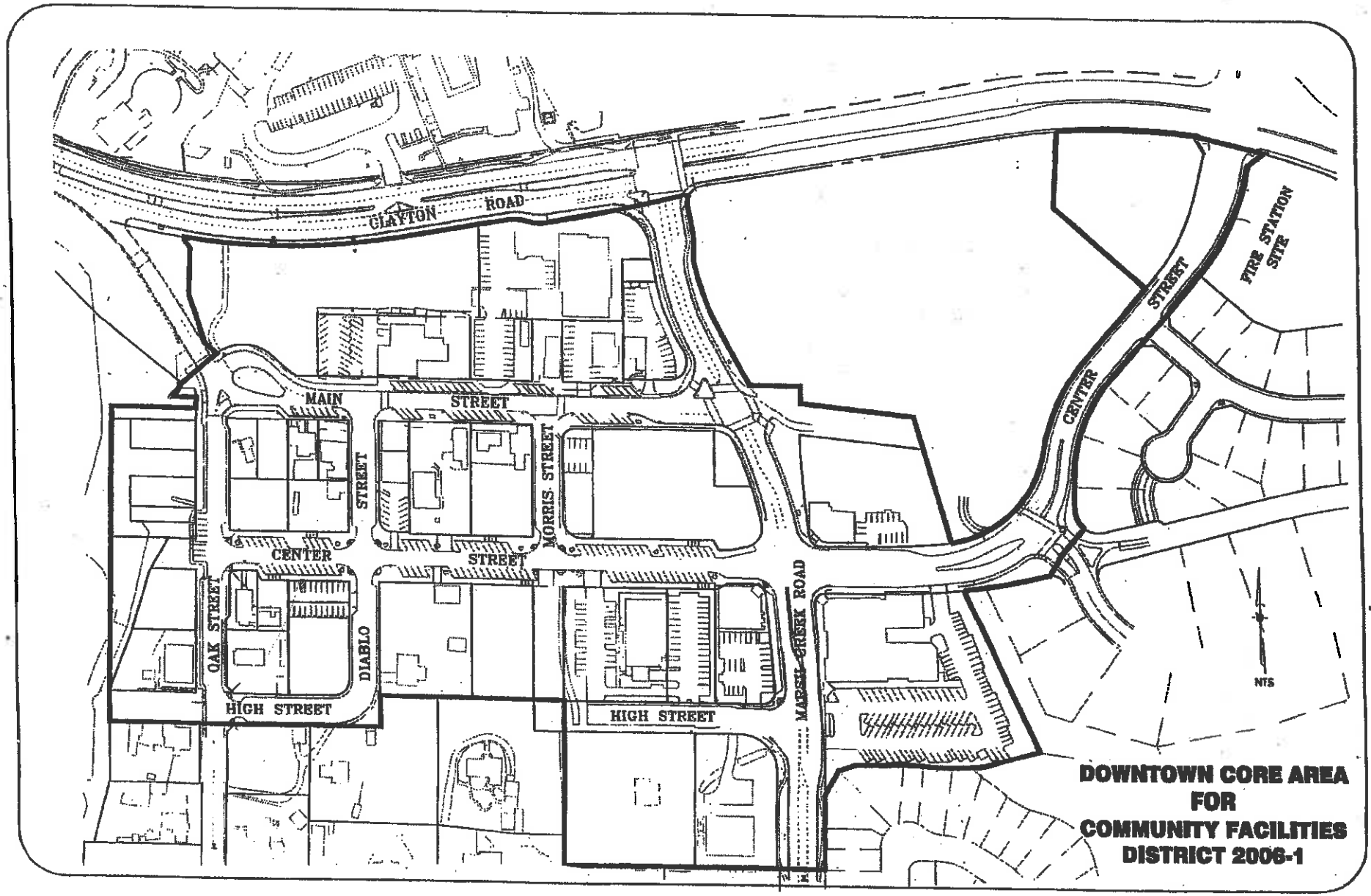
BY: Stephen L. Weir
COUNTY RECORDER
COUNTY OF CONTRA COSTA

BY: D Mandlock
DEPUTY COUNTY RECORDER

LEGEND

——·——·—— CITY LIMIT LINE AND COMMUNITY FACILITY DISTRICT BOUNDARY

5.31.06 1:48 PM 79-50



DOWNTOWN CORE AREA FOR COMMUNITY FACILITIES DISTRICT 2006-1

5. DELINQUENCY DETAIL

The following pages detail delinquencies for the 2010/11 and prior fiscal years.

City of Clayton
CFD 2006-1 Downtown Park Tax
Delinquency Detail Report
Late Charges Calculated Through 06/08/2011

Account ID	Owner	Due Date	Amount	Penalty	Interest	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
118-031-012	DOWNS DAVID F & KRISTEN K 5484 TARA DR CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-061-005	FOSBERY JEFFERY PO BOX 485 CLAYTON, CA 94517	12/10/2007	8.19	0.82	4.42	0.00	13.43	RL DL	
		04/10/2008	8.19	0.82	4.42	0.00	13.43	RL DL	
		12/10/2008	8.43	0.84	3.03	0.00	12.30	RL DL	
		04/10/2009	8.43	0.84	3.03	0.00	12.30	DL	
		12/10/2009	8.49	0.85	1.53	0.00	10.87	DL	
		04/10/2010	8.49	0.85	1.53	0.00	10.87	DL	
		12/10/2010	8.64	0.86	0.00	0.00	9.50	DL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	DL	
		Account Subtotal:	**$67.50**	**$6.74**	**$17.96**	**$0.00**	**$92.20**		
118-063-006	HUSTON JEFFREY J & JANINE 1531 N MITCHELL CANYON RD CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-071-017	HAFT STEVEN K & JULIE L & STEVENS MURRAY 1518 EL CAMINO DR CLAYTON, CA 94517	12/10/2010	8.64	0.86	0.00	0.00	9.50	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
118-071-020	DUENAS CONRAD R & ANA R 1500 EL CAMINO DR CLAYTON, CA 94517	04/10/2009	8.43	0.84	3.03	0.00	12.30	RL	
		12/10/2009	8.49	0.85	1.53	0.00	10.87	RL	
		04/10/2010	8.49	0.85	1.53	0.00	10.87	RL	
		Account Subtotal:	**$25.41**	**$2.54**	**$6.09**	**$0.00**	**$34.04**		
118-093-004	VANATTA DANIEL L & GESINEE CH 5979 WALLACE DR CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		

(1) Fees: This amount excludes Delinquency Management fees that were or will be collected in a subsequent billing.

(2) Delinquency Management Codes: RL=Reminder Sent; DL=Demand Letter Sent; SR=Tax Roll Removal Requested; SC=Tax Roll Removal Confirmed; FL=Foreclosure Letter Sent; OL=Other Letter Sent; FI=Judicial Foreclosure Initiated; CP=County Payment Plan; FH=Judicial Foreclosure on Hold/Special Case; FC=Foreclosure Complete; LIT=Litigation Guarantee; LGL=Legal Fees and Costs; O=Other Fees; SO=Tax Roll Removal County Fee; PP = Payment Plan.

(3) Miscellaneous Codes: DB=Direct Bill Sent ; BK=Declared Bankruptcy; PM=Partial Payment made, remainder delinquent.

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City of Clayton
CFD 2006-1 Downtown Park Tax
Delinquency Detail Report
Late Charges Calculated Through 06/08/2011

Account ID	Owner	Due Date	Amount	Penalty	Interest	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
118-101-007	DELGADO DAVID F & DEBRA 11 XAVIER PL CLAYTON, CA 94517	12/10/2010 04/10/2011	8.64 8.64	0.86 0.86	0.00 0.00	0.00 0.00	9.50 9.50	RL RL	
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
118-164-004	DIRA MARIBEL 9172 QUAIL COVE DR ELK GROVE, CA 95624	12/10/2010 04/10/2011	8.64 8.64	0.86 0.86	0.00 0.00	0.00 0.00	9.50 9.50		
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
118-164-013	GUANZON JEANNIE M 5472 TARA DR CLAYTON, CA 94517	12/10/2010 04/10/2011	8.64 8.64	0.86 0.86	0.00 0.00	0.00 0.00	9.50 9.50		
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
118-164-019	THOMAS GARY & LORETTA & ERIC THOMAS 1505 OHARA CT CLAYTON, CA 94517	12/10/2009 04/10/2010	8.49 8.49	0.85 0.85	1.53 1.53	0.00 0.00	10.87 10.87	RL RL	
		Account Subtotal:	**$16.98**	**$1.70**	**$3.06**	**$0.00**	**$21.74**		
118-164-025	BASAVARAJ BHARATUR & SHIVAMALA 1531 OHARA CT CLAYTON, CA 94517	12/10/2010 04/10/2011	8.64 8.64	0.86 0.86	0.00 0.00	0.00 0.00	9.50 9.50	RL RL	
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
118-164-047	HENDRICKS-BOTSFORD LYNETTE R & BOTSFORD 1537 HAVILAND PL CLAYTON, CA 94517	12/10/2010 04/10/2011	8.64 8.64	0.86 0.86	0.00 0.00	0.00 0.00	9.50 9.50		
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
118-164-048	GWIN HALTON M & CAROLYN M 1541 HAVILAND PL CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		

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Account ID	Owner	Due Date	Amount	Penalty	Interest	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
118-221-005	SANCHEZ SALVADOR & AILEEN J 614 BLACK POINT CT CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-222-003	FAINA KEITH J & SUSAN M 115 JEFFRY RANCH CT CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-222-004	KHACHADOORIAN GARY 121 JEFFRY RANCH CT CLAYTON, CA 94517	12/10/2010	8.64	0.86	0.00	0.00	9.50	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
118-222-011	HENDRICK IVAN L & CHRISALEE C PO BOX 860 CLAYTON, CA 94517	04/10/2009	8.43	0.84	3.03	0.00	12.30	RL	
		12/10/2009	8.49	0.85	1.53	0.00	10.87	RL	
		04/10/2010	8.49	0.85	1.53	0.00	10.87	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
		Account Subtotal:	**$34.05**	**$3.40**	**$6.09**	**$0.00**	**$43.54**		
118-230-001	SUNDERLAND WILLIAM C & DEBRA 5801 CAULFIELD DR CLAYTON, CA 94517	12/10/2010	8.64	0.86	0.00	0.00	9.50	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
118-230-008	MAROWSKY HORST K c/o: LORETTA L HEFNER MA 25A CRESCENT DR #345 PLEASANT HILL, CA 94523	12/10/2010	8.64	0.86	0.00	0.00	9.50	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
118-230-010	SUNDERLAND WILLIAM C & DEBRA 5801 CAULFIELD DR CLAYTON, CA 94517	12/10/2010	8.64	0.86	0.00	0.00	9.50	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		

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118-321-005	LEONBERGER LIDIA 1809 YOLANDA CIR CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-331-005	HUERTA RAFAEL JR & EVELIA 1827 YOLANDA CIR CLAYTON, CA 94517	12/10/2010	8.64	0.86	0.00	0.00	9.50	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
118-381-001	HUTFLIESS MARK R & LINDA 11 EAGLE PEAK PL CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-392-004	ESPINOZA DARIO W & LILIA M 1828 OHLONE HTS CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-392-012	AMMONS WILLIAM STEVE 1568 HUDSON ST REDWOOD CITY, CA 94061	04/10/2010	8.49	0.85	1.53	0.00	10.87		
		12/10/2010	8.64	0.86	0.00	0.00	9.50		
		04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$25.77**	**$2.57**	**$1.53**	**$0.00**	**$29.87**		
118-401-006	DIMATTEO DIANE C 1780 INDIAN WELLS WAY CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-401-014	ROW PAUL K & LINDA H 23 RIDGETOP WAY NAPA, CA 94558	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-402-023	RUBINO MARY KATHRYN 1648 CORTE DE CALLAS SAN JOSE, CA 95124	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		

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118-402-054	RICHARDSON DENIS E & JANICE H 201 ROUND HOUSE PL CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-402-059	HAGUE LILLIAN 38 JALALON PL CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-410-019	WELLS FARGO BANK NA c/o: CARRINGTON MORTGAGE 1610 E SAINT ANDREW PL SANTA ANA, CA 92705	12/10/2010 04/10/2011	8.64 8.64	0.86 0.86	0.00 0.00	0.00 0.00	9.50 9.50		
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
118-410-020	PEREZ EDWARD RAPHAEL & PICKOLICK CHERYL 1355 SHELL LN CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-410-059	GELLER JANICE LYNN 1258 SHELL CIR CLAYTON, CA 94517	12/10/2010 04/10/2011	8.64 8.64	0.86 0.86	0.00 0.00	0.00 0.00	9.50 9.50		
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
118-410-071	FERRETTI DARLA J 1282 SHELL CIR CLAYTON, CA 94517	12/10/2010 04/10/2011	8.64 8.64	0.86 0.86	0.00 0.00	0.00 0.00	9.50 9.50		
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
118-410-074	RENWICK SAMUEL & JENNIFER 1288 SHELL CIR CLAYTON, CA 94517	12/10/2010 04/10/2011	8.64 8.64	0.86 0.86	0.00 0.00	0.00 0.00	9.50 9.50		
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		

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118-422-003	RIGOLI DANIEL A & DIANA D 352 BLUE OAK LN CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-442-012	VALENCIA JANET 3013 WINDMILL CANYON DR CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-443-001	FIELD ANTHONY ROBERT 10 HIDDEN CREST CT DANVILLE, CA 94506	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-452-038	JOHNSON ROXANNE D 5102 KELLER RIDGE DR CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-460-005	KHAN FAROOQ H 608 JULPUN LOOP CLAYTON, CA 94517	12/10/2010 04/10/2011	8.64 8.64	0.86 0.86	0.00 0.00	0.00 0.00	9.50 9.50		
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
118-460-045	JENSEN MARK A & PAMELA A 803 CHERT PL CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-460-076	RIKER WILLIAM G & SUDWEEKS-RIKER JUDY 716 ANIZUMNE CT CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-470-064	WOOD FRANCESCA 1003 FEATHER CIR CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		

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118-470-119	FARLEY JOHN & MARION 1025 FEATHER CIR CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-500-013	BALIDO EDMERALDO A & JEANNIE Y 1124 PEACOCK CREEK DR CLAYTON, CA 94517	12/10/2009	8.49	0.85	1.53	0.00	10.87		
		04/10/2010	8.49	0.85	1.53	0.00	10.87		
		12/10/2010	8.64	0.86	0.00	0.00	9.50		
		04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$34.26**	**$3.42**	**$3.06**	**$0.00**	**$40.74**		
118-550-015	DANGINA JOSEPH R 512 RAVEN PL CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-560-007	PRESLEY COMPANIES 6095 MAIN STREET CLAYTON, CA 94517-1203 USA	12/10/2007	110.52	11.05	59.68	0.00	181.25		DB
		04/10/2008	110.52	11.05	59.68	0.00	181.25		DB
		Account Subtotal:	**$221.04**	**$22.10**	**$119.36**	**$0.00**	**$362.50**		
118-560-022	PRESLEY COMPANIES 1350 ARNOLD DR #201	12/10/2008	113.71	11.37	40.94	0.00	166.02		
		04/10/2009	113.71	11.37	40.94	0.00	166.02		
		12/10/2009	114.62	11.46	20.63	0.00	146.71		
		04/10/2010	114.62	11.46	20.63	0.00	146.71		
		12/10/2010	116.59	11.66	0.00	0.00	128.25		
		04/10/2011	116.59	11.66	0.00	0.00	128.25		
		Account Subtotal:	**$689.84**	**$68.98**	**$123.14**	**$0.00**	**$881.96**		
118-570-006	WHITE RICK DUANE 373 BLUE OAK LN CLAYTON, CA 94517	12/10/2007	8.19	0.82	4.42	0.00	13.43	RL	
		04/10/2008	8.19	0.82	4.42	0.00	13.43	RL	
		12/10/2008	8.43	0.84	3.03	0.00	12.30	RL	
		04/10/2009	8.43	0.84	3.03	0.00	12.30		
		12/10/2009	8.49	0.85	1.53	0.00	10.87		
		04/10/2010	8.49	0.85	1.53	0.00	10.87		
		12/10/2010	8.64	0.86	0.00	0.00	9.50		
		04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$67.50**	**$6.74**	**$17.96**	**$0.00**	**$92.20**		

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118-570-014	FITZSIMMONS JOSEPH J & WALSH CAROLE A 389 BLUE OAK LN CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-570-018	OLSON BRIAN & EDYTHE 81 WILDCAT WAY CLAYTON, CA 94517	12/10/2009	8.49	0.85	1.53	0.00	10.87		
		04/10/2010	8.49	0.85	1.53	0.00	10.87		
		Account Subtotal:	**$16.98**	**$1.70**	**$3.06**	**$0.00**	**$21.74**		
118-570-022	SHEA KEVIN 479 OBSIDIAN WAY CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-580-011	ROUHANI DAVID L & MICKHAIL SALLY S	12/10/2010	8.64	0.86	0.00	0.00	9.50		
	220 CONDOR WAY CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
118-590-024	FLACK PHYLLIS 4903 KELLER RIDGE DR CLAYTON, CA 94517	12/10/2010	8.64	0.86	0.00	0.00	9.50		
		04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
118-600-031	NICKERSON GLENNA Y 307 CONDOR PL CLAYTON, CA 94517	12/10/2009	8.49	0.85	1.53	0.00	10.87		
		04/10/2010	8.49	0.85	1.53	0.00	10.87		
		12/10/2010	8.64	0.86	0.00	0.00	9.50		
		04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$34.26**	**$3.42**	**$3.06**	**$0.00**	**$40.74**		
118-610-020	POITRAS LOUIS 3311 ROMA PL SAN RAMON, CA 94583	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		

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118-620-008	SKOV BARBARA A 3089 WINDMILL CANYON DR CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-620-033	VEGA ROBERT L & PORTHIA S 7009 MOLLUK WAY CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-640-034	WELLS FARGO BANK NA c/o: CARRINGTON MORTGAGE 1610 E SAINT ANDREW PL #B150 SANTA ANA, CA 92705	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-650-011	LANFRANCHI MARK W & LAURA E 805 GRAY FOX PL CLAYTON, CA 94517	04/10/2008	8.19	0.82	4.42	0.00	13.43	RL	
		12/10/2008	8.43	0.84	3.03	0.00	12.30	RL	
		04/10/2009	8.43	0.84	3.03	0.00	12.30		
		12/10/2009	8.49	0.85	1.53	0.00	10.87		
		04/10/2010	8.49	0.85	1.53	0.00	10.87		
		Account Subtotal:	**$42.03**	**$4.20**	**$13.54**	**$0.00**	**$59.77**		
118-650-013	MENDEZ DAVID L 809 GREY FOX PL CLAYTON, CA 94517	12/10/2010	8.64	0.86	0.00	0.00	9.50		
		04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
118-660-031	BONELLI JEANETTE 3203 COYOTE CIR CLAYTON, CA 94517	12/10/2010	8.64	0.86	0.00	0.00	9.50		
		04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
118-670-017	SHIPSTEAD JOHN & NICOLE 8053 KELOK WAY CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		

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118-670-026	ONEILL GREGORY E 5229 KELLER RIDGE DR CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-680-021	SON JENNIFER J 5210 KELLER RIDGE DR CLAYTON, CA 94517	12/10/2010	8.64	0.86	0.00	0.00	9.50		
		04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
118-690-007	CADEMARTORI DAVID & STEPHANIE 303 COAL MINE CT CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-690-030	GAMBLE JAMES K & SANDRA A 202 PROSPECTOR PL CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
118-700-007	OSULLIVAN ROBERT P JR & KATHLEEN 1214 BRIDLEWOOD CT CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
119-021-013	CAPELLA RAYMOND A & ELIZABETH 6490 MARSH CREEK RD CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
119-021-065	PACIFIC TELEPHONE & TELEGRAPH 1 MONTGOMERY ST #412 SAN FRANCISCO, CA 94104	12/10/2010	349.78	34.98	0.00	0.00	384.76		
		04/10/2011	349.78	34.98	0.00	0.00	384.76		
		Account Subtotal:	**$699.56**	**$69.96**	**$0.00**	**$0.00**	**$769.52**		

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119-021-070	FINE MICHAEL C & SHEEHAN LISA R 6004 HIGH ST CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
119-022-001	MATHEWS JOHN W c/o: VIOLET CHURCHILL 11507 SILVERGATE DR DUBLIN, CA 94568	12/10/2010	8.64	0.86	0.00	0.00	9.50	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
119-040-035	RIESSEN DAVID V & KAREN A 925 DOUGLAS RD CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
119-050-031	FRANK CARMEN D 1028 PINE HOLLOW CT CLAYTON, CA 94517	12/10/2010	8.64	0.86	0.00	0.00	9.50		
		04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
119-050-036	FRANK CARMEN D 1028 PINE HOLLOW CT CLAYTON, CA 94517	12/10/2010	8.64	0.86	0.00	0.00	9.50		
		04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
119-111-007	LINVILLE KATHRYN 11 NEWMAN CT CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
119-111-010	MARTINEZ ALEJANDRO & DELACERDA CECILIA 1019 KENSTON DR CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		

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119-130-007	LAVEZZOLI MARK & KRISTEN 10 WIDMAR CT CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
119-130-014	SILVESTER RICHARD & M L 128 WIDMAR PL CLAYTON, CA 94517	12/10/2010	8.64	0.86	0.00	0.00	9.50	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
119-152-012	TRIMBLE PATRICK A & WENDY F 176 MOUNTAIRE PKWY CLAYTON, CA 94517	12/10/2010	8.64	0.86	0.00	0.00	9.50	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
119-152-034	BLUE GREGORY T & NANCY K 140 MOUNTAIRE PKWY CLAYTON, CA 94517	12/10/2009	8.49	0.85	1.53	0.00	10.87	RL	
		04/10/2010	8.49	0.85	1.53	0.00	10.87	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
		Account Subtotal:	**$25.62**	**$2.56**	**$3.06**	**$0.00**	**$31.24**		
119-201-004	MORANO MICHAEL J & STEPHANIE 30 MT SCOTT CT CLAYTON, CA 94517	04/10/2010	8.49	0.85	1.53	0.00	10.87	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
		Account Subtotal:	**$17.13**	**$1.71**	**$1.53**	**$0.00**	**$20.37**		
119-212-025	SPARKS THOMAS A & JODY 372 MT WASHINGTON WAY CLAYTON, CA 94517	04/10/2009	8.43	0.84	3.03	0.00	12.30		
		Account Subtotal:	**$8.43**	**$0.84**	**$3.03**	**$0.00**	**$12.30**		
119-231-010	MARCELO MONALISA 20 MT WILSON WAY CLAYTON, CA 94517	12/10/2010	8.64	0.86	0.00	0.00	9.50	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		

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119-232-022	MIRMOTALEBISOHI HOSSEIN 1 LONG CREEK CIR CLAYTON, CA 94517	12/10/2007	8.19	0.82	4.42	0.00	13.43	RL DL	
		04/10/2008	8.19	0.82	4.42	0.00	13.43	RL DL	
		04/10/2009	8.43	0.84	3.03	0.00	12.30	DL	
		04/10/2010	8.49	0.85	1.53	0.00	10.87	DL	
		12/10/2010	8.64	0.86	0.00	0.00	9.50	DL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	DL	
	Account Subtotal:		**$50.58**	**$5.05**	**$13.40**	**$0.00**	**$69.03**		
119-232-023	HINDS MARK G & MARY C 5725 LAURELWOOD PL CONCORD, CA 94521	12/10/2010	8.64	0.86	0.00	0.00	9.50	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
	Account Subtotal:		**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
119-242-007	BENEDETTO EDMOND R 10 CLARK CREEK CIR CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
	Account Subtotal:		**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
119-281-007	PROMSUNTISIT SURACHAI CH & VANATTA GESIN 5979 WALLACE DR CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
	Account Subtotal:		**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
119-321-008	HANSON DAVID C & KATHLEEN E 50 PETAR CT CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
	Account Subtotal:		**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
119-321-010	TYRYFTER JOAN 45 PETAR CT CLAYTON, CA 94517	04/10/2009	8.43	0.84	3.03	0.00	12.30	RL	
		12/10/2009	8.49	0.85	1.53	0.00	10.87	RL	
		04/10/2010	8.49	0.85	1.53	0.00	10.87	RL	
		12/10/2010	8.64	0.86	0.00	0.00	9.50	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
	Account Subtotal:		**$42.69**	**$4.26**	**$6.09**	**$0.00**	**$53.04**		
119-322-020	ISAKSON DAVID O & ALICE J 2 MIRANGO CT CLAYTON, CA 94517	12/10/2010	8.64	0.86	0.00	0.00	9.50	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
	Account Subtotal:		**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		

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119-353-012	HAHN MICHAEL & KUEK-HAHN KRISTINA 91 REGENCY DR CLAYTON, CA 94517	12/10/2009	8.49	0.85	1.53	0.00	10.87	RL	
		04/10/2010	8.49	0.85	1.53	0.00	10.87	RL	
		12/10/2010	8.64	0.86	0.00	0.00	9.50	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
		Account Subtotal:	**$34.26**	**$3.42**	**$3.06**	**$0.00**	**$40.74**		
119-362-006	SHAD SHAHRIAR S & TAMMY L 220 ROUNDHILL PL CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
119-381-004	AVEN MICHAEL 199 MOUNTAIRE PKWY CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
119-392-002	ROUNDHILL ENTERPRISES INC 312 ROUNDHILL PL CLAYTON, CA 94517	12/10/2010	8.64	0.86	0.00	0.00	9.50	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
119-412-010	LAIGN PAUL E JR & ANDREA L 206 MT WILSON PL CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
119-440-004	SCHROEDER CRISTY L & JOHNSON ERIK A 120 MT EVEREST CT CLAYTON, CA 94517	12/10/2010	8.64	0.86	0.00	0.00	9.50	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
119-440-018	FOSKETT DOUGLAS & CHERYL PO BOX 145 CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		

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119-451-012	WELLS MICHAEL H 407 WRIGHT CT CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
119-451-021	COVERDALE BRUCE P & HELEN 517 E MYRICK CT CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
119-451-022	LYNN WILLIAM CRAIG & RATH RAQUEL GYNAN 523 E MYRICK CT CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
119-461-006	CARR JOHN & THONGURAI SRIPHRAI 70 EL MOLINO DR CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
119-464-004	ENGLUND DERRY L & SALLY A 717 BLOCHING CIR CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
119-472-008	BENNING HENRY & MICHELLE	12/10/2010	8.64	0.86	0.00	0.00	9.50	RL	
	107 SALAZAR CT CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
119-472-017	WIGGENHAUSER UWE 114 SAMUEL CT CLAYTON, CA 94517	12/10/2009	8.49	0.85	1.53	0.00	10.87	RL	
		04/10/2010	8.49	0.85	1.53	0.00	10.87	RL	
		12/10/2010	8.64	0.86	0.00	0.00	9.50	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
		Account Subtotal:	**$34.26**	**$3.42**	**$3.06**	**$0.00**	**$40.74**		

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119-480-008	MINGAY BRUCE M & MARY K 7246 MARSH CREEK CIR CLAYTON, CA 94517	12/10/2007	8.19	0.82	4.42	0.00	13.43	RL DL	
		04/10/2008	8.19	0.82	4.42	0.00	13.43	RL DL	
		12/10/2008	8.43	0.84	3.03	0.00	12.30	RL DL	
		04/10/2009	8.43	0.84	3.03	0.00	12.30	DL	
		12/10/2009	8.49	0.85	1.53	0.00	10.87	DL	
		04/10/2010	8.49	0.85	1.53	0.00	10.87	DL	
		12/10/2010	8.64	0.86	0.00	0.00	9.50	DL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	DL	
		Account Subtotal:	**$67.50**	**$6.74**	**$17.96**	**$0.00**	**$92.20**		
119-490-028	BEDECARRE JOHN JAY 573 MT OLIVET PL CLAYTON, CA 94517	12/10/2010	8.64	0.86	0.00	0.00	9.50	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
119-490-037	DEMARTINI JOSEPH C & SAMANTHA 633 MT OLIVET CT CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
119-490-038	BOYCE JAMES G & JULIE A 639 MT OLIVET CT CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
119-490-055	LAM PRITCHARD YEE KANG & JOAN 609 MT OLIVET CT CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
119-510-020	KOHLER MICHAEL J & CARYL 297 MOUNTAIRE PKWY CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		

(1) Fees: This amount excludes Delinquency Management fees that were or will be collected in a subsequent billing.

(2) Delinquency Management Codes: RL=Reminder Sent; DL=Demand Letter Sent; SR=Tax Roll Removal Requested; SC=Tax Roll Removal Confirmed; FL=Foreclosure Letter Sent; OL=Other Letter Sent; FI=Judicial Foreclosure Initiated; CP=County Payment Plan; FH=Judicial Foreclosure on Hold/Special Case; FC=Foreclosure Complete; LIT=Litigation Guarantee; LGL=Legal Fees and Costs; O=Other Fees; SO=Tax Roll Removal County Fee; PP = Payment Plan.

(3) Miscellaneous Codes: DB=Direct Bill Sent ; BK=Declared Bankruptcy; PM=Partial Payment made, remainder delinquent.

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City of Clayton
CFD 2006-1 Downtown Park Tax
Delinquency Detail Report
Late Charges Calculated Through 06/08/2011

Account ID	Owner	Due Date	Amount	Penalty	Interest	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
119-555-002	WHEABLE GEORGE E 421 ZINFANDEL CIR CLAYTON, CA 94517	12/10/2009	8.49	0.85	1.53	0.00	10.87	RL	
		04/10/2010	8.49	0.85	1.53	0.00	10.87	RL	
		12/10/2010	8.64	0.86	0.00	0.00	9.50	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
		Account Subtotal:	**$34.26**	**$3.42**	**$3.06**	**$0.00**	**$40.74**		
119-573-003	HOOD GARY & LINDA 1301 EASLEY DR CLAYTON, CA 94517	12/10/2009	8.49	0.85	1.53	0.00	10.87	RL	
		04/10/2010	8.49	0.85	1.53	0.00	10.87	RL	
		12/10/2010	8.64	0.86	0.00	0.00	9.50	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
		Account Subtotal:	**$34.26**	**$3.42**	**$3.06**	**$0.00**	**$40.74**		
119-583-002	VANLIEW KRISTOPHER L & REBECCA 1242 EASLEY DR CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
119-620-045	DICKIE DARREN & KATHLEEN 257 STRANAHAN CIR CLAYTON, CA 94517	04/10/2008	8.19	0.82	4.42	0.00	13.43	RL DL	
		12/10/2008	8.43	0.84	3.03	0.00	12.30	RL DL	
		04/10/2009	8.43	0.84	3.03	0.00	12.30	DL	
		12/10/2009	8.49	0.85	1.53	0.00	10.87	DL	
		04/10/2010	8.49	0.85	1.53	0.00	10.87	DL	
		12/10/2010	8.64	0.86	0.00	0.00	9.50	DL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	DL	
		Account Subtotal:	**$59.31**	**$5.92**	**$13.54**	**$0.00**	**$78.77**		
120-025-002	MURRY CALVIN L & DOLLIE M 62 NOTTINGHAM CIR CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
120-025-003	OBRIEN MICHAEL D & KATHLENE 68 NOTTINGHAM CIR CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		

(1) Fees: This amount excludes Delinquency Management fees that were or will be collected in a subsequent billing.

(2) Delinquency Management Codes: RL=Reminder Sent; DL=Demand Letter Sent; SR=Tax Roll Removal Requested; SC=Tax Roll Removal Confirmed; FL=Foreclosure Letter Sent; OL=Other Letter Sent; FI=Judicial Foreclosure Initiated; CP=County Payment Plan; FH=Judicial Foreclosure on Hold/Special Case; FC=Foreclosure Complete; LIT=Litigation Guarantee; LGL=Legal Fees and Costs; O=Other Fees; SO=Tax Roll Removal County Fee; PP = Payment Plan.

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City of Clayton
CFD 2006-1 Downtown Park Tax
Delinquency Detail Report
Late Charges Calculated Through 06/08/2011

Account ID	Owner	Due Date	Amount	Penalty	Interest	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
120-025-004	FRANK CARMEN D 1028 PINE HOLLOW CT CLAYTON, CA 94517	12/10/2010	8.64	0.86	0.00	0.00	9.50		
		04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
120-031-009	HILL ANDREW K & CYNTHIA A 86 NOTTINGHAM PL CLAYTON, CA 94517	04/10/2009	8.43	0.84	3.03	0.00	12.30	RL	
		12/10/2009	8.49	0.85	1.53	0.00	10.87	RL	
		04/10/2010	8.49	0.85	1.53	0.00	10.87	RL	
		12/10/2010	8.64	0.86	0.00	0.00	9.50	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
		Account Subtotal:	**$42.69**	**$4.26**	**$6.09**	**$0.00**	**$53.04**		
120-032-001	SILVA AMARO M & YOLANDA R 2 NOTTINGHAM CIR CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
120-032-004	TREMAINE RICHARD E & MARY J 20 NOTTINGHAM CIR CLAYTON, CA 94517	12/10/2010	8.64	0.86	0.00	0.00	9.50	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
120-033-004	ROYSTER ROBERT C & JOANNE 19 NOTTINGHAM CIR CLAYTON, CA 94517	04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$8.64**	**$0.86**	**$0.00**	**$0.00**	**$9.50**		
120-052-017	HILL JEFFREY B & KERRY 1491 LYDIA LN CLAYTON, CA 94517	12/10/2009	8.49	0.85	1.53	0.00	10.87	RL	
		04/10/2010	8.49	0.85	1.53	0.00	10.87	RL	
		12/10/2010	8.64	0.86	0.00	0.00	9.50	RL	
		04/10/2011	8.64	0.86	0.00	0.00	9.50	RL	
		Account Subtotal:	**$34.26**	**$3.42**	**$3.06**	**$0.00**	**$40.74**		
120-104-001	VARGAS JOSEPH C & MARY A 1445 EL CAMINO DR CLAYTON, CA 94517	12/10/2010	8.64	0.86	0.00	0.00	9.50		
		04/10/2011	8.64	0.86	0.00	0.00	9.50		
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		

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City of Clayton
CFD 2006-1 Downtown Park Tax
Delinquency Detail Report
Late Charges Calculated Through 06/08/2011

Account ID	Owner	Due Date	Amount	Penalty	Interest	Fees (1)	Total	Delinquency Mgmt (2)	Misc (3)
120-114-002	SIMBIRDI HARUN & TAMARA 1353 EL CAMINO DR CLAYTON, CA 94517	12/10/2010	8.64	0.86	0.00	0.00	9.50 RL		
		04/10/2011	8.64	0.86	0.00	0.00	9.50 RL		
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
121-082-017	CARLSON SCOTT R & KATHRYN 24 RHINE CT CLAYTON, CA 94517	12/10/2010	8.64	0.86	0.00	0.00	9.50 RL		
		04/10/2011	8.64	0.86	0.00	0.00	9.50 RL		
		Account Subtotal:	**$17.28**	**$1.72**	**$0.00**	**$0.00**	**$19.00**		
121-082-024	SHINGLETON ARTHUR JR & ELAINE PO BOX 653 CLAYTON, CA 94517	12/10/2009	8.49	0.85	1.53	0.00	10.87 RL		
		04/10/2010	8.49	0.85	1.53	0.00	10.87 RL		
		04/10/2011	8.64	0.86	0.00	0.00	9.50 RL		
		Account Subtotal:	**$25.62**	**$2.56**	**$3.06**	**$0.00**	**$31.24**		
121-090-012	STICE JOHN J & PATRICIA L 895 MITCHELL CANYON RD CLAYTON, CA 94517	12/10/2009	8.49	0.85	1.53	0.00	10.87 RL		
		04/10/2010	8.49	0.85	1.53	0.00	10.87 RL		
		12/10/2010	8.64	0.86	0.00	0.00	9.50 RL		
		04/10/2011	8.64	0.86	0.00	0.00	9.50 RL		
		Account Subtotal:	**$34.26**	**$3.42**	**$3.06**	**$0.00**	**$40.74**		
District Totals:	**128 Accounts**		**$3,712.63**	**$370.57**	**$404.03**	**$0.00**	**$4,487.23**		
Report Totals:	**128 Accounts**		**$3,712.63**	**$370.57**	**$404.03**	**$0.00**	**$4,487.23**		

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6. 2011/12 SPECIAL TAX ROLL

CFD 2006-1 Downtown " The Grove" Park Maintenance District
Special Tax

For fiscal year 2011-2012 the assessor's parcel numbers and the special tax amounts are as set forth in the Community Facilities District No.2006-1 (Downtown "The Grove" Park Maintenance) Preliminary Billing Levy Detail Report for FY 2011-2012 on file in the City Clerk's office, City Hall, 6000 Heritage Trail, Clayton, CA. This report is available for viewing during regular business hours, generally Monday through Friday 9am-5pm, or by calling the Clayton City Clerks office at 673-7304.

Due to the length of the report, it is summarized as follows:

For FY 2011-2012 the following shall be levied:
Residential parcels, (single family, condo, and townhouse) shall have a rate of $17.76 per parcel.

Downtown Core Area shall have a rate of $239.76 per ¼ acre or fraction thereof.

Other Commercial Parcels shall have a rate of $105.11 per ¼ acre or fraction thereof.

Recreation Open Space parcels shall have a rate of $52.55 per ¼ acre or fraction thereof.

Multifamily residential parcels shall have a rate of $55.23 per ¼ acre or fraction thereof

Parcel size as shown on the most recent County tax and parcel records.

There are a total of 4105 parcels to be levied:
There are 4044 residential levies
There are 31 downtown core levies comprising 16acres (or 77 ¼ unit acres)
There are 21 other commercial levies comprising 28 (or 125 ¼ unit acres)
There are 6 recreation levies comprising 31 acres (or 125 ¼ unit acres)
There are 2 multifamily levies comprising 8 acres (or 33 ¼ unit acres)

$71,821.44 total revenue from residential
$18,461.71 total revenue from downtown core
$13,139.58 total revenue from other commercial
$6,569.22 total revenue from recreation and open space
$1,822.64 total revenue from multifamily
$111,814.68 est. revenue for FY 11-12

ORDINANCE NO. 401

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAYTON LEVYING SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 2006-1 (Downtown Park Operation and Maintenance District)

THE CITY COUNCIL
City of Clayton, California

WHEREAS, on May 16, 2006, the City Council (the "Council") of the City of Clayton (the "City") adopted City Resolution No. 19-2006 entitled *"A Resolution of Intention to Establish a Community Facilities District to fund the Annual Operation and Maintenance of a Downtown Park for the time period of Ten Years, and to Authorize the Levy of Special Taxes Therein"* (the "Resolution of Intention") stating its intent to establish City of Clayton Community Facilities District No. 2006-1 (Downtown Park Operation and Maintenance District) (the "CFD") pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"), to finance certain services (the "Services"); and

WHEREAS, notice was duly published as required by the Act relative to the intention of this Council to form the CFD and to provide for the Services; and

WHEREAS, this Council held a noticed public hearing on June 20, 2006 as required by Act relative to the determination to proceed with the formation of the CFD and the rate and method of apportionment of the special tax to be levied within the CFD to finance the costs of the Services; and

WHEREAS, at said public hearing all persons desiring to be heard on all matters pertaining to the formation of the CFD and the levy of said special taxes were heard, substantial evidence was presented and considered by this Council and a full and fair hearing was held; and

WHEREAS, subsequent to said public hearing, on June 20, 2006 this Council adopted City Resolution No. 23-2006 entitled *"A Resolution of Formation of a Community Facilities District, Authorizing the Levy of a Special Tax Therein and Preliminarily Establishing an Appropriations Limit Therefor"* (the "Resolution of Formation"), and further adopted City Resolution No. 24-2006 entitled *"A Resolution Calling a Special Election in a Community Facilities District,"* which resolutions established the CFD, authorized the levy of a special tax with the CFD, and called an election within the CFD on the propositions of levying a special tax and establishing an appropriations limit within the CFD, respectively; and

WHEREAS, the November 7, 2006 election was held within the CFD in which the eligible registered voters approved the propositions presented by more than the two-thirds vote required by the Act, which approval was confirmed by City Resolution No. 59-2006 of this Council.

Attachment 4

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAYTON DOES ORDAIN as follows:

Section 1. Special Tax Authorized. By the passage of this Ordinance this Council hereby authorizes and levies special taxes within the CFD pursuant to 53328 and 53340 of the Act, at the rates and in accordance with the method of apportionment set forth in Exhibit B to the Resolution of Formation (the "Rate and Method"). The special taxes are hereby levied commencing in fiscal year 2007-08 and in each fiscal year thereafter through fiscal year 2016-17 for the payment of all costs of the Services and payment of all costs of administering the CFD.

Section 2. Collection Official. Following the approval by the Council of a budget for the CFD for each fiscal year after 2007-08, the City Manager (or his or her designee) (the "Collection Official") is hereby authorized and directed in each fiscal year to determine the specific special tax rate and amount to be levied for the next ensuing fiscal year for each parcel of real property within the CFD, in accordance with such approved budget and in the manner and as provided in the Rate and Method of Apportionment. In the event that this Council has not adopted a budget for the CFD by July 31 of any year, the budget for that fiscal year shall be the same as the budget for the previous fiscal year.

Section 3. Exemptions. Properties or entities of the State, federal or local governments shall be exempt from any levy of the special taxes, as are certain other properties, to the extent set forth in the Rate and Method of Apportionment. In no event shall the special taxes be levied on any parcel within the CFD in excess of the maximum tax specified in the Rate and Method of Apportionment.

Section 4. Use of Special Tax. All of the collections of the special tax shall be used as provided for in the Act, the Rate and Method of Apportionment, and in the Resolution of Formation including, but not limited to, the payment of the costs of the Services, the payment of the costs of the City in administering the CFD and the costs of collecting and administering the special tax.

Section 5. Collection Method. The special taxes of the CFD shall be collected from time to time as necessary to meet the financial obligations of the CFD on the secured real property tax roll in the same manner as ordinary *ad valorem* taxes are collected. In each fiscal year commencing in the fiscal year 2007-08, the Collection Official is authorized and directed to provide all necessary information to the auditor/tax collector of the County of Contra Costa and to otherwise take all actions necessary in order to effect proper billing and collection of the special tax. so that the special tax shall be levied and collected in sufficient amounts and at the times necessary to satisfy the financial obligations of the CFD in each fiscal year until the City shall cease to collect the special taxes and provision has been made for payment of all of the administrative costs of the CFD.

Notwithstanding the foregoing, the Collection Official may collect the special taxes by means of direct billing by the City to the property owners within the CFD if, in the judgment of

the Collection Official such means of collection will reduce the administrative burden on the City in administering the CFD or is otherwise appropriate in the circumstances. In such event, the special taxes shall become delinquent if not paid when due as set forth in any such respective billing to the property owners.

Whether the special taxes are levied in the manner provided in the first or the second preceding paragraph, the special taxes shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes. In addition, the provisions of Section 53356.1 of the Act shall apply to delinquent special tax payments.

Section 6. Partial Invalidity. If for any reason any portion of this ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the CFD, by a Court of competent jurisdiction, the balance of this ordinance and the application of the special tax to the remaining parcels within the CFD shall not be affected.

Section 7. Execution and Posting. The Mayor shall sign this Ordinance and the City Clerk, within fifteen (15) days after its passage, shall cause the same to be posted in three (3) public places as designated by Resolution of the Clayton City Council for the posting of ordinances and public notices.

* * * * * *

The foregoing Ordinance was introduced at a regular public meeting of the City Council of the City of Clayton held on December 19, 2006.

PASSED, ADOPTED and ORDERED posted at a regular public meeting of the City Council of the City of Clayton, California held on January 2, 2007, by the following vote:

AYES: Mayor Walcutt, Vice Mayor Manning, Councilmembers Pierce, Shuey, and Stratford

NOES: None

ABSENT: None

ABSTAIN: None

THE CITY COUNCIL OF CLAYTON, CA

WILLIAM R. WALCUTT, Mayor

ATTEST:

Laci J. Jackson, City Clerk

APPROVED AS TO FORM:

J. Daniel Adams, City Attorney

APPROVED BY ADMINISTRATION:

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on December 19, 2006, and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on January 2, 2007.

Laci J. Jackson, City Clerk

RESOLUTION NO. 23-2006

A RESOLUTION OF FORMATION OF A COMMUNITY FACILITIES DISTRICT, AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN AND PRELIMINARILY ESTABLISHING AN APPROPRIATIONS LIMIT THEREFOR

City of Clayton, California
Community Facilities District 2006-1
(Downtown Park Operation and Maintenance District)

WHEREAS, on May 16, 2006, this Council adopted Resolution No. 19-2006 entitled "A Resolution of Intention to Establish a Community Facilities District to Fund the Annual Operation and Maintenance of a Downtown Park for a Time Period of Ten Years, and to Authorize the Levy of Special Taxes Therein" (the "Resolution of Intention"), stating its intention to form the City of Clayton Community Facilities District No. 2006-1 (Downtown Park Operation and Maintenance District) (the "CFD"), pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"); and

WHEREAS, the Resolution of Intention, incorporating a map of the proposed boundaries of the CFD and stating the Services (as described herein) to be provided, the estimated maximum cost of providing such Services, and the rate and method of apportionment of the special tax to be levied within the CFD to pay for the Services (as hereafter defined) with respect to the CFD, are each on file with the City Clerk and the provisions thereof are incorporated herein by this reference as if fully set forth herein; and

WHEREAS, on June 20, 2006, this City Council held a noticed public hearing as required by the Act and the Resolution of Intention relative to the proposed formation of the CFD; and

WHEREAS, at said hearing all interested persons desiring to be heard on all matters pertaining to the formation of the CFD, the Services to be provided therein and the levy of said special tax were heard and a full and fair hearing was held; and

WHEREAS, at said hearing evidence was presented to this Council on said matters before it, including a report by the City Manager (the "Report") as to the Services to be provided through the CFD and the costs thereof, a copy of which is on file with the City Clerk, and this Council at the conclusion of said hearing is fully advised in the premises; and

WHEREAS, written protests with respect to the formation of the CFD, the furnishing of specified types of Services and the rate and method of apportionment of the special taxes have not been filed with the City Clerk of the City by fifty percent (50%) or more of the registered voters residing within the territory of the CFD or property owners of one-half (1/2) or more of the area of land within the CFD and not exempt from the special tax; and

WHEREAS, the special tax proposed to be levied in the CFD to pay for the proposed Services to be provided therein, as set forth in Exhibit A hereto, has not been

eliminated by protest by fifty percent (50%) or more of the registered voters residing within the territory of the CFD or the owners of one-half (1/2) or more of the area of land within the CFD and not exempt from the special tax.

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

1. Recitals. The foregoing recitals are true and correct.

2. No Majority Protest. The proposed special tax to be levied within the CFD has not been precluded by majority protest pursuant to Section 53324 of the Act.

3. Prior Proceedings. All prior proceedings taken by this Council in connection with the establishment of the CFD and the levy of the special tax have been duly considered and are hereby found and determined to be valid and in conformity with the requirements of the Act. This Council hereby finds and determines that the CFD is in conformity with the goals and policies heretofore adopted by this Council with respect to the formation of the CFD.

4. CFD Established. The community facilities district designated "City of Clayton Community Facilities CFD No. 2006-1 (Downtown Park Operation and Maintenance District)" is hereby established pursuant to the Act.

5. Boundaries Described. The boundaries of the CFD, as set forth in the map of the CFD heretofore recorded in the Contra Costa County Recorder's Office on May 31, 2006 in Book 79 at page 50 of Maps of Assessment and Community Facilities Districts, are hereby approved and incorporated herein by reference and shall be the boundaries of the CFD.

6. Services. The type of public Services proposed to be financed by the CFD and pursuant to the Act shall consist of those items listed as Services on Exhibit A attached hereto and by this reference incorporated herein (the "Services").

7. Special Taxes. Except to the extent that funds are otherwise available to the CFD to pay for the Services, a special tax sufficient to pay the costs thereof, secured by a continuing lien against all non-exempt real property in the CFD, will be levied annually within the CFD, and collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as this Council or its designee shall determine, including direct billing of the affected property owners. The proposed rate and method of apportionment of the special tax among the parcels of real property within the CFD, in sufficient detail to allow each landowner within the proposed CFD to estimate the probable maximum amount such owner will have to pay, are described in Exhibit B attached hereto and by this reference incorporated herein.

8. Tax Collector City. The City Manager, 6000 Heritage Trail, Clayton, California, 94517 telephone number (925) 673-7300 is the officer of the City who will be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and who will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Act.

9. Tax Lien. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each

levy of the special tax shall attach to all nonexempt real property in the CFD and this lien shall continue in force and effect until the special tax obligation ceases and the lien canceled in accordance with law or until collection of the tax by the City ceases.

10. Appropriations Limit. In accordance with Section 53325.7 of the Act, the annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the CFD is hereby preliminarily established at $100,600.00 and said appropriations limit shall be submitted to the voters of the CFD as hereafter provided. The proposition establishing said annual appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of Section 53325.7 of the Act.

11. Election. Pursuant to the provisions of the Act, the proposition of the levy of the special tax and the proposition of the establishment of the appropriations limit specified above shall be submitted to the qualified electors of the CFD at an election the time, place and conditions of which election shall be as specified by a separate resolution of this Council.

12. Effective Date. This Resolution shall take effect upon its adoption.

* * * * * *

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 20th day of June 2006, on the following vote:

AYES: Councilmember Laurence, Manning, Pierce, Vice Mayor Walcutt and Mayor Shuey.

NOES: None.

ABSENT: None.

ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON, CA

David T. Shuey

DAVID T. SHUEY, MAYOR

ATTEST:

Rhonda K. Basore

Rhonda K. Basore, City Clerk

EXHIBIT A

CITY OF CLAYTON
Community Facilities District 2006-1
(Downtown Park Operation and Maintenance District)

DESCRIPTION OF SERVICES TO BE FINANCED BY THE CFD

The Services that are proposed to be financed by the City of Clayton Community Facilities District 2006-1 (Downtown Park Operation and Maintenance District) (the "CFD") shall include the attributable costs of operation, maintenance, repair and replacement of:

A. Downtown Park – which includes but is not limited to:

Costs of operation, maintenance, repair and replacement of an approximate 1-acre public park (APN 119-015-005,006) abutting the western edge of (old) Marsh Creek Road between Main and Center Streets located in Town Center Clayton.

Definition

"Costs of Operation, Maintenance, Repair and Replacement" of the foregoing public park improvements means the furnishing of services and materials for the ordinary and usual operation, maintenance and care of a downtown public park with its appurtenant facilities, public restroom, gazebo, playground equipment and improvements, including repair, removal or replacement of all or part of any landscaping or turf or appurtenant facilities providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, pruning, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris, litter and other solid wastes; and the eradication of landscape pests, including but not limited to vermin and rodents, ground squirrels, gophers, and moles.

"Maintenance" also means the furnishing of water for public health purposes and irrigation of the park turf, trees and landscaping, and the supply of electricity to operate the attendant irrigation systems, park lights and electrical outlets. In addition, allowable expenses include the County's cost to levy and collect the District's assessment through the annual property tax bill, the City's shared equipment and facilities charges, City prorated overhead charges to administer and manage the District, and District reserve funds for capital replacements, vandalism and major repairs.

The foregoing services shall be provided through and by the City of Clayton, either with its own labor forces or by contract with third parties, or any combination thereof, as determined solely by the City of Clayton.

EXHIBIT B

CITY OF CLAYTON
Community Facilities District 2006-1
(Downtown Park Operation and Maintenance District)

RATE AND METHOD OF LEVY OF SPECIAL TAX

A special tax will be levied annually on each taxable parcel of land not defined below as an "Exempt Parcel" within the Community Facilities District 2006-1 (Downtown Park Operation and Maintenance District) (the "CFD") and collected in the same manner as ordinary ad-valorem property taxes or in such manner as the City of Clayton City Council or its designee shall determine, including City-originated billing of the affected property owners.

Definitions

Taxable Parcels:	Parcels of land within the boundaries of the CFD that are not included in the "Exempt Parcel" category listed below.
Exempt Parcels:	Parcels of land owned by a public school district, and parcels of land owned by the City of Clayton or the Clayton Redevelopment Agency outside the boundaries of the defined Downtown Core area (see map, Attachment 1 of Exhibit B).
Residential Parcels:	Taxable Parcels of land in the District that are classified in the City of Clayton General Plan as either single-family, multi-family or rural estate residential parcels.
Downtown Core Parcels:	Taxable Parcels within the Downtown Core area that are not classified as "Residential Parcels".
Other Commercial Parcels:	Taxable Parcels outside the boundaries of the Downtown Core area that are not classified as "Residential Parcels", "Recreational Open Space Parcels" or "Multi-Family Residential Care Facilities".
Recreational Open Space Parcels:	Taxable Parcels classified as "Private Golf Course" in the City of Clayton General Plan.
Multi-Family Residential Care Facilities Parcels:	Taxable Parcels having institutional or congregate care residential units within a facility with an on-site manager.
Special Tax:	The special tax allowed to be levied on property within the CFD, calculated pursuant to this Rate and Method of Apportionment of Special Tax.

Special Tax Formula

A. Residential Parcels:

An annual special tax will be levied on all Residential Parcels, as defined above, at the per parcel tax rate shown below for each fiscal year 2007-2008 through 2016-2017:

Residential Parcel Annual Special Tax Rate: $16.39 per parcel.

B. Downtown Core Parcels:

An annual special tax will be levied on all non-Residential Parcels within the Downtown Core area (see map, Attachment 1), at the per ¼-acre or fraction thereof parcel rate shown below for each fiscal year 2007-2008 through 2016–2017:

Downtown Core Parcel Annual Special Tax Rate: $221.05 per ¼-acre or fraction thereof parcel size as shown on the County tax roll.

C. Other Commercial Parcels:

An annual special tax will be levied on all non-Residential Parcels outside the Downtown Core area, as defined above, at the per ¼-acre or fraction thereof parcel rate shown below for each fiscal year 2007-2008 through 2016-2017:

Other Commercial Parcel Annual Special Tax Rate: $96.92 per ¼-acre or fraction thereof parcel size as shown on the County tax roll.

D. Recreational Open Space Parcels:

An annual special tax will be levied on all Private Golf Course Parcels, as defined above, at the per ¼-acre or fraction thereof parcel rate shown below for each fiscal year 2007-2008 through 2016-2017:

Recreational Open Space Parcel Annual Special Tax Rate: $48.46 per ¼-acre or fraction thereof parcel size as shown on the County tax roll.

E. Multi-Family Residential Care Facilities Parcels:

An annual special tax will be levied on all Multi-Family Residential Care Facilities Parcels, as defined above, at the per ¼-acre or fraction thereof parcel rate shown below for each fiscal year 2007-2008 through 2016-2017:

Multi-Family Residential Care Facilities Parcel Annual Special Tax Rate: $50.92 per ¼-acre or fraction thereof parcel size as shown on the County tax roll.

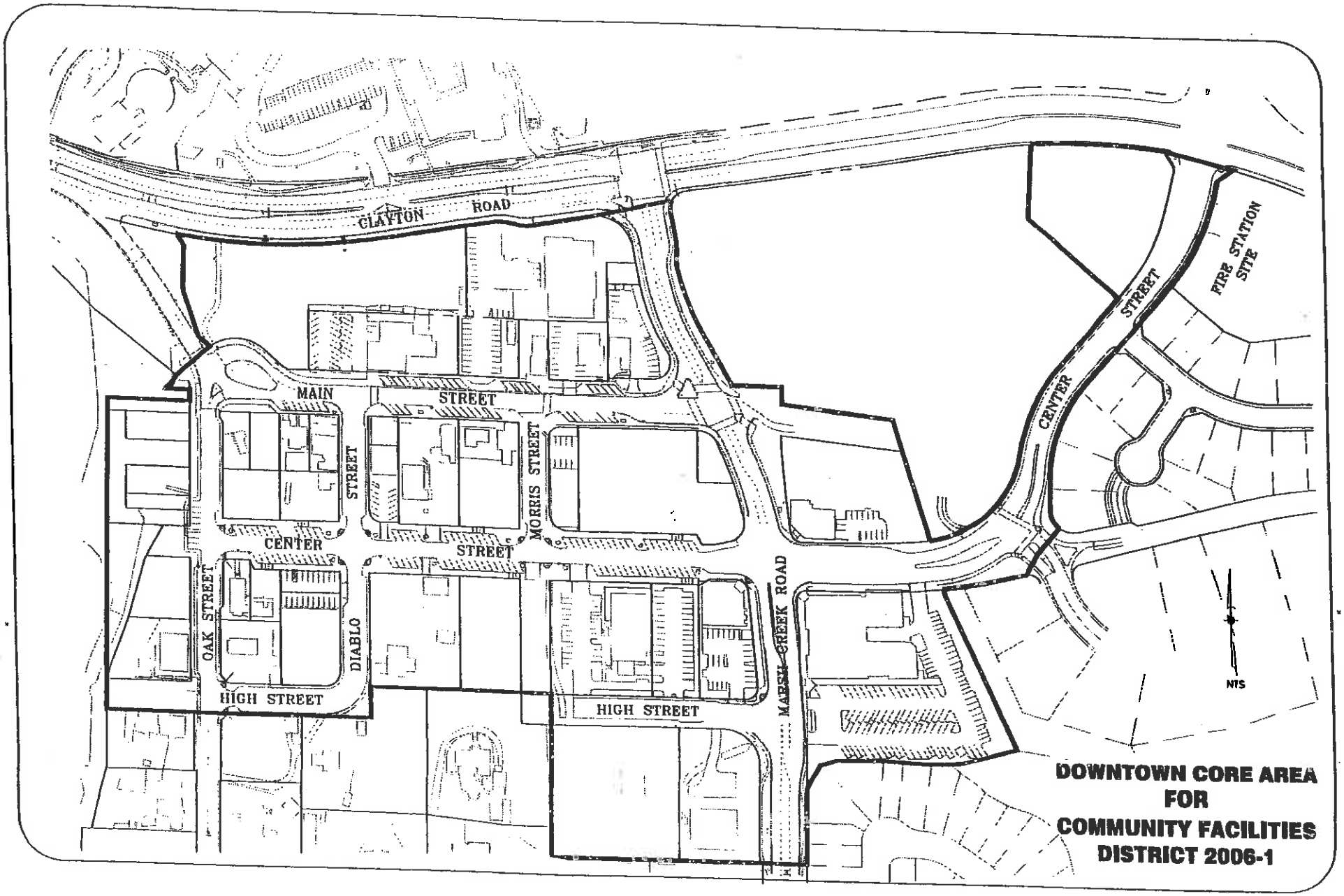
Duration of Special Tax Levy

The special tax will be levied annually for a period of ten (10) years commencing in fiscal year 2007-2008 (July - June) through and including fiscal year 2016-2017. After the ten (10) year duration has expired the special tax may no longer be levied or collected unless extended pursuant to applicable laws, except that a special tax that was lawfully levied in or before the final tax year and that remains delinquent may be collected in subsequent years.

Special Tax Escalator Factor

In fiscal years 2008-2009 through 2016-2017, each special annual tax rate may be increased annually by the Clayton City Council in an amount not to exceed the most recent full annual adjustment (April to April) in the Consumer Price Index – All Urban Consumers, San Francisco-Oakland-San Jose, CA Area (Base Period 1982-84 = 100). This escalator factor is applicable if determined by the City to be necessary due to expected or actual increases in the operational, maintenance, repair and replacement expenses funded by the CFD. In no event shall each annual special tax rate in any fiscal year increase by more than three percent (3%) over the previous year.

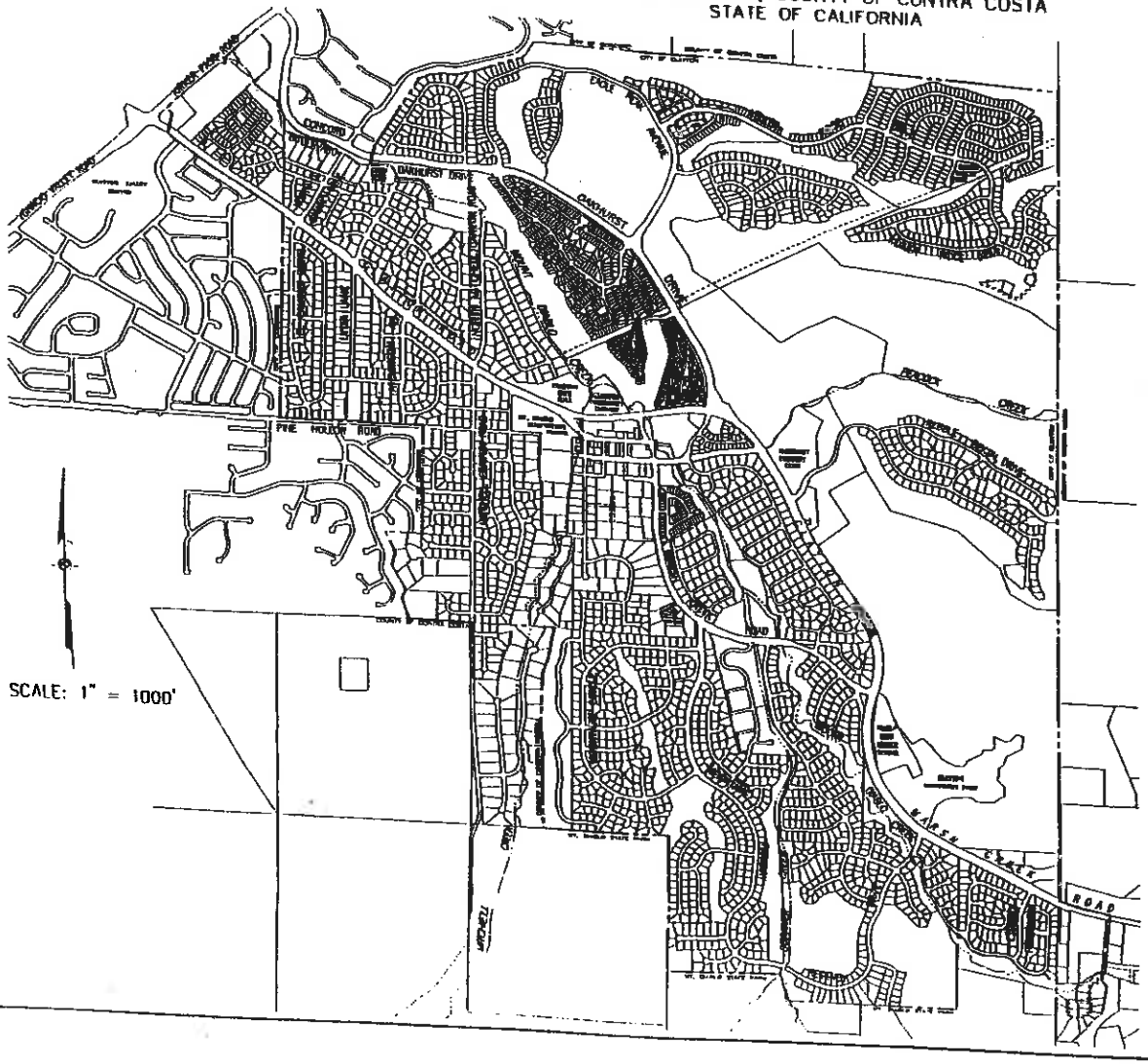
Attachment 1: Map of Downtown Core area [1 pg.]


CLAYTON ROAD
MAIN STREET
OAK STREET
DIABLO STREET
CENTER STREET
MORRIS STREET
CENTER STREET
FIRE STATION SITE
MARSH CREEK ROAD
HIGH STREET
HIGH STREET
NTS
DOWNTOWN CORE AREA
FOR
COMMUNITY FACILITIES
DISTRICT 2006-1

EXH C

PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 (DOWNTOWN PARK OPERATION AND MAINTENANCE DISTRICT)

CITY OF CLAYTON, COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



CITY RECORDER'S STATEMENT:

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CLAYTON, THIS _____ DAY OF _____, 2006.

BY:_____
CITY CLERK
CITY OF CLAYTON

CITY CLERK'S STATEMENT:

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NUMBER 2006-1 IN THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2006, BY ITS RESOLUTION NO._____

BY:_____
CITY CLERK
CITY OF CLAYTON

RECORDER'S CERTIFICATE:

FILED THIS _____ DAY OF _____ 2006, AT THE HOUR OF ___ O'CLOCK __M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE _____, AND AS INSTRUMENT NUMBER _____ IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

BY:_____
COUNTY RECORDER
COUNTY OF CONTRA COSTA

BY:_____
DEPUTY COUNTY RECORDER

LEGEND

_____ CITY LIMIT LINE AND COMMUNITY FACILITY DISTRICT BOUNDARY

EXHIBIT C

RESOLUTION NO. 24-2006

A RESOLUTION CALLING A SPECIAL ELECTION IN A COMMUNITY FACILITIES DISTRICT

CITY OF CLAYTON
Community Facilities District 2006-1
(Downtown Park Operation and Maintenance District)

WHEREAS, on this date, this Council adopted its Resolution No. 23-2006 entitled "A Resolution of Formation of a Community Facilities District, Authorizing the Levy of Special Taxes Therein and Preliminarily Establishing an Appropriations Limit Therefor" (the "Resolution of Formation"), ordering the formation of the City of Clayton Community Facilities District No. 2006-1 (Downtown Park Operation and Maintenance District) (the "CFD"), authorizing the levy of a special tax on real property within the CFD and preliminarily establishing an appropriations limit for the CFD, all pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"); and

WHEREAS, pursuant to the provisions of the Resolution of Formation, the propositions of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors of the CFD at a special election as required by the Act; and

WHEREAS, this Council desires that the special election be consolidated with the statewide general election to occur on November 7, 2006 and that the proposition be included on the ballot for the statewide general election which ballot is prepared by the officer charged with the duty of conducting the statewide general election for the County of Contra Costa, such official being the Registrar of Voters of the County of Contra Costa (the "Election Official"); and

WHEREAS, Section 9280 of the Elections Code of the State of California authorizes the filing of an impartial analysis and Sections 9281 to 9287 of said code authorize the filing of written arguments for or against any ballot proposition, and, if adopted by the City Council, rebuttal arguments.

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

1. Issue Submitted. Pursuant to Sections 53326 and 53325.7 of the Act, the issue of the levy of said special tax and the establishment of the appropriations limit shall be submitted to the qualified electors (as defined below) of the CFD at an election called therefor as provided below. The question to be voted upon as it shall appear on the ballot shall be as follows:

> *Shall the Downtown Park's annual operation and maintenance expenses be funded for a period of 10 years by the formation of a citywide Community Facilities District with an initial appropriations limit of $100,600 and an annual levy of special taxes?*

The full text of the measure to be printed in the Voter Pamphlet shall include the "Description of Services to Be Financed by the CFD" and the "Rate and Method of Levy of Special Tax", attached as Exhibits "A" and "B", respectively, to the Resolution of Formation of a Community Facilities District (Resolution No. 23-2006).

2. Qualified Electors. Pursuant to Section 53326 of the Act, the vote shall be by the registered voters of the proposed CFD, with each voter having one vote.

3. Conduct of Election. This Council hereby calls a special election (the "Election") to consider the measure described in paragraph 1 above, which election shall be held in the next general election on November 7, 2006, and conducted by the Election Official. Within three business days of the adoption of this Resolution, the City Clerk shall provide to the Election Official a copy of this Resolution, a certified map of the proposed boundaries of the CFD, and a sufficient description to allow the Election Official to determine the boundaries of the CFD.

The Election is hereby ordered consolidated with the statewide general election to be held within the City on said date, and within the territory affected by the consolidation, the election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the statewide general election and specified herein. The precincts used at the consolidated election shall be those used for the statewide general election, and, where necessary, the County Clerk may adjust precinct lines to coincide with the boundaries of the City. The Board of Supervisors of the County of Contra Costa is hereby requested to order the consolidation of the Election hereby called with said statewide general election, and to permit the County Clerk and the County Election Department to render services relating to the conduct of said election, which services will be determined by the City and the County Election Department, and the Board of Supervisors of the County of Contra Costa is hereby authorized to canvass the returns of said special municipal election, and said election shall be held in all respects as if there were only one election, only one form of ballot shall be used and the returns of the election need not be canvassed by the City Council. The City Clerk is hereby authorized and directed to work with the Elections Official and other appropriate officials of the County to ensure that the applicable requirements of the Elections Code are met.

4. Ballot Materials. The City Attorney is hereby requested to prepare and to provide to Election Official the ballot material described in Section 53327 of the Act.

(a) Impartial Analysis. The City Clerk is hereby directed to submit to the City Attorney a certified copy of the measure set forth above. The City Attorney is hereby authorized and directed to prepare an impartial analysis of the measures showing the effect of the measures on the existing law and the operation of the measures, said analysis to be submitted by the City Attorney to the Election Official for printing before the arguments for and against the measure. The analysis shall not exceed 500 words in length and shall otherwise comply in all respects with the applicable provisions of the Elections Code of the State of California. The deadline date for the submittal of the analysis and primary arguments shall be August 14, 2006.

5. Filing of Primary and Rebuttal Arguments. The deadline for filing primary arguments concerning the ballot measure is August 14, 2006. Provisions for Rebuttal arguments have been previously adopted by the Council. Rebuttal arguments must be filed by August 21, 2006.

6. Effective Date. This Resolution shall take effect upon its adoption.

* * * * * *

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 20th day of June 2006 on the following vote:

AYES: Councilmember Laurence, Manning, Pierce, Vice Mayor Walcutt and Mayor Shuey.

NOES: None.

ABSENT: None.

ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON, CA

David T. Shuey

DAVID T. SHUEY, MAYOR

ATTEST:

Rhonda K Basore

Rhonda K. Basore, City Clerk

RESOLUTION NO. 19-2006

A RESOLUTION OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT TO FUND THE ANNUAL OPERATION AND MAINTENANCE OF A DOWNTOWN PARK FOR A TIME PERIOD OF TEN YEARS, AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN

The City Council
City of Clayton, California
Community Facilities District 2006-1
(Downtown Park Operation and Maintenance District)

WHEREAS, under the Mello-Roos Community Facilities Act of 1982, as amended (the "Act") Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code (the "Act"), this City Council may be the legislative body for the proposed community facilities district and is empowered with the authority to establish the community facilities district; and

WHEREAS, this City Council now desires to proceed with the establishment of a community facilities district in order to finance the costs of operation, maintenance, repair and replacement services at an approximate 1-acre public park (APN 119-015-005,006) located in the Clayton Town Center (the "Services");

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

1. Recitals. The City Council does hereby find and affirm the above noted Recitals are true and correct facts and information relative to the proceedings at hand.

2. Authority. This Council proposes to conduct proceedings to establish a community facilities district pursuant to the Act.

3. Name of CFD. The name proposed for the community facilities district is City of Clayton Community Facilities District No. 2006-1 (Downtown Park Operation and Maintenance District) (the "CFD").

4. Boundaries Described. The proposed boundaries of the CFD are as shown on the map of it (Exhibit C) on file with the City Clerk, dated 28 April 2006, which boundaries are hereby preliminarily approved and to which map reference is hereby made for further particulars. The City Clerk is hereby directed to record, or cause to be recorded, said map of the boundaries of the CFD in the office of the County Recorder of the County of Contra Costa (the County) within fifteen days of the date of adoption of this Resolution, but in any event at least fifteen days prior to the public hearing specified in paragraph 10 below. The boundaries of the CFD shall also include any parcels subsequently annexed to the City and the CFD.

5. Services. The types of public services proposed to be financed by the CFD and pursuant to the Act shall consist of all or a portion of those items listed on Exhibit A hereto and hereby incorporated herein.

6. Special Tax. Except to the extent that funds are otherwise available to the CFD to pay for the Services, a special tax (the "Special Tax") sufficient to pay the costs thereof, secured by recordation of a continuing lien against all non-exempt real property in the CFD, will be levied annually within the CFD, and collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as this City Council or its designee shall determine, including direct billing of the affected property owners. The proposed rate and method of apportionment of the Special Tax among the parcels of real property within the CFD in sufficient detail to allow each landowner within the proposed CAD to estimate the maximum amount such owner will have to pay, are described in Exhibit B attached hereto and hereby incorporated herein.

This Council hereby finds that the provisions of Section 53313.6, 53313.7 and 53313.9 of the Act (relating to adjustments to *ad valorem* property taxes and schools financed by a community services district) are inapplicable to the proposed CFD.

7. Exempt Property. Except as may otherwise be provided by law or by the rate and method of apportionment of the Special Tax for the CFD specified in Exhibit B, all lands owned by any public entity, including the United States, the State of California, the County and/or the City or any departments or political subdivisions thereof, shall be omitted from the levy of the Special Tax to be made to cover the costs and expenses of the Services and the CFD. In the event that a portion of the property within the CFD shall become for any reason exempt, wholly or in part, from the levy of the Special Tax, this City Council will, on behalf of the CFD, increase the levy to the extent necessary upon the remaining property within the CFD which is not exempt in order to yield the required amounts to pay for the Services of the CFD, if any, subject to the provisions of the rate and method of apportionment of the Special Tax.

8. Voting Procedure. The levy of the Special Tax shall be subject to the approval of the qualified electors of the CFD in the next general election held in November 2006. The proposed voting procedure shall be by registered voters within the proposed CFD, with each voter having one vote.

9. CFD Report. The City Manager of the City as the officer having charge and control of the Services in and for the CFD, or his designee, is hereby directed to study said proposed Services and to make, or cause to be made, and file with the City Clerk a report in writing, (the "CFD Report") presenting the following:

(a) A description of the Services by type which will be required to adequately meet the needs of the CFD.

(b) An estimate of the fair and reasonable cost of the Services including incidental expenses in connection therewith.

The CFD Report shall be made a part of the record of the public hearing specified below.

10. Public Hearing. Tuesday, June 20, 2006, at 7:00 p.m., or as soon as possible thereafter, in the Community Library Meeting Room, 6125 Clayton Road, Clayton, California, be, and the same are hereby appointed and fixed as the time and place when and where this Council, as legislative body for the CFD, will conduct a public hearing on the establishment of the CFD and consider and finally determine whether the public interest, convenience and necessity require the formation of the CFD and the levy of the Special Tax.

11. Notice of Hearing. The City Clerk is hereby directed to cause notice of the public hearing to be given by publication one time in the *Contra Costa Times*, a newspaper circulated in the area of the CFD. The publication shall be completed at least seven days before the date herein set for the hearing. The notice shall be substantially in the form specified in Section 53322 of the Act, with the form summarizing the provisions hereof hereby specifically approved.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held this 16th day of May 2006 on the following vote:

AYES: Councilmember Laurence, Manning, Pierce, Vice Mayor Walcutt and Mayor Shuey.

NOES: None.

ABSENT: None.

ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON, CA

David T. Shuey

David T. Shuey, Mayor

ATTEST:

Rhonda K. Basore

Rhonda K. Basore
City Clerk

I hereby certify that Resolution No. 19-2006 was duly and regularly passed by the City Council of the City Of Clayton at a regular meeting held on May 16, 2006

Rhonda K. Basore

Rhonda K. Basore, City Clerk

Exhibit A — Description of Services to be Financed by CFD
Exhibit B — Rate and Method of Levy of Special Tax
Exhibit C - Map of CFD 2006-1

EXHIBIT A

CITY OF CLAYTON
Community Facilities District 2006-1
(Downtown Park Operation and Maintenance District)

DESCRIPTION OF SERVICES TO BE FINANCED BY THE CFD

The Services that are proposed to be financed by the City of Clayton Community Facilities District 2006-1 (Downtown Park Operation and Maintenance District) (the "CFD") shall include the attributable costs of operation, maintenance, repair and replacement of:

A. Downtown Park – which includes but is not limited to:

Costs of operation, maintenance, repair and replacement of an approximate 1-acre public park (APN 119-015-005,006) abutting the western edge of (old) Marsh Creek Road between Main and Center Streets located in Town Center Clayton.

Definition

"Costs of Operation, Maintenance, Repair and Replacement" of the foregoing public park improvements means the furnishing of services and materials for the ordinary and usual operation, maintenance and care of a downtown public park with its appurtenant facilities, public restroom, gazebo, playground equipment and improvements, including repair, removal or replacement of all or part of any landscaping or turf or appurtenant facilities providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, pruning, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris, litter and other solid wastes; and the eradication of landscape pests, including but not limited to vermin and rodents, ground squirrels, gophers, and moles.

"Maintenance" also means the furnishing of water for public health purposes and irrigation of the park turf, trees and landscaping, and the supply of electricity to operate the attendant irrigation systems, park lights and electrical outlets. In addition, allowable expenses include the County's cost to levy and collect the District's assessment through the annual property tax bill, the City's shared equipment and facilities charges, City prorated overhead charges to administer and manage the District, and District reserve funds for capital replacements, vandalism and major repairs.

The foregoing services shall be provided through and by the City of Clayton, either with its own labor forces or by contract with third parties, or any combination thereof, as determined solely by the City of Clayton.

EXHIBIT B

CITY OF CLAYTON
Community Facilities District 2006-1
(Downtown Park Operation and Maintenance District)

RATE AND METHOD OF LEVY OF SPECIAL TAX

A special tax will be levied annually on each taxable parcel of land not defined below as an "Exempt Parcel" within the Community Facilities District 2006-1 (Downtown Park Operation and Maintenance District) (the "CFD") and collected in the same manner as ordinary ad-valorem property taxes or in such manner as the City of Clayton City Council or its designee shall determine, including City-originated billing of the affected property owners.

Definitions

Taxable Parcels:	Parcels of land within the boundaries of the CFD that are not included in the "Exempt Parcel" category listed below.
Exempt Parcels:	Parcels of land owned by a public school district, and parcels of land owned by the City of Clayton or the Clayton Redevelopment Agency outside the boundaries of the defined Downtown Core area (see map, Attachment 1 of Exhibit B).
Residential Parcels:	Taxable Parcels of land in the District that are classified in the City of Clayton General Plan as either single-family, multi-family or rural estate residential parcels.
Downtown Core Parcels:	Taxable Parcels within the Downtown Core area that are not classified as "Residential Parcels".
Other Commercial Parcels:	Taxable Parcels outside the boundaries of the Downtown Core area that are not classified as "Residential Parcels", "Recreational Open Space Parcels" or "Multi-Family Residential Care Facilities".
Recreational Open Space Parcels:	Taxable Parcels classified as "Private Golf Course" in the City of Clayton General Plan.
Multi-Family Residential Care Facilities Parcels:	Taxable Parcels having institutional or congregate care residential units within a facility with an on-site manager.
Special Tax:	The special tax allowed to be levied on property within the CFD, calculated pursuant to this Rate and Method of Apportionment of Special Tax.

Special Tax Formula

A. Residential Parcels:

An annual special tax will be levied on all Residential Parcels, as defined above, at the per parcel tax rate shown below for each fiscal year 2007-2008 through 2016-2017:

Residential Parcel Annual Special Tax Rate: $16.39 per parcel.

B. Downtown Core Parcels:

An annual special tax will be levied on all non-Residential Parcels within the Downtown Core area (see map, Attachment 1), at the per ¼-acre or fraction thereof parcel rate shown below for each fiscal year 2007-2008 through 2016-2017:

Downtown Core Parcel Annual Special Tax Rate: $221.05 per ¼-acre or fraction thereof parcel size as shown on the County tax roll.

C. Other Commercial Parcels:

An annual special tax will be levied on all non-Residential Parcels outside the Downtown Core area, as defined above, at the per ¼-acre or fraction thereof parcel rate shown below for each fiscal year 2007-2008 through 2016-2017:

Other Commercial Parcel Annual Special Tax Rate: $96.92 per ¼-acre or fraction thereof parcel size as shown on the County tax roll.

D. Recreational Open Space Parcels:

An annual special tax will be levied on all Private Golf Course Parcels, as defined above, at the per ¼-acre or fraction thereof parcel rate shown below for each fiscal year 2007-2008 through 2016-2017:

Recreational Open Space Parcel Annual Special Tax Rate: $48.46 per ¼-acre or fraction thereof parcel size as shown on the County tax roll.

E. Multi-Family Residential Care Facilities Parcels:

An annual special tax will be levied on all Multi-Family Residential Care Facilities Parcels, as defined above, at the per ¼-acre or fraction thereof parcel rate shown below for each fiscal year 2007-2008 through 2016-2017:

Multi-Family Residential Care Facilities Parcel Annual Special Tax Rate: $50.92 per ¼-acre or fraction thereof parcel size as shown on the County tax roll.

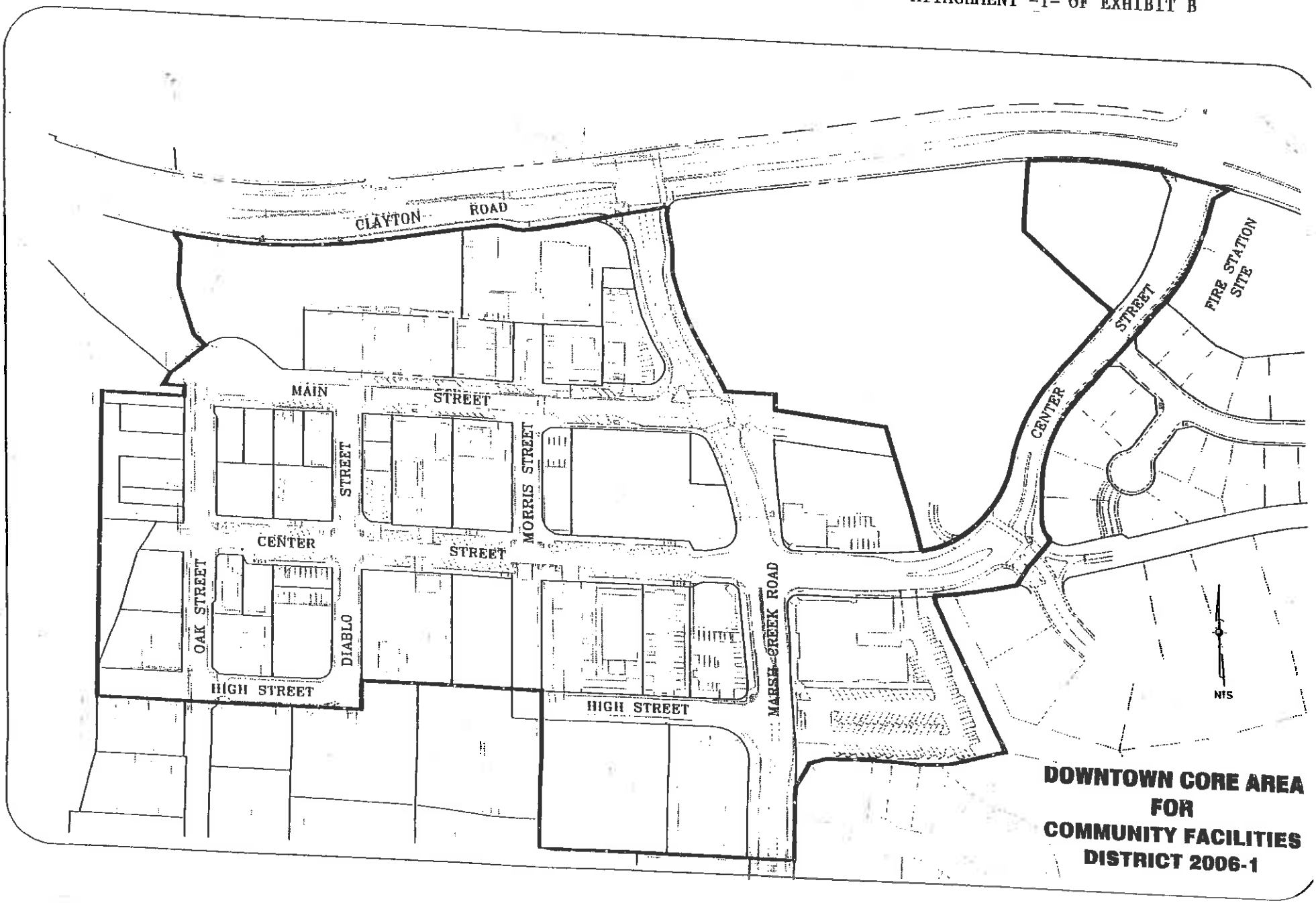
Duration of Special Tax Levy

The special tax will be levied annually for a period of ten (10) years commencing in fiscal year 2007-2008 (July - June) through and including fiscal year 2016-2017. After the ten (10) year duration has expired the special tax may no longer be levied or collected unless extended pursuant to applicable laws, except that a special tax that was lawfully levied in or before the final tax year and that remains delinquent may be collected in subsequent years.

Special Tax Escalator Factor

In fiscal years 2008-2009 through 2016-2017, each special annual tax rate may be increased annually by the Clayton City Council in an amount not to exceed the most recent full annual adjustment (April to April) in the Consumer Price Index – All Urban Consumers, San Francisco-Oakland-San Jose, CA Area (Base Period 1982-84 = 100). This escalator factor is applicable if determined by the City to be necessary due to expected or actual increases in the operational, maintenance, repair and replacement expenses funded by the CFD. In no event shall each annual special tax rate in any fiscal year increase by more than three percent (3%) over the previous year.

Attachment 1: Map of Downtown Core area [1 pg.]


CLAYTON ROAD
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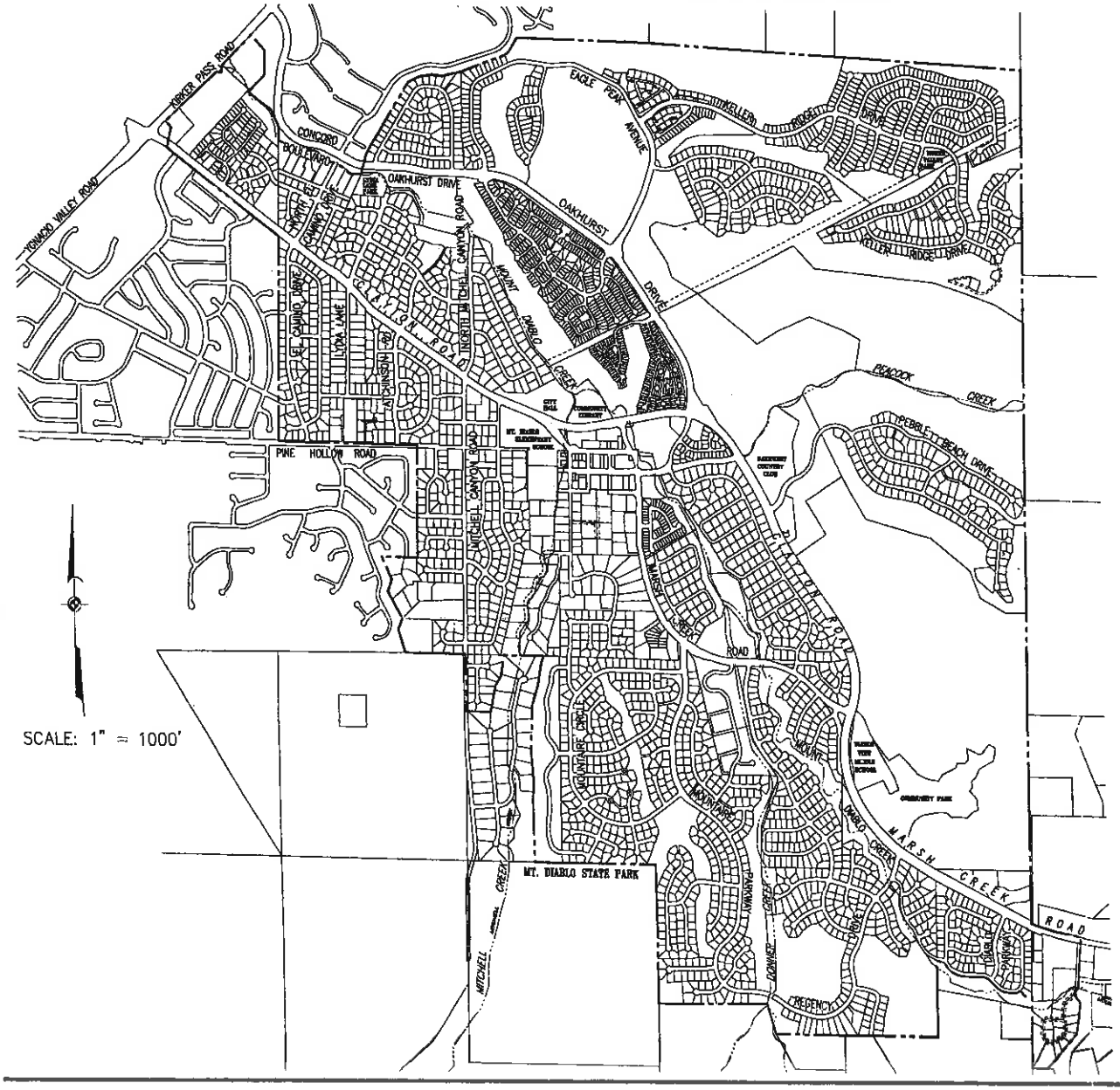
FOR
COMMUNITY FACILITIES
DISTRICT 2006-1

PROPOSED BOUNDARIES OF

COMMUNITY FACILITIES DISTRICT NO. 2006-1
(DOWNTOWN PARK OPERATION AND MAINTENANCE DISTRICT)

CITY OF CLAYTON, COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



CITY RECORDER'S STATEMENT:

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CLAYTON, THIS 28th DAY OF April, 2006.

BY: Rhonda K Basore
CITY CLERK
CITY OF CLAYTON

CITY CLERK'S STATEMENT:

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NUMBER 2006-1 IN THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON AT A REGULAR MEETING THEREOF, HELD ON THE 16th DAY OF May, 2006, BY ITS RESOLUTION NO. 19-2006.

BY: Rhonda K Basore
CITY CLERK
CITY OF CLAYTON

RECORDER'S CERTIFICATE:

FILED THIS 31st DAY OF MAY 2006, AT THE HOUR OF 1:48 O'CLOCK P.M. IN BOOK 79 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 50, AND AS INSTRUMENT NUMBER 06-171762 IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

06-171762

BY: Stephen L. Weir
COUNTY RECORDER
COUNTY OF CONTRA COSTA

BY: D Mendel
DEPUTY COUNTY RECORDER

LEGEND

——— CITY LIMIT LINE AND COMMUNITY FACILITY DISTRICT BOUNDARY

5-31-06 1:48 PM 79-50

RESOLUTION NO. 59-2006

A RESOLUTION DECLARING RESULTS OF CANVASS OF RETURNS IN THE 2006 GENERAL MUNICIPAL ELECTION, DECLARING THE PERSONS ELECTED TO THE CITY COUNCIL OF THE CITY OF CLAYTON AND THE RESULTS OF THE VOTE ON LOCAL BALLOT MEASURE "O", DOWNTOWN PARK OPERATIONS AND MAINTENANCE DISTRICT SPECIAL TAX (CFD 2006-1)

THE CITY COUNCIL
City of Clayton, California

WHEREAS, a duly noticed general municipal election was held in the City of Clayton on November 7, 2006 for the purpose of voting for candidates for two (2) full-term offices of Council Member on the City Council of the City of Clayton and voter consideration of one (1) local ballot measure, Measure "O", a special tax to fund the annual operations and maintenance of the proposed Downtown Park for a period of ten (10) years; and

WHEREAS, following the canvass of returns by the Contra Costa County Clerk and receipt of his report by the City Clerk, the City Council met in a regular public meeting on December 5, 2006 and canvassed the returns of the election pursuant to and accordance with applicable provisions of the California Elections Code; and

WHEREAS, the City Council finds that the number of votes cast in the City of Clayton at the general municipal election was and is 5153, an 72.54% turnout; and

WHEREAS, the City Council finds that there were fourteen precincts in the City of Clayton established for holding the November 2006 general municipal election; and

WHEREAS, the City Council finds that the names of the persons voted for and the number of votes given said persons in the general municipal election at each of the above noted precincts and by absentee ballot as candidates for the offices of Council Member on the Clayton City Council and the total votes cast for each candidate, are as set forth in the computer printout from the Contra Costa County Election Department, attached hereto as "Exhibit A" and incorporated herein by such reference; and

WHEREAS, the City Council further finds that all of the votes in consideration of local ballot Measure "O" submitted to the Clayton voters in the general municipal election are also set forth in the computer printout from the Contra Costa County Election Department, attached hereto as "Exhibit A" and incorporated herein by such reference.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Clayton, California that the following candidates (listed alphabetically) for the two offices of Council Member of the City Council of the City of Clayton received the highest number of votes and are therefore declared to be the two (2) Council Members duly elected to serve on the

Attachment 8

Clayton City Council until the results of the November 2010 General Municipal election are canvassed and accepted:

David T. Shuey
Ross "Hank" Stratford

BE IT FURTHER RESOLVED by the City Council that local Ballot Measure "O", the formation of a Community Facilities District and the levy of a special tax therein (Community Facilities District No. 2006-1, Downtown Park Operation and Maintenance District) did garner the requisite two-thirds voter approval and therefore Measure "O" did pass.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 5th day of December 2006 by the following vote:

AYES:	Mayor Shuey, Vice Mayor Walcutt, Councilmembers Laurence, Manning and Pierce
NOES:	None
ABSTAIN:	None
ABSENT:	None

THE CITY COUNCIL OF CLAYTON, CA

David T. Shuey, Mayor

ATTEST:

Laci J. Jackson, City Clerk

DISTRICT CANVASS

CONTRA COSTA COUNTY
2006 GENERAL ELECTION
NOVEMBER 7, 2006

Official Results

PRINTED 12/04/06, 07:38 AM

PAGE

0-City of Clayton Park Funding Special Tax-2/3

14 PRECINCTS	REGISTERED VOTERS	BALLOTS CAST	TURNOUT PERCENTAGE	Yes/Si	No/No
0081 0000081 CL081 54	880	291	33.07	169	106
0082 0000082 CL082 54	847	342	40.38	239	80
0083 0000083 CL083 54	954	380	39.83	296	78
0084 0000084 CL084 54	869	315	36.25	231	75
0085 0000085 CL085 54	1141	449	39.35	313	117
0086 0000086 CL086 54	1295	407	31.43	314	73
0087 0000087 CL087 54	1051	389	37.01	271	107
0543 0009069 CL9069 55 M	13	7	53.85	3	2
0544 0009070 CL9070 56 M	54	39	72.22	26	11
0545 0009071 CL9071 57 M	0	0		0	0
0803 8065 AB 54	0	2534		1652	815
0804 8066 AB 55	0	0		0	0
0805 8067 AB 56	0	0		0	0
0806 8068 AB 57	0	0		0	0
GRAND TOTALS	7104	5153	72.54	3514	1464

68.19%
YES

RESOLUTION NO. 13-2007

A RESOLUTION DESIGNATING THE NAME OF "THE GROVE" FOR THE DOWNTOWN PARK LOCATED BETWEEN MAIN STREET, old MARSH CREEK ROAD and CENTER STREET

THE CITY COUNCIL
City of Clayton, California

WHEREAS, the City of Clayton has begun construction of a new un-named public park bordered by Main Street, old Marsh Creek Road, and Center Street, which is expected to be completed by the end of 2007; and

WHEREAS, the area at the intersection of old Marsh Creek Road, Main Street, and Center Street will be further improved to be a complement to the adjacent Black Diamond Plaza and a focal point in the historic downtown Clayton; and

WHEREAS, the Clayton City Council previously adopted a Park Naming Policy; and

WHEREAS, the Community Services Commission on February 8, 2007 considered names using their recommended Park Naming Policy and had split recommendations of the following names: Downtown Park; Joel Clayton Park; and Grove Park; and

WHEREAS, the City Council did consider the Community Services recommendations, and other names consistent with the Park Naming Policy during its regular meeting of April 17, 2007.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Clayton California, that the new downtown park located between Main Street, old Marsh Creek Road, and Center Streets shall be named " The Grove" and further resolves that this name meets the criteria of the City's Park Naming Policy as a historical site basis, as it was the location of historic eucalyptus grove community gathering place.

Attachment 9

PASSED, APPROVED and ADOPTED by the City Council of Clayton California at a regular meeting thereof held on the 17th day of April 2007, by the following vote:

AYES: Mayor Walcutt, Vice Mayor Manning, Councilmembers Pierce and Stratford

NOES: None

ABSENT: Councilmember Shuey

ABSTAIN: None

THE CITY COUNCIL OF CLAYTON, CA

W R Walcutt

William R. Walcutt, Mayor

ATTEST:

Laci J Jackson

Laci J. Jackson, City Clerk

****

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of Clayton California at a regular meeting thereof held on April 17, 2007.

Laci J Jackson

Laci J. Jackson, City Clerk

Laura/park: name reso

City of Clayton
Grove Park CFD 2006-1 Fund 211
Adopted Budget 2011-12

Account Number	Account Name	2009-10 Actual 6/30/2010	2010-11 Adopted Budget	2010-11 Actual 4/30/2011	2010-11 Projected 6/30/2011	2011-12 Adopted Budget
7111	Salaries/Regular	26,971	29,177	11,599	26,414	29,177
7112	Temporary Help	13,382	16,800	7,315	16,725	16,813
7218	LTD Insurance	284	277	73	214	190
7220	PERS Retirement	5,403	6,194	2,326	5,471	6,384
7231	Workers Comp Insurance	420	1,007	1,007	1,007	202
7232	Unemployment Insurance	336	986	986	1,569	974
7233	FICA and Medicare	1,138	1,709	788	1,722	1,709
7246	Benefit Insurance	5,685	5,963	2,244	2,785	5,590
7310	Supplies & Equipment	13,518	4,900	3,265	4,900	4,900
7331	Rentals/Leases	-	500	-	500	500
7335	Gas & Electric Serv.	989	1,200	880	1,200	1,200
7338	Water Service	2,868	6,000	2,734	2,900	4,000
7342	Machinary/ Equip Maint.	450	250	1,726	2,000	500
7343	Vehicle Maintenance	-	1,000	-	1,000	1,000
7344	Vehicle Gas, Oil, and Supplies	-	1,500	-	1,500	1,500
7381	Property Tax Admin Cost	3,370	3,400	3,552	3,739	3,900
7417	Janitorial Services	12,249	12,600	10,648	12,848	12,900
7419	Other Prof. Services	2,289	4,897	3,263	4,897	4,897
7420	Other Outside Services	2,976	3,800	3,423	3,800	3,800
7485	Capital Equipment			2,383	2,383	-
7486	CERF Charges/Depreciation	2,700	2,700	2,700	2,700	2,700
7615	Property Taxes	408	408	415	415	415
8101	Transfer to General Fund	-	6,096	6,096	6,096	6,267
8101	Transfer to General Fund (07-10)	-	17,720	17,720	17,720	-
	Asset Replacement	-	18,000	-	18,000	18,000
	Reserve Fund	-	5,000	-	5,000	5,000
	Total Expenses	95,504	152,084	85,142	147,506	132,517

4613	Downtown Park Assessment	107,136	108,957	103,559	109,009	112,062
5601	Interest	3,795	2,000	3,839	4,000	3,000
5602	Other Revenue	909	150	-	-	-
5606	Unrealized Inv Gain/Loss	2,029		-	-	-
5790	Misc Revenue	10,000	10,000	10,000	10,000	10,000
	Total Revenue	123,869	121,107	117,398	123,009	125,062
	Annual Balance (Shortfall)	28,366	(30,977)	32,256	(24,496)	(7,455)
	Unreserved Fund Balance	70,430	186,654	98,796	75,796	28,300
	Asset Replacement Reserve	67,858		67,858	85,858	103,858
	Unallocated Reserve Fund	20,000		20,000	25,000	30,000
	Total Fund Balance	186,654	155,677	218,910	162,158	154,702

Attachment 10

7310	**Janitorial Supplies**					
	Play Equipment Replacement					
	Garden Equipment					
	Total		-	-	-	-
7311	**Equipment Rental**		100			
	Garden Equipment		1,000			
	Other		3,800			
	Total		4,900	2,579	-	-
		-	-	-	-	-
7417	**Janitorial**		12,000	10,000	12,000	
	Supplies		600	648	848	
	Total	12,248.83	12,600	10,648	12,848	12,900
7419	**Sprayer Sales Co (wwater treatmen**	-	297	173	297	
	PMT Pest Control	592.00	3,600	750	2,260	
	Martel Water Services		-	440	440	
	Contract services	750.00	-	-	-	
	Waraner Bros	-	1,000	1,550	1,550	
	AVI-SPL Integrated Solutions	-	-	350	350	
		2,289	4,897	3,263	4,897	4,897
7420	**NBS**	3,954	3,800	3,423	3,800	3,800

The Grove Park – Fund No. 211

The Grove Park officially opened to the community on 12 January 2008 and on 29 May 2008, City Maintenance assumed full responsibility for the care and maintenance of The Grove Park. On Opening Day, the public park immediately became the signature statement of our community, and ever since it has been the popular gathering place for residents and visitors to the Clayton Town Center.

Voters approved a special property tax in November 2006 to maintain the park for 10 years (levy first collected in FY 07-08) so this year embarks the mid-point operation of its special funding existence. The Downtown Park real property assessment will yield $112,062 in the coming year (with the recommended allowable CPI (April-April) tax rate adjustment of 2.8%). In addition, the restricted fund receives a $10,000 per year revenue "donation" from the land owners (Endashiian, Inc.) of the development of the CVS/Pharmacy store site (formerly Longs Drugs Store). Bolstered by these revenues and interest earnings, the Downtown Park Fund maintains a positive cash balance expected to be $179,199 at the close of FY 11-12. Of that amount, $103,858 sits in the Asset Replacement Reserve approved in the adoption of Measure O, $52,796 in unreserved Fund Balance, and $30,000 in unallocated Reserve funds. These reserves will play critical roles in the District's remaining years as play equipment warranties expire and park features require replacement due to significant public use and misuse.

Last year, maintenance and operation of The Grove incurred $147,506 in expenses offset by revenues totaling $123,009. Therefore, this restricted Fund operated in an annual deficit of $24,496 yet less than the planned budgetary deficit of $30,977. As the Park matures and its public use increases, more City Maintenance personnel time is deliberately budgeted to keep The Grove in a condition worthy of the City's signature piece. Recently, the Park has experienced vandalism to its gazebo and play apparatus which misfortunes are expected to continue while the sputtering economy and dwindling household incomes keep youth, families and area visitors around town over this summer. During summer and Concert Series weekends, a part-time Maintenance Worker is assigned to perform routine maintenance and oversight tasks at the Park to ensure this highly-visible asset shines for our community. The nearby municipal well serves the irrigation and non-potable water needs of The Grove Park, which saves taxpayers' monies over the metered water prices of Contra Costa Water District.

These one-time and increased Maintenance expenses result in a projected operational cost of $132,517 plan that banks on a small draw on the reserves of $7,455. Stripping away the annual reserve and asset replacement deposits of $23,000, The Grove Park realistically operates within its annual revenues by approximately $15,000 (11%). The District's reserves remain sufficient at 135% of its normal yearly operation.

* * * * *

Agenda Date: 7-5-11

Agenda Item: 4f

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 05 JULY 2011

SUBJECT: APPROVAL OF 1-YEAR COLLECTIVE BARGAINING AGREEMENT CLAYTON UNDESIGNATED MISCELLANEOUS CITY EMPLOYEES GROUP

RECOMMENDATION

It is recommended the City Council adopt the prepared Resolution authorizing and approving Addendum No. 3 as the 1-year Agreement with the Clayton Undesignated Miscellaneous City Employees Group concerning certain terms and conditions of their employment and compensation with the City of Clayton.

BACKGROUND

In December 2006 the City of Clayton approved a 3-year Agreement with the Clayton Undesignated Miscellaneous City Employees Group, retroactive to 01 July 2006. This action was pursuant to California state laws that require a public employer and each of its organized or undesignated collective bargaining units to meet and confer or consult (respectively) over terms and conditions of employment and compensation (ref. *Government Code Section 3500*, et. seq.). That 3-year Agreement expired 30 June 2009.

For each of the last two (2) years the City Council adopted one year Addenda to the underlying Memorandum of Agreement (MOA) with this Group enacting new concessions and extending continued terms and conditions of employment with the Miscellaneous City Employees. A portion of the terms enacted the last two (2) years included annual labor concessions amounting to 4.3% reduction in pay for 11 unpaid furlough days ($52,105), no employee merit advancements ($11,482), no cost-of-living increases (no COLAs), and employees absorbing rate increases in employee health insurance coverage. In addition last year, this Group agreed to establish a Tier II retirement system for all new employees hired after 30 June 2010. This Tier II Plan rolls back the CalPERS formula to 2% at age 60

(the least benefit plan offered), in contrast to the current employees' plan of 2% at age 55. Addendum No. 2 expired on 30 June 2011.

MEET AND CONSULT DISCUSSIONS

Under City Council direction, the City Manager (as the Council's labor negotiator) and a Group representative met and consulted during month of June to craft a new Agreement. Once again, perennial fiscal constraints of the City guided much of the boundaries for negotiations, and these future uncertainties prompted both parties to focus on a 1-year contract to bridge the tenuous financial situation. Status quo bargaining was the theme this year, including the continuation of labor concessions obtained in previous addenda.

For relativity, the San Francisco – Bay Area Consumer Price Index (CPI) rose by 2.82% during the latest full 12-month period of April 2010 to April 2011. Of paramount concern to both the City and the Group were the stalled economy, the State Budget's chronic deficit ($9.6 billion) with potential elimination of redevelopment agencies takeaways ($1.65 million "resurrection" extortion fee by the State), flattened City revenues, escalated third-party contract service costs, heightened public interest in the pay and pension systems of public employees, and the burden of past employee concessions being shouldered by this Group.

SUMMATION OF NEW AGREEMENT

The City and this Group recognize these protracted difficult times require status quo actions of both the employer and the employee into next fiscal year. Consequently, the parties have agreed on the essential terms as follows:

1. No cost-of-living (COLA) salary adjustments or increases for employees of this Group for the 3rd straight year in a row ($30,343 "savings" to the City this year);

2. Salary advancements for merit performance or other exemplary service are again suspended during this one year time period ($11,482 "savings" this year);

3. Employees of this Unit will incur eleven (11) unpaid Work Furlough Days during the coming fiscal year ($52,105 "savings" to the City this year);

4. Medical and dental insurance premium rate increases during the coming fiscal year (January 2012) will be paid by the City ($9,119 expense) as most employees of this Group are already paying 35% of their respective enrollment premiums; and

5. All other terms and conditions contained in the expired 3-Year base Agreement and the two previous Addenda not in conflict with Addendum No. 3 remain in full force and effect through 30 June 2012.

The fifteen (15) employees covered by this Agreement include all City Management employees, Public Works employees, City Hall employees and civilian Police Department employees.

By agreeing to these employment status quo and previous concessions, members of this Group hope these financial considerations are recognized as significantly assisting the City in its effort to manage a drawn-out fiscal challenge not of its own doing while retaining services to its community.

FISCAL IMPACT

Overall, the 1-year Agreement represents a 3-year direct salary loss of approximately 4.3% to the collective members of this Group ($178,685) plus the absence of any cost-of-living adjustments over the same 3 year period (5.42% CPI, or $58,319). Previous take-home pay reductions were incurred as each employee absorbed the insurance premium rate increases. Employees (2) in this Group previously eligible for merit salary step advancements suffer additional delays in compensation for their meritorious performance.

The City's expectant expense of $9,119 to pay for the medical and dental care premiums commencing with January 2012 insurance rate increases will be covered by the organization's trend of under-expending coupled with anticipated revenues exceeding conservative estimates. The actual dollar expense will not be known to the City until after mid-year 2011-12 and the Mid-Year Budget Report will contain an analysis of this prospective impact. The City's General Fund will not be the sole source of this financial impact as some members of this Group also charge out labor time to special and enterprise funds of the City (e.g. Maintenance Landscape District and The Grove Park District).

The one-year savings to the City for these employee concessions amount to at least $93,930 (including CalPERS retirement contributions). Future unknown savings to the City occur as each new employee hired on or after 01 July 2010 will now be enrolled in the bottom CalPERS pension system available to non-public safety employees, one of the first rollback actions in Contra Costa County.

Attachments: 1. Resolution approving a 1-Year Agreement [2 pp.]
2. Agreement with Group [3 pp.]

RESOLUTION NO. - 2011

A RESOLUTION APPROVING A ONE (1) –YEAR ADDENDUM TO THE AGREEMENT WITH THE CLAYTON UNDESIGNATED MISCELLANEOUS CITY EMPLOYEES GROUP EFFECTIVE THE FISCAL YEAR 2011-2012

THE CITY COUNCIL
City of Clayton, California

WHEREAS, authorized representatives of the City of Clayton and the Clayton Undesignated Miscellaneous City Employees Group have met and consulted in good faith regarding certain matters including, but not limited to, wages, hours, and terms and conditions of employment with the City, pursuant to *California Government Code* Section 3500, et. seq.; and

WHEREAS, the parties to the aforementioned negotiations have set forth a one (1) year Addendum to the expired 1-year Agreement that encompasses the full and complete agreements reached between the parties as a result of such good faith negotiations; and

WHEREAS, the proposed Addendum No. 3 to the existing Agreement, contained and described in its entirety as "Exhibit 1", incorporated herein by reference to this Resolution, was presented to the members of the Miscellaneous City Employees Group on 24 June 2011 and they have since represented to the City of its ratification and their approval, witnessed by the signature of their authorized Group representative; and

WHEREAS, the City Manager, as the City's designated labor negotiator, does herein recommend approval of the proposed Addendum No. 3 to the Agreement, as outlined in its entirety in "Exhibit 1".

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby accept and approve the attached Addendum No. 3 to the Agreement ("Exhibit 1") between the City and the Clayton Undesignated Miscellaneous City Employees Group during the term thereof, effective the Fiscal Year 2011-2012, and does hereby authorize and instruct the City Manager to implement the agreed-upon terms and conditions accordingly.

Resolution No. - 2011
1-Year Addendum to Agreement with Miscellaneous City Employees Group
05 July 2011

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

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

_____
David T. Shuey, Mayor

ATTEST:

_____
Laci J. Jackson, City Clerk

EXHIBIT 1

ADDENDUM NO. 3

This Addendum No. 3 is a modification to that 3-year Agreement (MOA) entered into by and between the City of Clayton ("City") and the Undesignated Miscellaneous City Employees Group, previously approved and authorized by the Clayton City Council at a regular public meeting thereof held the 5th day of December 2006. Addendum No. 3 has been negotiated in good faith between the two named parties, pursuant to the Section 3500, et. seq. of the *California Government Code*, and intends to and does hereby modify only the following employment terms and conditions sections of the underlying MOA, as herein contained below and as thereafter modified by Addendum No. 1 and 2:

ARTICLE 12: TERM OF AGREEMENT

Addendum No. 3 is effective on 01 July 2011 and continues through 30 June 2012.

ARTICLE 5: COMPENSATION

Section 5.1. Wages

During the Term of this extension, salary advancement for merit or exemplary service by an eligible employee is hereby suspended and no individual shall receive a salary step increase during this Term.

Employees eligible for merit step advancement yet prohibited from receipt thereof do not have their salary review (anniversary) date altered or deferred by this freeze on merit increases. At such time as the City restores merit increase advancements by subsequent agreement, any employee deemed eligible for a merit step increase during this Term shall automatically advance to the next merit salary step that would have been earned had the merit increase freeze not been in effect, effective the day the suspension is lifted; provided, however, no retroactive merit pay is due the eligible employee for hours worked in the missed merit salary range.

Employees of this Unit shall not receive a cost-of-living adjustment (COLA) during this Term.

ARTICLE 6: MEDICAL, DENTAL, LIFE/ACCIDENTAL DEATH/DISMEMBERMENT INSURANCE

Section 6.1 City Contribution to Premiums

Effective 01 January 2012, the existing monthly City-paid premium contribution caps for combined medical, dental, life/accidental death/dismemberment insurance through the City shall be increased by the full one hundred percent (100%) dollar amount of the premium rate increase for each respective members' enrollment in and enrollment plan category for the CalPERS Public Employees' Medical and Hospital Care Act (PEMHCA) and for the Delta Dental Health Care Employees/Employers Dental Trust.

Said increase shall not and does not increase the following non-enrollment plan categories:

No Enrollment/Unused Benefit (enrollments after 30 June 2010):	$ -0-
No Enrollment/Unused Benefit (existing eligible employees):	$ 250.00/mo.

(Provided proof of similar medical and dental coverage is available to the employee, is placed and maintained via another qualified third party insurance provider. Ref. Section 6.2).

ARTICLE 8: HOLIDAYS AND LEAVES

Section 8.7 Work Furlough Days

Eleven (11) work furlough days, defined as City Hall operations closed for the entire regular work day and employees of this Group are off work and unpaid for each day, shall occur during the term of this Agreement. The actual eleven unpaid Work Furlough Days will be determined by and between this Group and the City Manager in advance regarding which work days are subject to furlough. In the event of unresolved disagreement over the designated furlough days, the City Manager's decision shall be final with no right of appeal.

All other and existing terms and conditions of the underlying Agreement and associated Addendum No. 1 and 2 by and between the parties remain in full force and effect through 30 June 2012, to the extent such are not in conflict with the terms of Addendum No. 3 above. In the event such a conflict arises, Addendum No. 3's terms and conditions shall and do hereby prevail in effect and implementation.

IN WITNESS THEREOF, this Addendum No. 3 is entered into this 26th day of June 2011, pursuant to the provisions of *California Government Code* Section 3500, et. seq., for presentation and recommendation to the City Council of the City of Clayton, CA.

CLAYTON UNDESIGNATED MISCELLANEOUS CITY EMPLOYEES (GROUP)
By:

Unit Representative

Date: 6/27/11

CITY OF CLAYTON LABOR NEGOTIATOR
By:

Gary A. Napper, City Manager

Date: 27 June 2011

# # # # #

CITY OF CLAYTON
Founded 1857 . . . Incorporated 1964

Agenda Date: 7-5-11
Agenda Item: 4g

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Asst. to the City Manager

MEETING DATE: July 5, 2011

SUBJECT: Approval of Resolution authorizing the levy for fiscal year 2011-12 for Community Facility District No. 1990-2R (Clayton Station)

RECOMMENDATION

Adoption of Resolution No. __-11 Placing Special Tax for Community Facilities District 1990-2R (Clayton Station) on the fiscal year 2011-2012 Tax Assessment Roll.

BACKGROUND

In November 1990 the City established the district and levy in accordance with a lack of majority protest determination ballot process as required by state law. The approval of this district established this special tax for repayment of $1.46 million in bonds that were for the construction of public improvements and facilities for the Clayton Station Shopping Center. These improvements included: street improvements and a new traffic signal at Clayton Road and Washington Street; widening, turn pockets and closures, a bus stop and lane realignments on Kirker Pass Road; relocation of various public utilities in the public right of way; land cost, and financing thereof and landscaping installation of dedicated right of way; improvements made at the Mt. Diablo Creek re-channelization; the funding of the CFD's pro-rata share of arterial street improvements in the City of Clayton and surrounding communities; incidental expenses related to the facilities above as authorized by the Mello-Ross Community Facilities Act of 1982.

At the end of 1999 the bonds were refinanced to obtain lower interest rate to the current 5.9% from the previous 8.125%. These costs savings were in turn passed on to the Assessment District and the ratepayers of the district. The bonds are expected to be paid off in FY 2015/2016. The district includes four of the five parcels that make up the Clayton Station Shopping Center development. (Safeway is not included as its portion was paid at the time it purchased its parcel, or excluded by the developer as part their site purchase, prior to the final formation of the district). The collection of the tax is done by the County. The

assessments are in compliance with the provisions of Proposition 218, and are fixed by the bond issuance and therefore cannot be altered.

FISCAL IMPACT

There is no fiscal cost to the City. The parcels property owners within the assessment district pay for all costs of bond repayment and minor administrative costs related to its collection by the county and management by the City.

CONCLUSION:

The City Council, by Ordinance 281, as authorized by Section 53340 of the Government Code of the State of California, authorized the levy of a special tax to pay for costs and expenses related to Community Facilities District 1990-2 (Clayton Station). This resolution sets the fees for fiscal year 2011-2012 and authorizes the Contra Costa County auditor to place these taxes on the next assessment roll on which the taxes will become due.

Attachments:

- Resolution __-11
- Exhibit A to Resolution __-11 (preliminary billing levy)
- Annual Special Tax Levy Report (FY 09/10; CFD 1990-2R; Clayton Station)
- Ordinance 281
- Exhibit A to Ordinance 281

RESOLUTION NO. ___-2011

A RESOLUTION LEVYING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2011-2012 FOR COMMUNITY FACILITIES DISTRICT 1990-2R (Clayton Station)

THE CITY COUNCIL
City of Clayton, California

WHEREAS, the City Council of the City of Clayton, California, (hereinafter referred to as the "legislative body"), previously initiated proceedings, held a public hearing, conducted and election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982"; being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California. This Community Facilities District shall hereinafter be referred to as "District"; and,

WHEREAS, the legislative body, by Ordinance as authorized by Section 53340 of the Government Code of the State of California, has authorized the levy of a special tax to pay for costs and expenses related to said Community Facilities Districts, and this legislative body is desirous to establish the specific rate of the special tax to be collected for the next fiscal year; and,

WHEREAS, the assessments are in compliance with all laws pertaining to the levy of special taxes, and the assessments are levied without regard to property valuation, and the assessments are in compliance with the provisions of Proposition 218.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2: That the specific rate and amount of the special tax to be collected to pay for the costs and expenses for the next fiscal year (2011-2012) for the referenced District is hereby determined and established as set forth in the attached, referenced and incorporated Exhibit "A".

SECTION 3. That the rate as set forth above does not exceed the amount as previously authorized by Ordinance of the legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. That the proceeds of the special tax shall be used to pay, in whole or part, the costs of the following:

A. Payment of principal and interest on any outstanding authorized bonded indebtedness;

B. Necessary replenishment of bond reserve funds or other reserve funds;

Attachment 1

C. Repayment of costs and expenses of authorized public facilities;

D. Repayment of advances and loans, if appropriate; and

E. Payment of District administrative costs.

The proceeds of the special taxes shall be used as set forth above, and shall not be used for any other purpose.

SECTION 5. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 6. All monies above shall be paid into the Community Facilities District fund, including any bond fund and reserve fund.

SECTION 7. The Auditor of the County is hereby directed to enter in the next County assessment role on which taxes will become due, opposite each lot or parcel of land effected in a space marked "public improvements, special tax" or by other suitable designation, the installment of the special tax, and for the exact rate and amount of said tax, reference is made to the attached Exhibit "A".

SECTION 8. The County Auditor shall then, at the close of the tax collection period, promptly render to this Agency a detailed report showing the amount and/or amounts of such special tax installments, interest, penalties and percentages retained for the expense of making any such collection.

PASSED, APPROVED and ADOPTED by the City Council of the City of Clayton at a regular meeting of said Council held on July 5, 2011 by the following vote:

AYES:

NOES:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

_____

David T. Shuey, Mayor

ATTEST:

_____

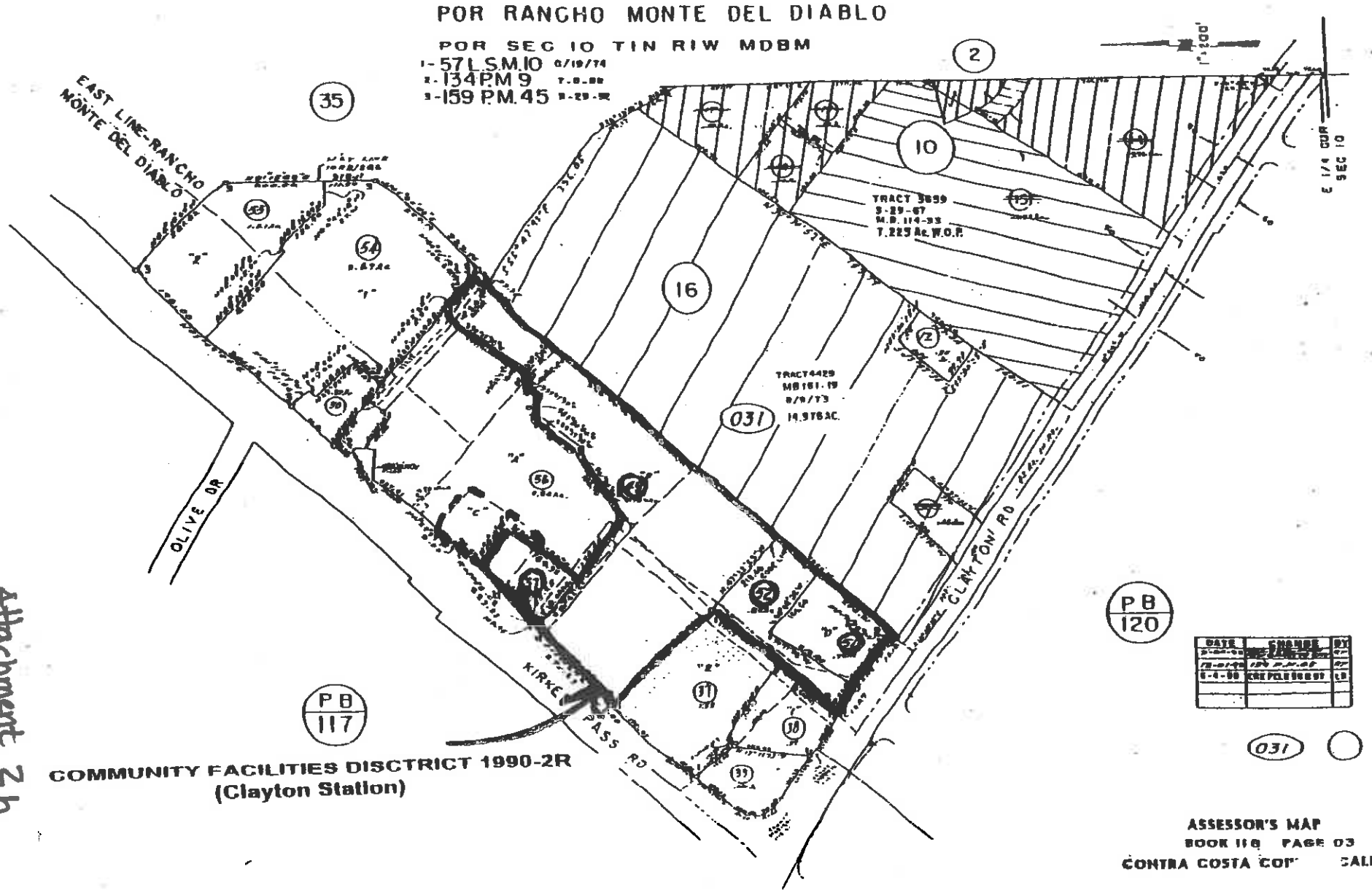
Laci J. Jackson, City Clerk

EXHIBIT A

City of Clayton
Community Facilities District 1990-2R
Clayton Station
Fiscal Year 2011/12 Special Tax Roll

APN	Situs Address	Levy
118-031-049	KIRKER PASS RD	$100,959.04
118-031-051	5441 CLAYTON RD	16,101.22
118-031-052	5437 CLAYTON RD	17,963.28
118-031-057	1536 KIRKER PASS RD	6,869.48
Totals:	**4 Parcels**	**$141,893.02**

Attachment 2a



Attachment 2b

NBS
helping communities
fund tomorrow

City of Clayton

Community Facilities District No. 1990-2R
Clayton Station

Annual Report

July 2011

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Temecula, CA 92592
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Regional Office
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San Francisco, CA 94102
Toll free: 800.434.8349 Fax: 415.391.8439

Attachment 3

CITY OF CLAYTON
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Clayton, CA 94517
Phone - (925) 673-7300
Fax - (925) 672-4917

City Staff

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Merry Pelletier, Finance Manager

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Paying Agent

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US Bank Trust
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(415) 273-4556

Underwriter

Richard Kiss
Piper Jaffray Inc.
San Francisco, California
(415) 984-5170

Special Tax Administrator

NBS
Tim Seufert, Client Services Director
Greg Davidson, Director
Kristin Harvey, Senior Consultant

EXECUTIVE SUMMARY/SPECIAL ISSUES

General Information Summary

Maturity Date	2011/12 Levy	Parcel Count	Delinquency Rate(1)	Assessed Value(2)	Outstanding Principal	Value to Outstanding Principal Ratio(3)
9/2/2015	$141,893.02	4	0.00%	$9,162,796.00	$445,000.00	20.59:1

(1) Delinquency Rate for Fiscal Year 2010/11.
(2) The Assessed value for all active parcels within the District as of January 1, 2011.
(3) Assessed value as of January 1, 2011 of all active parcels, divided by the outstanding principal for the District after the Fiscal Year 2010/11 debt service has been paid.

The City of Clayton borrowed $1,269,000 from City National Bank, which is evidenced by a Note which shall constitute a "refunding bond" under the act, which shall be issued by the City in the form of a Note. The Loan and the Note are authorized to be entered into and issued by the City for this Community Facilities District under and subject to the terms of the Act, the Resolution, the Loan Agreement and other applicable laws of the state. For purposes of this report the words Loan and Bond are used interchangeably.

All taxable parcels within the District were levied a Special Tax of 76.25% of their respective Maximum Special Tax Rate for Fiscal Year 2011/12.

NBS monitors the delinquency rate and reviews the delinquency situation after each payment date. The District currently has no delinquencies.

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1. FUND ANALYSIS

1.1. Fund Balances

Fund balances as of April 30, 2011 for the District are shown in the following table:

Fund Name	Fund Balance
Redemption Account	$0.00
Expense Account	0.00
Acquisition and Construction Fund	0.00
City Held Funds	163,370.65
Total	**$163,370.65**

The Reserve Account was established at the time the original bonds were issued. As a result of the refunding, there is no Reserve Account required for the refunding bonds.

1.2. Redemption Account

On or before the second day of each March and each September, the Paying Agent is to deposit in the Redemption Account the amount of money equal to the aggregate amount of interest due on all outstanding Bonds on such dates. On or before the second day of each September, the Paying Agent is to deposit in the Redemption Account the amount of money equal to the aggregate amount of principal due on all outstanding Bonds on such dates. Additional funds to be used for optional redemption of Bonds are to be maintained in the Redemption Account until the respective bond call date. All money in the Redemption Account is used by the Paying Agent to pay the interest on the Bonds as it becomes due, plus the principal of and redemption premiums, if any, as they become due.

4/30/11 Balance(1)	9/2/11 Payment	9/2/11 Bond Call	Estimated Administrative Expenses	Surplus / Deficit
$167,370.65	$107,841.50	$0.00	$17,650.00	$41,879.15

(1) The balance consists of City Held Funds available for transfer to the Redemption Account to cover debt service payments.

After transferring funds from City Held Funds, the Redemption Account balance will be more than sufficient to meet the September 2, 2011 debt service payment leaving a surplus balance of $41,879.15. NBS will continue to work with the City to monitor the surplus funds in this District.

1.3. Expense Account

On or before the second day of each March and the second day of each September, the Fiscal Agent shall deposit in the Expense Account the amount required by the City for the payment of budgeted expenses related to administration of the District.

Estimated total administrative expenses for the Fiscal Year 2011/12 are $17,638.04. NBS recommends verifying that moneys were transferred from City Held Funds to the Expense Account for payment of any expenses related to the District.

1.4. Special Tax Fund

The Special Taxes and other amounts constituting Gross Taxes collected by the District shall be transferred (exclusive of Prepaid Special Taxes Received which shall be deposited into the Prepayment Account of the Special Tax Fund), no later than 10 days after receipt thereof, to the Fiscal Agent and shall be held in trust in the Special Tax Fund for the benefit of the Owners of the Bonds and shall, exclusive of the Prepaid Special Taxes, be transferred from the Special Tax Fund in the following order of priority:

A. The Administrative Expense Fund;
B. The Bond Fund Interest Account;
C. The Bond Fund Principal Account;
D. The Bond Fund Sinking Fund Redemption Account;

A Special Tax Account is held by the City and consists of the Special Taxes received from the tax bill receipts provided to the City from Contra Costa County.

1.5. Acquisition and Construction Fund Analysis

The Acquisition and Construction Fund is created upon formation of the District. All bond proceeds not associated with the financing and administrative costs of the bond issuance are deposited in this Fund to pay for improvements to be constructed and/or acquired. Once the project has been completed, any remaining balance in the Fund must be treated in accordance with the Bond Indenture.

Some of the requirements of the Act are handled at the formation (bond issuance) of the District and others are handled through annual reports. This section of the report intends to comply with Section 53411 of the California Government Code that states:

"The Chief Fiscal Officer of the issuing local agency shall file a report with its governing body no later than January 1, 2002, and at least once a year thereafter. The annual report shall contain all of the following:

(a) The amount of funds collected and expended.
(b) The status of any project required or authorized to be funded as identified in subdivision (a) of Section 53410."

The following table shows the District's April 30, 2011 Acquisition and Construction Fund balance, the amount expended and the project status:

4/30/11 Balance	Project Status
$0.00	Complete

All money in the original Acquisition and Construction Fund was used for payment of the acquisition and construction of the authorized facilities of the District.

2. 2011/12 LEVY

2.1. Special Tax Spread

All taxable parcels within the District were levied at 76.25% of their respective Maximum Special Tax for Fiscal Year 2011/12. The following table provides the breakdown of the Special Tax Levy for the District.

Total Amount Levied	Maximum Special Tax	Percentage of Maximum
$141,893.02	$186,086.00	76.25%

2.2. Annual Levy Components

Pursuant to the California Government Code, administrative expenses are identified by consultation with City staff to ensure that the District is self-supporting and is not being subsidized by the City's General Fund.

NBS assists the City with identifying and recovering the following general costs:

- Agency administrative costs. This includes the value of City staff time spent on the administration of the District, calculated by using a fully-loaded salary rate that includes benefits and overhead costs. Any City expenses that have been incurred, such as copying and mailing expenses, are also recovered as part of this calculation.
- Trustee or Paying Agent costs. Includes the total of Trustee/Paying Agent charges to the City for the annual processing of payments to the bondholders, as well as registration and transfer functions that have been performed.
- County Auditor-Controller collection fees. Fees charged by the County Auditor-Controller to place the Special Tax installments on the tax roll each year are identified and recovered.
- SEC-required disclosure costs. Administrative costs related to compliance with the Securities and Exchange Commission's requirements for continuing disclosure and dissemination of material events occurring within the District.
- Administration costs. Also fully recoverable are the costs incurred by NBS, as the administrator, in the year-round administration of the District, which includes the preparation of the annual levy, ongoing reporting to the City, and the tracking of activity within the District such as Special Tax Prepayments, installment payments and parcel changes.
- Delinquency Management charges. The cost of any delinquency management actions taken on behalf of parcels with delinquencies, including the mailing of reminder, demand and/or foreclosure letters, and the work associated with the initiation of judicial foreclosure as required by the bond covenants.
- Manual adjustments. If special circumstances are discovered, credits and/or charges are made as necessary to the annual Special Tax Installment amount for the specific parcels affected by the situation.
- NBS analyzes the fund balances each year. Interest earnings and/or surplus funds that exist may be applied to the annual levy as a credit to reduce each parcel's annual installment. These balances must also be closely monitored to prevent violations of IRS arbitrage regulations.

2.3. Levy Summary

The following page summarizes the components that make up the 2011/12 Levy for the District. Information from the 2010/11 Levy is also included for comparison purposes.

City of Clayton

Community Facilities District 1990-2R

Final Budget for Fiscal Year 2011/12

Category/Item	FY 2011/12	FY 2010/11	Increase / (Decrease)
Principal and Interest	$124,255.00	$123,683.00	$572.00
Admin. Expenses	17,638.04	17,547.29	90.75
Miscellaneous	(0.02)	(0.01)	(0.01)
Grand Total:	**$141,893.02**	**$141,230.28**	**$662.74**
Total Accounts:	4	4	0

The Grand Total may be reduced by county collection fees if the county retains such fees from the apportionment of funds .

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3. DELINQUENCY MANAGEMENT

3.1. Delinquency Summary

The following table shows the Fiscal Year 2010/11 delinquency rate for the District:

2010/11 Levy	2010/11 Delinquencies	2010/11 Delinquency Rate	Delinquency Management Steps Taken
$141,230.28	$0.00	0.00%	No action necessary

NBS monitors the delinquency rate and reviews the delinquency situation after each payment date. The District has no delinquencies and is not required to take delinquency management actions.

3.2. Foreclosure Covenant

The City has covenanted that it will initiate judicial foreclosure against parcels with Special Tax Delinquencies. In today's environment of higher delinquency rates and greater bondholder scrutiny of City activities, any non-compliance with foreclosure covenants may expose the City to bondholder lawsuits.

NBS assists the City by providing a comprehensive delinquency management program including discussion of the issuer's foreclosure covenant, providing delinquency information from the County's redemption tapes, and coordinating with the Agency on the necessary steps required to implement a delinquency management policy. Once a policy is established, City compliance is easier to document and complaints from affected parcel owners can be minimized by showing the City's even-handed, unbiased covenant enforcement.

The foreclosure covenant is defined as follows:

The City has covenanted that it will review the public records of the county relating to the collection of the Special Tax annually on or before June 1 in order to determine the delinquencies within the District. If the Special Tax delinquency rate is greater than 5%, the City shall commence judicial foreclosure proceedings within 30 days. In addition, the City has covenanted to commence judicial foreclosure proceedings against any property owner with a combined delinquency of $25,000 or more.

3.3. Teeter Plan Participation & County Revenue Apportionment Schedule

The District participates in the Contra Costa County Teeter Plan. Details of the apportionment of funds from the County to the City are provided below.

County Revenue Apportionment Schedule

Date	Percentage Apportioned
12/15	55%
4/15	40%
6/25	5%

3.4. Delinquency Summary Report

The following pages summarize delinquencies for the 2010/11 and prior fiscal years.

City of Clayton

Delinquency Summary Report

As of: 06/10/2011

District	Due Date	Billed Amount	Paid Amount	Delinquent Amount	Delinquent Amount %	Billed Installments	Paid Installments	Delinquent Installments	Delinquent Installments %
CFD 1990-2R									
	8/1/1999 Billing:								
	12/10/1999	$73,597.02	$73,597.02	$0.00	0.00 %	4	4	0	0.00 %
	4/10/2000	73,597.02	73,597.02	0.00	0.00 %	4	4	0	0.00 %
	Subtotal:	**$147,194.04**	**$147,194.04**	**$0.00**	**0.00 %**	**8**	**8**	**0**	**0.00 %**
	8/1/2000 Billing:								
	12/10/2000	$65,372.00	$65,372.00	$0.00	0.00 %	4	4	0	0.00 %
	4/10/2001	65,372.00	65,372.00	0.00	0.00 %	4	4	0	0.00 %
	Subtotal:	**$130,744.00**	**$130,744.00**	**$0.00**	**0.00 %**	**8**	**8**	**0**	**0.00 %**
	8/1/2001 Billing:								
	12/10/2001	$66,339.01	$66,339.01	$0.00	0.00 %	4	4	0	0.00 %
	4/10/2002	66,339.01	66,339.01	0.00	0.00 %	4	4	0	0.00 %
	Subtotal:	**$132,678.02**	**$132,678.02**	**$0.00**	**0.00 %**	**8**	**8**	**0**	**0.00 %**
	8/1/2002 Billing:								
	12/10/2002	$65,458.48	$65,458.48	$0.00	0.00 %	4	4	0	0.00 %
	4/10/2003	65,458.48	65,458.48	0.00	0.00 %	4	4	0	0.00 %
	Subtotal:	**$130,916.96**	**$130,916.96**	**$0.00**	**0.00 %**	**8**	**8**	**0**	**0.00 %**
	8/1/2003 Billing:								
	12/10/2003	$65,964.44	$65,964.44	$0.00	0.00 %	4	4	0	0.00 %
	4/10/2004	65,964.44	65,964.44	0.00	0.00 %	4	4	0	0.00 %
	Subtotal:	**$131,928.88**	**$131,928.88**	**$0.00**	**0.00 %**	**8**	**8**	**0**	**0.00 %**
	8/1/2004 Billing:								
	12/10/2004	$67,662.81	$67,662.81	$0.00	0.00 %	4	4	0	0.00 %
	4/10/2005	67,662.81	67,662.81	0.00	0.00 %	4	4	0	0.00 %
	Subtotal:	**$135,325.62**	**$135,325.62**	**$0.00**	**0.00 %**	**8**	**8**	**0**	**0.00 %**
	8/1/2005 Billing:								
	12/10/2005	$68,009.67	$68,009.67	$0.00	0.00 %	4	4	0	0.00 %
	4/10/2006	68,009.67	68,009.67	0.00	0.00 %	4	4	0	0.00 %
	Subtotal:	**$136,019.34**	**$136,019.34**	**$0.00**	**0.00 %**	**8**	**8**	**0**	**0.00 %**

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City of Clayton

Delinquency Summary Report

As of: 06/10/2011

District	Due Date	Billed Amount	Paid Amount	Delinquent Amount	Delinquent Amount %	Billed Installments	Paid Installments	Delinquent Installments	Delinquent Installments %
	8/1/2006 Billing:								
	12/10/2006	$67,643.37	$67,643.37	$0.00	0.00 %	4	4	0	0.00 %
	4/10/2007	67,643.37	67,643.37	0.00	0.00 %	4	4	0	0.00 %
	Subtotal:	**$135,286.74**	**$135,286.74**	**$0.00**	**0.00 %**	**8**	**8**	**0**	**0.00 %**
	8/1/2007 Billing:								
	12/10/2007	$67,785.06	$67,785.06	$0.00	0.00 %	4	4	0	0.00 %
	4/10/2008	67,785.06	67,785.06	0.00	0.00 %	4	4	0	0.00 %
	Subtotal:	**$135,570.12**	**$135,570.12**	**$0.00**	**0.00 %**	**8**	**8**	**0**	**0.00 %**
	8/1/2008 Billing:								
	12/10/2008	$67,590.85	$67,590.85	$0.00	0.00 %	4	4	0	0.00 %
	4/10/2009	67,590.85	67,590.85	0.00	0.00 %	4	4	0	0.00 %
	Subtotal:	**$135,181.70**	**$135,181.70**	**$0.00**	**0.00 %**	**8**	**8**	**0**	**0.00 %**
	8/1/2009 Billing:								
	12/10/2009	$71,751.55	$71,751.55	$0.00	0.00 %	4	4	0	0.00 %
	4/10/2010	71,751.55	71,751.55	0.00	0.00 %	4	4	0	0.00 %
	Subtotal:	**$143,503.10**	**$143,503.10**	**$0.00**	**0.00 %**	**8**	**8**	**0**	**0.00 %**
	8/1/2010 Billing:								
	12/10/2010	$70,615.14	$70,615.14	$0.00	0.00 %	4	4	0	0.00 %
	4/10/2011	70,615.14	70,615.14	0.00	0.00 %	4	4	0	0.00 %
	Subtotal:	**$141,230.28**	**$141,230.28**	**$0.00**	**0.00 %**	**8**	**8**	**0**	**0.00 %**
CFD 1990-2R	**Total:**	**$1,635,578.80**	**$1,635,578.80**	**$0.00**	**0.00 %**	**96**	**96**	**0**	**0.00 %**
Agency Grand Total:		**$1,635,578.80**	**$1,635,578.80**	**$0.00**	**0.00 %**				

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4. DEBT SERVICE SCHEDULE

The following page shows the debt service payments for the District.

City of Clayton

CFD 1990-2R - Community Facilities District 1990-2R

Current Debt Service Schedule

Bonds Dated: 12/22/1999

Bonds Issued: $1,269,000.00

Payment Date	CUSIP	Interest Rate	Balance	Principal	Interest	Payment Total	Annual Total	Call Prem.	Status
03/02/2000		5.9000%	$1,269,000.00	$0.00	$14,558.25	$14,558.25	$0.00	0.0000%	Paid
09/02/2000		5.9000	1,269,000.00	52,000.00	37,435.50	89,435.50	103,993.75	0.0000	Paid
03/02/2001		5.9000	1,217,000.00	0.00	35,901.50	35,901.50	0.00	0.0000	Paid
09/02/2001		5.9000	1,217,000.00	53,000.00	35,901.50	88,901.50	124,803.00	0.0000	Paid
03/02/2002		5.9000	1,164,000.00	0.00	34,338.00	34,338.00	0.00	0.0000	Paid
09/02/2002		5.9000	1,164,000.00	53,000.00	34,338.00	87,338.00	121,676.00	0.0000	Paid
03/02/2003		5.9000	1,111,000.00	0.00	32,774.50	32,774.50	0.00	0.0000	Paid
09/02/2003		5.9000	1,111,000.00	57,000.00	32,774.50	89,774.50	122,549.00	0.0000	Paid
03/02/2004		5.9000	1,054,000.00	0.00	31,093.00	31,093.00	0.00	0.0000	Paid
09/02/2004		5.9000	1,054,000.00	61,000.00	31,093.00	92,093.00	123,186.00	0.0000	Paid
03/02/2005		5.9000	993,000.00	0.00	29,293.50	29,293.50	0.00	0.0000	Paid
09/02/2005		5.9000	993,000.00	66,000.00	29,293.50	95,293.50	124,587.00	0.0000	Paid
03/02/2006		5.9000	927,000.00	0.00	27,346.50	27,346.50	0.00	0.0000	Paid
09/02/2006		5.9000	927,000.00	70,000.00	27,346.50	97,346.50	124,693.00	0.0000	Paid
03/02/2007		5.9000	857,000.00	0.00	25,281.50	25,281.50	0.00	0.0000	Paid
09/02/2007		5.9000	857,000.00	73,000.00	25,281.50	98,281.50	123,563.00	0.0000	Paid
03/02/2008		5.9000	784,000.00	0.00	23,128.00	23,128.00	0.00	0.0000	Paid
09/02/2008		5.9000	784,000.00	77,000.00	23,128.00	100,128.00	123,256.00	0.0000	Paid
03/02/2009		5.9000	707,000.00	0.00	20,856.50	20,856.50	0.00	0.0000	Paid
09/02/2009		5.9000	707,000.00	81,000.00	20,856.50	101,856.50	122,713.00	0.0000	Paid
03/02/2010		5.9000	626,000.00	0.00	18,467.00	18,467.00	0.00	0.0000	Paid
09/02/2010		5.9000	626,000.00	89,000.00	18,467.00	107,467.00	125,934.00	0.0000	Paid
03/02/2011		5.9000	537,000.00	0.00	15,841.50	15,841.50	0.00	0.0000	Paid
09/02/2011		5.9000	537,000.00	92,000.00	15,841.50	107,841.50	123,683.00	0.0000	Unpaid
03/02/2012		5.9000	445,000.00	0.00	13,127.50	13,127.50	0.00	0.0000	Unpaid
09/02/2012		5.9000	445,000.00	98,000.00	13,127.50	111,127.50	124,255.00	0.0000	Unpaid
03/02/2013		5.9000	347,000.00	0.00	10,236.50	10,236.50	0.00	0.0000	Unpaid
09/02/2013		5.9000	347,000.00	112,000.00	10,236.50	122,236.50	132,473.00	0.0000	Unpaid
03/02/2014		5.9000	235,000.00	0.00	6,932.50	6,932.50	0.00	0.0000	Unpaid
09/02/2014		5.9000	235,000.00	114,000.00	6,932.50	120,932.50	127,865.00	0.0000	Unpaid
03/02/2015		5.9000	121,000.00	0.00	3,569.50	3,569.50	0.00	0.0000	Unpaid
09/02/2015		5.9000	121,000.00	121,000.00	3,569.50	124,569.50	128,139.00	0.0000	Unpaid
Grand Total:				**$1,269,000.00**	**$708,368.75**	**$1,977,368.75**	**$1,977,368.75**		

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5. RATE AND METHOD OF APPORTIONMENT

5.1. Maximum Annual Special Tax Rate

The Maximum Annual Special Tax Rate for each parcel is based on the relevant square footage of the building as shown in the following table. The Notice of Special Tax lien was amended on August 19, 1994 and is in effect for Fiscal Year 1995/96 and each fiscal year thereafter.

Assessor Parcel Number	Leasable Square Feet	Maximum Special Tax	Percent of Total
118-031-049	47,028	$132,403.00	71.15%
118-031-051	7,500	21,116.00	11.35%
118-031-052	8,367	23,558.00	12.66%
118-031-057	3,200	9,009.00	4.84%
Totals:	**66,095**	**$186,086.00**	**100.00%**

If one hundred ten percent (110%) of the maximum annual debt service on the bonds issued by the District is less than the Special Tax, then, commencing in the fiscal year following the issuance of the bonds, the Special Tax shall be reduced to such lesser amount, and the amount thereof apportioned to each parcel shall be reduced *pro rata*.

5.2. Method of Apportionment

The Special Tax shall be apportioned each year up to the Maximum Rates as shown above. The Special Tax apportionment is based upon the square footage as built, or as planned in the case of an undeveloped parcel. If the Special Tax Requirement is less than the total Maximum Special Tax Total, the Special Tax shall be reduced on a *pro rata* basis.

5.3. Termination of the Special Tax

The Special Tax shall be levied as long as needed to make payments on the refunding debt, scheduled to continue until September 2, 2015.

6. BACKGROUND INFORMATION

6.1. Project Description

The District was formed to provide funding for certain improvements including:

- Street improvements and a new traffic signal at Clayton Road and Washington Street.
- Widening, turn pockets, closures, a bus stop and lane realignments on Kirker Pass Road.
- Relocation of various public utilities in the public right of way.
- Land cost, and financing thereof, and landscaping of dedicated right of ways.
- Improvements made at the Mt. Diablo creek re-channelization.
- The funding of the District's pro rata share of arterial street improvements in the City and surrounding communities.
- Incidental expenses related to the facilities listed above as authorized by the Mello-Roos Community Facilities Act of 1982.

All construction improvements have been completed.

6.2. Resolution

The resolution approved by the City Council authorizing the levy of the special tax was not available at the time of writing this report.

6.3. Boundary Map

The following page shows the boundaries of the District.

[illegible] day of [illegible] 1990.

MARK SCOTT, CITY CLERK
CITY OF CLAYTON

I HEREBY CERTIFY that the within MAP SHOWING PROPOSED BOUNDARIES OF [illegible] COMMUNITY FACILITIES DISTRICT, CITY OF CLAYTON, CONTRA COSTA COUNTY, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON AT A REGULAR MEETING THEREOF HELD ON THE [illegible] DAY OF [illegible] 1990 BY ITS RESOLUTION NO. [illegible]

MARK SCOTT, CITY CLERK
CITY OF CLAYTON

FILED THIS [illegible] DAY OF [illegible] 1990, AT THE HOUR OF [illegible] O'CLOCK M IN BOOK [illegible] OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE [illegible] IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

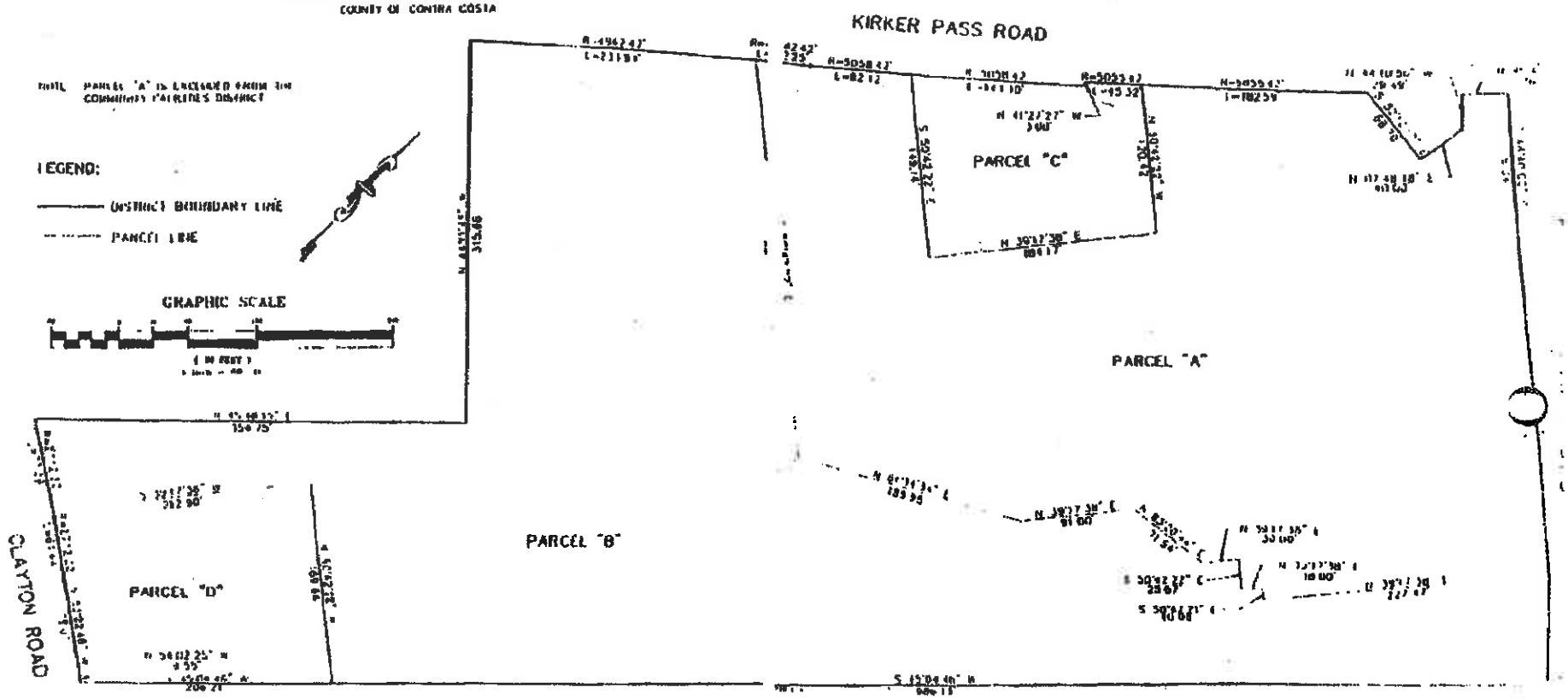
STEPHEN L. WEIR, COUNTY RECORDER
COUNTY OF CONTRA COSTA

PROPOSED BOUNDARY OF
COMMUNITY FACILITIES DISTRICT NO. 1990-2

CITY OF CLAYTON
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

MAJORS ENGINEERING, INC.
SAN RAMON, CALIFORNIA

JUNE, 1990



7. DELINQUENCY DETAIL

There are no delinquencies to report for the District.

8. 2011/12 SPECIAL TAX ROLL

The following page provides the 2011/12 Special Tax Roll for the District.

City of Clayton
Community Facilities District 1990-2R
Clayton Station
Fiscal Year 2011/12 Special Tax Roll

APN	Situs Address	Levy
118-031-049	KIRKER PASS RD	$100,959.04
118-031-051	5441 CLAYTON RD	16,101.22
118-031-052	5437 CLAYTON RD	17,963.28
118-031-057	1536 KIRKER PASS RD	6,869.48
Totals:	**4 Parcels**	**$141,893.02**

ORDINANCE NO. 281

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAYTON AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 1990-2 (CLAYTON STATION)

WHEREAS, on September 18, 1990, the City Council of the City of Clayton, State of California (the "Council"), adopted its Resolution No. 94-90 (the "Resolution of Intention to Establish the District") stating its intention to form Community Facilities District No. 1990-2 of the City of Clayton (the "District") pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"); and

WHEREAS, on September 18, 1990, the Council also adopted Resolution No. 95-90 (the "Resolution of Intention to Incur Bonded Indebtedness") stating its intention to incur bonded indebtedness in an amount not to exceed $1,500,000 within the District for the purpose of financing the costs of certain facilities specified in the Resolution of Intention to Establish the District (the "Facilities"); and

WHEREAS, notice was published as required by law relative to the intention of this Council to form the proposed District and to incur bonded indebtedness in an amount not to exceed $1,500,000 within the District; and

WHEREAS, on October 30,1990, this Council convened noticed public hearings as required by law, (1) to determine whether it

Attachment 4

should proceed with the formation of the District and authorize the rate, method of apportionment, and manner of collection of a special tax to be levied within the District for the purpose of paying for the Facilities, including the payment of interest on and principal of and other periodic costs on the bonds proposed to be issued to finance the Facilities, and the repayment of funds advanced to the District, and the annual administration expenses of the City and the District in determining, apportioning, levying and collecting such special tax and all incidental expenses authorized under the Act, and (2) on the proposal to incur the bonded indebtedness; and

WHEREAS, at said hearings all persons desiring to be heard on all matters pertaining to the formation of the District, the levy of the special tax, the proposed issuance of the bonded indebtedness, and all other matters set forth in the Resolution of Intention to Establish the District and the Resolution of Intention to Incur Bonded Indebtedness, were heard and considered and full and fair hearings were held thereon; and

WHEREAS, this Council, subsequent to said hearings, adopted Resolution No. 107-90 (the "Resolution of Formation") which established the District, determined the validity of prior proceedings relative to the formation of the District and the incurring of bonded indebtedness, authorized the levy of a special tax within the District and called an election for November 1, 1990, on the propositions of levying a special tax and establishing an appropriations limit within the District; and

WHEREAS, this Council, subsequent to said hearings, adopted Resolution No. 108-90 (the "Resolution to Incur Bonded Indebtedness") which determined the necessity of incurring bonded indebtedness in an amount not to exceed $1,500,000 and called an election within the District for November 1, 1990, on the proposition of incurring bonded indebtedness; and

WHEREAS, on November 1, 1990, in accordance with the Resolution of Formation and the Resolution to Incur Bonded Indebtedness, a consolidated election was held within the District in which the qualified electors approved by more than a two-thirds vote the propositions of incurring the bonded indebtedness, levying a special tax, and establishing an appropriations limit within the District;

NOW, THEREFORE, the City Council of the City of Clayton, DOES ORDAIN as follows:

Section 1. The above recitals are all true and correct and this Council so finds and determines.

Section 2. By the passage of this Ordinance, this Council authorizes the levy of a special tax pursuant to the rate and method of apportionment set forth in Exhibit "A" attached hereto and incorporated by reference herein, being the rate and method of apportionment specified in the Resolution of Formation.

Section 3. This Council is hereby further authorized each year by resolution adopted within the time period, if any,

provided in the Act, to determine the specific special tax rate and amount to be levied for the next fiscal year, except that the special tax rate to be levied shall not exceed that set forth in Exhibit "A" hereto, but the special tax may be levied at a lower rate.

Section 4. Properties or entities of the state, federal or other local governments shall, except as otherwise provided in Sections 53317.3 and 53317.5 of the Act, be exempt from the special tax. No other properties or entities are exempt from the special tax unless the properties or entities are expressly exempted in the Resolution of Formation (and Exhibit "A" hereto), or in a resolution of consideration to levy a new special tax or special taxes or to alter the rate or method of apportionment or an existing special tax as provided in Section 53334 of the Act.

Section 5. All of the collections of the special tax shall be used as provided for in the Act and the Resolution of Formation. The special tax shall be levied only so long as needed for its purpose as described in the Resolution of Formation and the Resolution to Incur Bonded Indebtedness.

Section 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure, sale, and lien priority in case of delinquency as is provided for ad valorem taxes, as such procedure may be modified by law from time to time.

Section 7. This Ordinance shall become effective thirty (30) days from and after its passage.

Section 8. Within fifteen (15) days after the passage of this Ordinance the City Clerk is hereby ordered and directed to certify to the passage of this Ordinance and, because there is no newspaper of general circulation published and circulated in the City, to cause the same to be posted in the following three public places in the City:

City Hall, 1007 Oak Street

Endeavor Hall, Oak at Center Street

Ohms Board located on Diablo Street near U.S. Post Office

* * * * *

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on Nov. 6, 1990.

Passed, adopted and ordered posted at a regular meeting of the City Council of the City of Clayton held on Dec. 4, 1990, by the following vote:

AYES: Councilmembers: Laurence, Musto, Walcutt, Vice Mayor Manning, Mayor Kendall.

NOTES: None

ABSENT: None

Mayor

ATTEST:

City Clerk

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on Nov. 6, 1990, and was duly adopted, passed and ordered posted at a regular meeting of the City Council held on Dec. 4, 1990.

Ruth A. Scott
City Clerk

3194005/17

EXHIBIT A

RATE, METHOD OF APPORTIONMENT AND
MANNER OF COLLECTION OF SPECIAL TAX

The Special Tax rate for the District is established at $186,086 per fiscal year. The apportionment of such amount to each parcel in the District is based on the square footage of buildings currently occupying each respective parcel or, in the instance where there is no building currently occupying the parcel, the maximum authorized square footage of buildings to be constructed thereon.

Notwithstanding any subsequent changes to the parcels, or the size of the buildings thereon, the dollar amount of the Special Tax apportioned to each parcel shall remain as set forth herein.

The Maximum Special Tax shall be apportioned as follows:

Parcel Number/ Identification*	Amount	Building Square Feet	Percent of Total
B	$155,961	55,395	83.81%
C	21,116	7,500	11.35%
D	9,009	3,200	4.84%

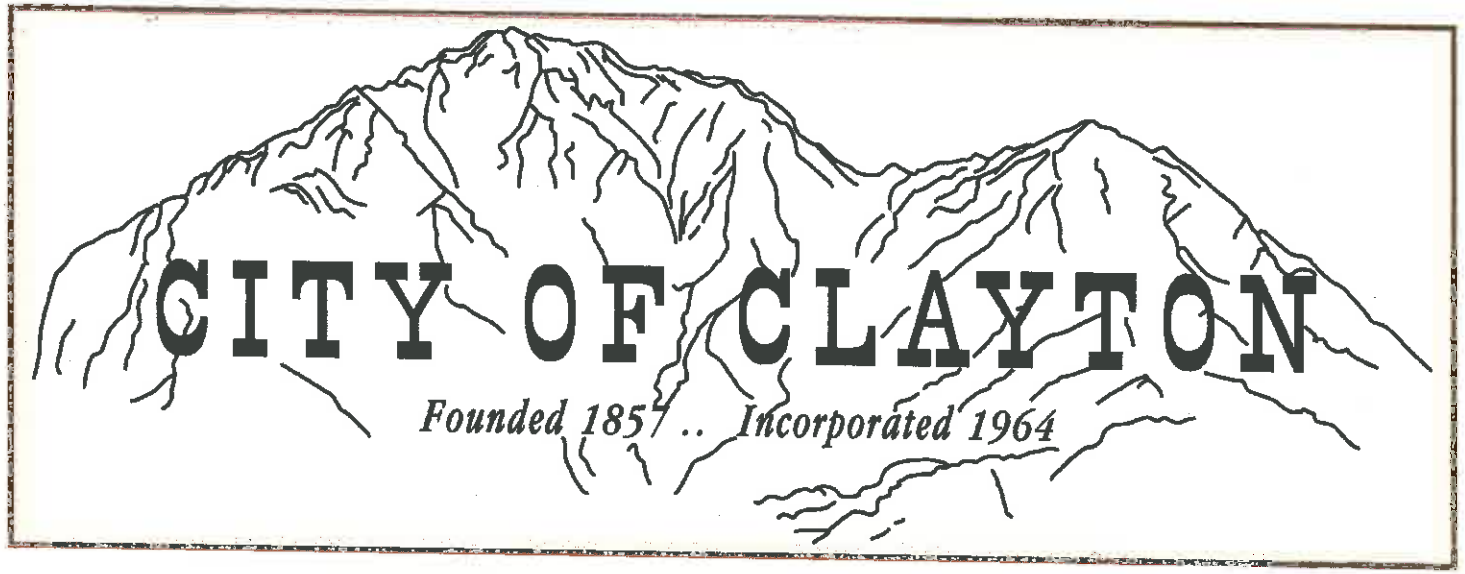
If one hundred ten percent (110%) of the maximum annual debt service on the bonds issued by the District is less than the Special Tax, then, commencing in the fiscal year following the issuance of the bonds, the Special Tax shall be reduced to such lesser amount, and the amount thereof apportioned to each parcel shall be reduced pro-rata.

The special tax will be collected in the same manner and at the same time as ad valorem property taxes.

---

* Reference is made to the map of the District, entitled "Proposed Boundaries of Community Facilities District No. 1990-2 of the City of Clayton, Contra Costa County, State of California," on file with the City Clerk, and recorded in the office of the County Recorder of Contra Costa County in Book 42 of Maps of Assessment and Community Facilities Districts at Page 15.

Attachment 5



HANNAH CHRISTINA JOHNSON DAY

This is to recognize *Hannah Christina Johnson Day* in the City of Clayton in honor of her 100th Birthday. Therefore, I, David T. Shuey, Mayor of Clayton, do hereby declare Tuesday, July 19, 2011 as *Hannah Christina Johnson Day* in Clayton.

_____

David T. Shuey, Mayor

Agenda Date: 7-5-11

Agenda Item: 5e

TREVOR J. MURPHY

Troop 363
Mt. Diablo Silverado Council
Boy Scouts of America
for
Construction and Installation of
a Trail Stile at Blue Oak Trail
as his Eagle Scout Project in May 2011.

Clayton, CA 94517
July 2011

Agenda Date: 7-5-11
Agenda Item: 5b

CITY OF CLAYTON
Founded 1857 - Incorporated 1964

Agenda Date: 7-5-11

Agenda Item: 9a(1)

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 05 JULY 2011

SUBJECT: CITY RESPONSE TO CIVIL GRAND JURY REPORT NO. 1103 "COUNTY AND CITY VEHICLE MAINTENANCE AND USAGE"

RECOMMENDATION

It is recommended the City Council consider the prepared City response letter regarding Civil Grand Jury Report No. 1103, and then subject to any Council modifications to the proposed response, by motion approve the letter as the City's official response and authorize Mayor Shuey to sign the letter.

BACKGROUND

The Contra Costa County Civil Grand Jury is commissioned annually to investigate city and county governments, special districts and certain non-profit corporations to ensure functions are performed in a lawful, economical and efficient manner. Pursuant to *California Government Code* Section 933.5(a), whenever a civil grand jury issues a report that involves matters within a particular municipality's jurisdiction or responsibility, the respective city is required to respond in writing and in accord with a specific response format.

On 15 April 2011, the FY 2010-11 Contra Costa Civil Grand Jury released Report No. 1103 regarding its investigation of county and city vehicle maintenance and usage. Our City is required to respond to certain findings and recommendations contained within the Report, in particular Recommendation No. 1. Attached is staff's draft letter for the City Council to consider and approve representing our City's response to Civil Grand Jury Report No. 1103. The City's response is due by 18 July 2011.

FISCAL IMPACT

None.

Attachments:
1. Proposed City Response Letter [3 pp.]
2. Civil Grand Jury Report No. 1103 [7 pp.]

ATTACHMENT 1

DRAFT

CITY OF CLAYTON
Founded 1857 ... Incorporated 1964

COMMUNITY DEVELOPMENT (925) 673-7340
ENGINEERING (925) 363-7433

6000 HERITAGE TRAIL • CLAYTON, CALIFORNIA 94517-1250
TELEPHONE (925) 673-7300 FAX (925) 672-4917

City Council
DAVID T. SHUEY, *MAYOR*
HOWARD GELLER, *VICE MAYOR*
JOSEPH A. MEDRANO
JULIE K. PIERCE
HANK STRATFORD

July 6, 2011

The Honorable Diana Becton
Presiding Judge, California Superior Court, Contra Costa County
A.F. Bray Court House, Department 1
1020 Ward Street, Martinez, CA 94553

Re: Contra Costa County Civil Grand Jury Report No. 1103, FY 2010-11
"County and City Vehicle Maintenance and Usage"

Dear Judge Becton:

On behalf of the Clayton City Council this letter responds to the Contra Costa Civil Grand Jury's Report No. 1103, "County and City Vehicle Maintenance and Usage", concerning maintenance of city and county vehicles and their corresponding usage by city and county employees. The Clayton City Council met at its regular public meeting on July 5, 2011 to consider Report No. 1103 and authorized this written response.

Pursuant to California Government Code section 933.5(a), the City of Clayton does hereby respond to each Finding and to each Recommendation individually as contained within Report No. 1103:

Findings

Finding #1: *The City of Richmond fully utilizes their maintenance management system which the Grand Jury identifies as a best practice for the County and all of the cities located within the County.*

No response was requested but the City of Clayton has no reason to disbelieve the Grand Jury's finding the City of Richmond does what the Grand Jury found and what it subsequently believes to be a best practice.

Findings #2 and #3: Not applicable to the City of Clayton.

Finding #4: Not applicable to the City of Clayton as our City does not allow city vehicles to be taken home after work, thereby saving "significant taxpayer expense".

DRAFT

Recommendations

Recommendation #1: *Available maintenance management software should be fully utilized.*

The recommendation will not be implemented because it is not warranted and is not reasonable for the City of Clayton.

As noted in Grand Jury Report No. 1103 (page 2), our City only has a total of eleven (11) vehicles, vans or trucks (that are not police patrol vehicles serviced by the City of Concord). This fleet is managed by the City's Public Works Department and the maintenance supervisors have binders on each vehicle with a respective log of maintenance and repairs maintained for each. Most of these eleven (11) vehicles are equipped with electronics that display "maintenance required" or other engine alert icons on the vehicle's dashboard to assist the Department in its preventive and reactive fleet maintenance needs. Further, our Public Works trucks and vehicles are serviced at a nearby Ford dealership, which private business also retains pertinent records on these City vehicles and routinely sends the City reminders when periodic preventative services are due.

After receipt of Grand Jury Report No. 1103 noting software as a "best practice" for all cities, our City staff contacted the City of Richmond and learned at that time in April 2011 that the City of Richmond had three (3) full time employees to oversee its Fleet Management Division (in addition to 10 mechanics). These Richmond employees' primary duties include maintaining and updating its fleet maintenance software program, which was purchased at an initial expense of $44,000 in year 2006. That software is proprietary software carrying annual license fees for 9 user stations which further costs Richmond approximately $10,000 per year (plus a 3% CPI annual adjustment).

Our City fleet of eleven (11) vehicles is too small in size to warrant additional taxpayer expense for expensive proprietary software for fleet maintenance purposes plus the re-allocation of additional Public Works' staff time (5 full-time employees and no clerical support position) to continuously update the software data. Grand Jury Report No. 1103 does not reveal any analysis applicable to Clayton's situation to indicate our City's current practices for fleet maintenance have been inadequate or inefficient in managing its limited resources, cut short the useful life of our fleet, or resulted in avoidable repairs and expenses.

Recommendations #2, #3 and #4: Not applicable to the City of Clayton.

DRAFT

We appreciate the time and effort that you and the Civil Grand Jury spent researching and considering these matters, and we trust this response will be helpful to its endeavors.

Sincerely,

David T. Shuey
Mayor

cc: Linda Chew, Foreperson, Contra Costa Civil Grand Jury FY 10-11
725 Court Street, Martinez, CA 94533

ATTACHMENT 2

Grand Jury

Contra Costa County

725 Court Street
P.O. Box 911
Martinez, CA 94553-0091

Received
APR 18 2011
City of Clayton

April 15, 2011

City Manager
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Dear City Manager:

Attached is a copy of Grand Jury Report No. 1103, "County and City Vehicle Maintenance and Usage" by the 2010-2011 Contra Costa Grand Jury.

In accordance with California Penal Code Section 933.05, this report is being provided to you at least two working days before it is released publicly.

Section 933.5(a) of the California Government Code requires that (the responding person or entity shall report one of the following actions) in respect to each finding:

(1) The respondent agrees with the finding.
(2) The respondent disagrees with the finding.
(3) The respondent partially disagrees with the finding.

In the cases of both (2) and (3) above, the respondent shall specify the portion of the finding that is disputed, and shall include an explanation of the reasons therefor.

In addition, Section 933.05(b) requires that the respondent reply to each recommendation by stating one of the following actions:

1. The recommendation has been implemented, with a summary describing the implemented action.

2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.

3. The recommendation requires further analysis. This response should explain the scope and parameters of the analysis or study, and a time frame for the matter to be prepared for discussion. This time frame shall not exceed six months from the date of the publication of the Grand Jury Report.

4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation thereof.

Please be reminded that Section 933.05 specifies that no officer, agency, department or governing body of a public agency shall disclose any contents of the report prior to its public release. Please insure that your response to the above noted Grand Jury report includes the mandated items. We will expect your response, using the form described by the quoted Government Code, no later than **July 18, 2011.**

It would be greatly appreciated if you could send this response in hard copy to the Grand Jury as well as by e-mail to jcuev@contracosta.courts.ca.gov (Word document).

Sincerely,

Linda L. Chew

LINDA L. CHEW, Foreperson
2010-2011 Contra Costa County Civil Grand Jury

A REPORT BY

THE 2010-2011 CONTRA COSTA COUNTY GRAND JURY

725 Court Street
Martinez, California 94553

REPORT 1103

County and City Vehicle Maintenance and Usage

APPROVED BY THE GRAND JURY:

Date: MARCH 23, 2011

Linda L Chew
LINDA L. CHEW
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: 4-1-11

John T. Laettner
JOHN LAETTNER
JUDGE OF THE SUPERIOR COURT

Contact: Linda Chew
Foreperson
(925) 957-5638

Contra Costa County Grand Jury Report 1103

County and City Vehicle Maintenance and Usage

Do you know where your vehicles are?

TO: Contra Costa County Board of Supervisors
Cities in Contra Costa County

SUMMARY

Contra Costa County and the nineteen cities located within the County have sizeable investments in vehicles, but exhibit a varied ability to professionally manage vehicle maintenance to contain costs. Some agencies, when compared to their counterparts, maintain a larger than average inventory of spare parts which commits and idles capital. A sizeable number of government vehicles are used in day-to-day activities and are then being taken home after work by various County and city employees creating additional expense and reducing vehicle life-expectancy.

BACKGROUND

Contra Costa County (as an individual governmental entity) and the nineteen cities located within the County have a significant number of vehicles used in day-to-day activities. A survey was utilized to gather information. The County, as well as six of its cities (Concord, Walnut Creek, Antioch, Brentwood, Pleasant Hill and Richmond), own their dedicated maintenance facilities and have professional maintenance personnel supervising or managing the maintenance of their vehicles. Martinez leases its maintenance facility and the city's Public Works Superintendent supervises vehicle maintenance. Pittsburg leases its facility and employs a supervisor to oversee maintenance. All government entities listed above utilize a fleet maintenance management system to track costs, except for Martinez.

Of cities that do not have their own maintenance facilities, Clayton and Lafayette reported that they use Concord's maintenance facility for service and minor repairs of patrol vehicles. Orinda provides its own maintenance for public works vehicles only. The remaining eight cities outsource vehicle maintenance to local commercial enterprises with oversight of the maintenance program generally provided by city employees.

It should be noted here that the County-owned maintenance facility, located in Martinez and run by a fleet services manager who effectively uses a maintenance management system, is only

about six miles from the Martinez City maintenance facility which is leased and does not utilize a maintenance management system.

Maintaining an inventory of spare parts to reduce vehicle down-time is an accepted practice within maintenance facilities. Examining only the total value of the spare parts inventory can be misleading due to fleet size variances. However, by examining the value of the inventory on a "per vehicle" basis, four government entities reported spare parts inventories well above the $206 per vehicle average of the other eleven entities reporting such inventories in response to the survey: Richmond reported inventories valued at $470,000 ($1,049 per vehicle), Contra Costa County reported inventories valued at $304,229 ($262 per vehicle), Brentwood reported inventories valued at $111,000 ($745 per vehicle), and Martinez reported inventories valued at $20,000 ($465 per vehicle). Four cities, Hercules, Moraga, Pinole, and San Pablo reported no spare parts inventories. Walnut Creek did not provide inventory value information.

The survey also disclosed that there are 315 vehicles that are allowed to be taken home after work by employees of the County and sixteen (of the nineteen) cities, more often than twice weekly and routinely up to five days per week. This is fully 13% of the reported total number of automobiles, vans, SUVs and pickup trucks owned by the County and the nineteen cities within the county. Walnut Creek, Clayton, and San Pablo reported that they do not allow any passenger vehicles to be taken home. The chart below contains the responses to the survey.

Government entities	Number of autos, vans, SUVs and pickups	Number taken home	Percent taken home
Contra Costa County	803	131	16%
Antioch	131	11	8%
Brentwood	119	9	8%
Clayton	11	0	0%
Concord	202	27	13%
Danville	62	12	19%
El Cerrito	62	13	21%
Hercules	46	7	15%
Lafayette	27	1	4%
Martinez	64	9	14%
Moraga	23	3	13%
Oakley	32	3	9%
Orinda	22	4	18%
Pinole	54	5	9%
Pittsburg	115	31	27%
Pleasant Hill	63	12	19%
Richmond	355	24	7%
San Pablo	26	0	0%
San Ramon	115	13	11%
Walnut Creek	140	0	0%
Totals	2,472	315	13%

While the Grand Jury did not inquire into the justification behind these vehicles being taken home, it believes that this practice places additional costs on the taxpayers within the individual jurisdictions and subjects the entities to increased public liability risks. Factoring in a 44-mile round-trip per take-home vehicle per day (Contra Costa County Commute Profile 2005)[1], a frequency of between two to five days per week, and using the cost per mile figures provided by the reporting entities (or substituting an IRS reimbursement rate in cases where costs were not provided or could not be determined), the County (as an individual entity) is incurring additional costs of between $10,604 - $26,514 per week, Pittsburg is incurring between $2,728 - $6,820 per week, Concord is incurring between $2,018 - $5,049 per week, and Richmond is incurring between $1,452 - $3,643 per week (the lower number in the range represents two trips per week, and the higher number represents five trips per week). Adding in the other thirteen cities that allow take-home vehicles, the aggregate cost for take-home vehicles used by the County and the cities can add from $1,103,336 to $2,758,413 in total additional annual operating cost to the seventeen entities allowing this practice.

The survey did not inquire into any personal use restrictions in place for those employees taking county and city-owned vehicles home. Nor did it inquire into any controls in place to calculate and report to the IRS the imputed income for any personal use of an employer-provided car.

FINDINGS AND RECOMMENDATIONS

Finding #1. The City of Richmond fully utilizes their maintenance management system which the Grand Jury identifies as a best practice for the County and all of the cities located within the County.

Recommendation #1. Available maintenance management software should be fully utilized.

Finding #2. Exiting the leased Martinez maintenance facility and consolidating maintenance operations with the County facility could result in cost savings to Martinez.

Recommendation #2. That the County Board of Supervisors and the Martinez City Council consider identifying representatives to explore the feasibility of consolidating their maintenance facilities and maintenance management systems.

Finding #3. Spare parts inventories in Contra Costa County, Richmond, Brentwood, and Martinez are much higher than the $206 average of all agencies reporting such inventories.

Recommendation #3. That Contra Costa County, Richmond, Brentwood, and Martinez should review their spare parts purchasing practices and determine what steps can be taken to permanently reduce on-hand inventories.

[1] www.mtc.ca.gov/library/commute_profile

Finding #4. The number of city and county vehicles being taken home after work results in significant taxpayer expense.

Recommendation #4. That Contra Costa County and cities which allow take-home vehicles (Antioch, Brentwood, Concord, Danville, El Cerrito, Hercules, Lafayette, Martinez, Moraga, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, and San Ramon) should review this practice and determine what steps can be taken to reduce the number of take-home vehicles and specify the circumstances when take-home vehicles may be used.

REQUIRED RESPONSES

Finding #2 and Recommendation #2:

Contra Costa County Board of Supervisors
Martinez City Council

Finding #3 and Recommendation #3:

Contra Costa County Board of Supervisors
The Cities of:
Brentwood
Martinez
Richmond

Finding #4 and Recommendation #4:

Contra Costa County Board of Supervisors
The Cities of:
Antioch
Brentwood
Concord
Danville
El Cerrito
Hercules
Lafayette
Martinez
Moraga
Oakley
Orinda
Pinole
Pittsburg
Pleasant Hill
Richmond
San Ramon

Agenda Date: 7-5-11

Agenda Item: 9a(2)

CITY OF CLAYTON
Founded 1857 . . . Incorporated 1964

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 05 JULY 2011

SUBJECT: CITY RESPONSE TO CIVIL GRAND JURY REPORT NO. 1104 "ELECTED BOARD MEMBERSHIP"

RECOMMENDATION

It is recommended the City Council consider the prepared City response letter regarding Civil Grand Jury Report No. 1104, and then subject to any Council modifications to the proposed response, by motion approve the letter as the City's official response and authorize Mayor Shuey to sign the letter.

BACKGROUND

The Contra Costa County Civil Grand Jury is commissioned annually to investigate city and county governments, special districts and certain non-profit corporations to ensure functions are performed in a lawful, economical and efficient manner. Pursuant to *California Government Code* Section 933.5(a), whenever a civil grand jury issues a report that involves matters within a particular municipality's jurisdiction or responsibility, the respective city is required to respond in writing and in accord with a specific response format.

On 26 April 2011, the FY 2010-11 Contra Costa Civil Grand Jury released Report No. 1104 regarding its investigation of compensation and benefits provided to elected members of public agency boards and city councils. Our City is required to respond to certain findings and recommendations contained within the Report, in particular Recommendations No. 1 and No. 5. Attached is staff's draft letter for the City Council to consider and approve constituting our City's response to Civil Grand Jury Report No. 1104. The City's response is due by 25 July 2011.

FISCAL IMPACT

None.

Attachments:
1. Proposed City Response Letter [3 pp.]
2. Civil Grand Jury Report No. 1104 [10 pp.]

ATTACHMENT 1

CITY OF CLAYTON
Founded 1857 – Incorporated 1964

COMMUNITY DEVELOPMENT (925) 673-7340
ENGINEERING (925) 363-7433

6000 HERITAGE TRAIL ◦ CLAYTON, CALIFORNIA 94517-1250
TELEPHONE (925) 673-7300 FAX (925) 672-4917

City Council
DAVID T. SHUEY, *MAYOR*
HOWARD GELLER, *VICE MAYOR*
JOSEPH A. MEDRANO
JULIE K. PIERCE
HANK STRATFORD

July 6, 2011

DRAFT

The Honorable Diana Becton
Presiding Judge, California Superior Court, Contra Costa County
A.F. Bray Court House, Department 1
1020 Ward Street, Martinez, CA 94553

Re: Contra Costa County Civil Grand Jury Report No. 1104, FY 2010-11
"Elected Board Membership"

Dear Judge Becton:

On behalf of the Clayton City Council this letter responds to the Contra Costa Civil Grand Jury's Report No. 1104, "Elected Board Membership", concerning compensation and benefit policies for elected Special District Boards and City Councils. The Clayton City Council met at its regular public meeting on July 5, 2011 to consider Report No. 1104 and authorized this written response.

Pursuant to California Government Code section 933.5(a), the City of Clayton does hereby respond to each Finding and to each Recommendation individually as contained within Report No. 1104:

Findings

Finding #1: *Sixteen cities and eighteen special districts provide benefits to their elected leaders in some fashion. These benefits may include salary, meeting fees, health care insurance costs, pension or deferred compensation, life insurance premiums, cell phone usage, and internet connections.*

The respondent agrees with the finding.
Although Clayton did not conduct an independent verification of the Grand Jury's data contained in Report No. 1104, it does not have any reason to disbelieve or disagree that identified elected official benefits and compensation are provided in varying degrees in various public entities, including that of the City of Clayton.

Findings #2, #3 and #4: Not applicable to the City of Clayton.

DRAFT

Finding #5: *Pension benefits, with potential long-term financial implications for the agency, are provided to Council and Board members in twelve cities and three special districts.*

The respondent agrees with the finding.
Although Clayton cannot address policies set by other public agency jurisdictions listed in Report No. 1104, it does not have reason to disagree that pension benefits are provided in various jurisdictions within Contra Costa County, including the City of Clayton.

Clayton further agrees that public pension benefits have long-term financial implications, which is one of the reasons why those benefits are included as part of the City's overall pension liability reported annually in the City's audited financial statement.

Recommendations

Recommendation #1: *All cities and special districts should conduct an annual public review of compensation provided to their respective elected Councils and Boards. This review should include such items as salary, meeting fees, health care insurance costs, pension/deferred compensation, life insurance premiums, cell phone usage, and internet connections. The public review should address whether or not changes in compensation are warranted.*

The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
Clayton's overall budget process is a readily transparent one, with data and actual dollar numbers calculated to the nearest dollar. At a minimum, an introductory session of the proposed City Budget and a subsequent public hearing for consideration and adoption of its budget are held each year, plus a mid-year review, each conducted at an open public meeting of the City Council. Further, budget documents and data are available on the City's public website.

There are specific accounts established within the City's General Fund (Legislative Dept. 01) that itemize elected official compensation and associated benefits each year in the aggregate for the full council. Policies regarding City Council compensation and benefits, by law, must be and are approved in open public meetings.

However, to enhance governmental transparency, the City will combine its elected official compensation and benefits policies into a single document that clearly illustrates all Council compensation and benefit categories. That prospective document will then be included in Clayton's annual budget and review process commencing the following fiscal year (FY 2012-13).

DRAFT

Recommendations #2, #3 and #4: Not applicable to the City of Clayton.

Recommendation #5: *The policy of paying pension or deferred compensation for Council and Board members should be reviewed to determine whether this practice is appropriate.*

The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
As noted above in Recommendation #1, the forthcoming annual review of Council compensation and benefits will include information about the specifics of pension or deferred compensation benefits provided to each of Clayton's elected officials.

We appreciate the time and effort that you and the Civil Grand Jury spent researching and considering these matters, and we trust this response will be helpful to its endeavors.

Sincerely,

David T. Shuey
Mayor

cc: Linda Chew, Foreperson, Contra Costa Civil Grand Jury FY 10-11
725 Court Street, Martinez, CA 94533

ATTACHMENT 2

Grand Jury

Contra Costa County

725 Court Street
P.O. Box 911
Martinez, CA 94553-0091

Received
APR 28 2011
City of Clayton

April 26, 2011

City Manager
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Dear City Manager:

Attached is a copy of Grand Jury Report No. 1104, "Elected Board Membership" by the 2010-2011 Contra Costa Grand Jury.

In accordance with California Penal Code Section 933.05, this report is being provided to you at least two working days before it is released publicly.

Section 933.5(a) of the California Government Code requires that (the responding person or entity shall report one of the following actions) in respect to each finding:

(1) The respondent agrees with the finding.
(2) The respondent disagrees with the finding.
(3) The respondent partially disagrees with the finding.

In the cases of both (2) and (3) above, the respondent shall specify the portion of the finding that is disputed, and shall include an explanation of the reasons therefor.

In addition, Section 933.05(b) requires that the respondent reply to each recommendation by stating one of the following actions:

1. The recommendation has been implemented, with a summary describing the implemented action.

2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.

3. The recommendation requires further analysis. This response should explain the scope and parameters of the analysis or study, and a time frame for the matter to be prepared for discussion. This time frame shall not exceed six months from the date of the publication of the Grand Jury Report.

4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation thereof.

Please be reminded that Section 933.05 specifies that no officer, agency, department or governing body of a public agency shall disclose any contents of the report prior to its public release. Please insure that your response to the above noted Grand Jury report includes the mandated items. We will expect your response, using the form described by the quoted Government Code, no later than **July 25, 2011.**

It would be greatly appreciated if you could send this response in hard copy to the Grand Jury as well as by e-mail to jcuev@contracosta.courts.ca.gov (Word document).

Sincerely,

Linda L. Chew

LINDA L. CHEW, Foreperson
2010-2011 Contra Costa County Civil Grand Jury

Received
APR 28 2011
City of Clayton

A REPORT BY

THE 2010-2011 CONTRA COSTA COUNTY GRAND JURY

725 Court Street
Martinez, California 94553

REPORT 1104

Elected Board Membership

APPROVED BY THE GRAND JURY:

Date: APRIL 6, 2011

LINDA L. CHEW
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: 4-21-11

JOHN LAETTNER
JUDGE OF THE SUPERIOR COURT

Contact: Linda Chew
Foreperson
(925) 957-5638

Contra Costa County Grand Jury Report #1104

ELECTED BOARD MEMBERSHIP

Public Service or Public Employment?

TO: Cities and Towns in Contra Costa County (see distribution list)
Independent Special Districts (see distribution list)

SUMMARY

Given the difficult economic challenges facing local government, the Contra Costa County Grand Jury conducted a survey about compensation for elected Special District Boards (Board) and City Councils (Council). The Grand Jury looked at the use of funds and if the total amounts spent by these agencies for elected officials' compensation seemed reasonable.

The study revealed significant compensation disparities among elected Boards and Councils within Contra Costa County (County).

For example, while Martinez and Oakley both have similar populations of about 35,000 residents, the Martinez City Council total compensation is $131,326, while Oakley's is only $28,544.

San Ramon with 60,000 residents pays $163,190 to its entire Council while Pittsburg, with slightly more residents, pays its Council $40,035.

Richmond and Antioch, both with around 100,000 residents, pay their entire Councils $267,139 and $112, 591 respectively.

The Grand Jury recognizes those agencies that pay nothing or minimum compensation and thus demonstrate the spirit of public service.

At the same time, there are a large number of Boards and Councils that are being compensated amounts which may be viewed as exorbitant. Board and Council members are elected to serve their constituents. They set policy, oversee programs and services administered by professional employees and are accountable to the public for their actions.

The Grand Jury believes the public should be aware of the compensation paid to their elected officials, what benefits are provided and whether the compensation structure indicates that the spirit of public service has changed to an entitlement of public employment.

BACKGROUND

County residents are living in very difficult economic times, in which both public agencies and individuals have had to cut spending.

The Grand Jury surveyed all 19 cities in the County as well as the 27 largest independent special districts that have their own publicly elected Boards of Directors. Population information for the analysis was obtained from Local Agency Formation Commission reports. The survey collected data for Fiscal Years (FY) 2008-09 and 2009-10.

Information was requested for the following categories pertaining to annual expenditures for elected officials: salary and/or meeting fees, health care insurance costs, pension or deferred compensation, life insurance premiums, car allowance or mileage, cell phone and/or internet access and travel & conference costs.

The total amount spent county-wide in FY 2009-10 on compensation for the surveyed Boards and Councils was $2,419,169.

The following data is grouped by cities and special districts. Data reported are the total amounts for each Board or Council regardless of the number of elected members. All cities have five elected Council members with the exception of Richmond, which has seven. All special districts have five Board members except the Byron-Bethany Irrigation District, which has nine, with two vacancies.

Cities

- The average annual amount spent for each Council was $77,895.
- Lafayette, Moraga and Orinda had minimal expenses for their elected leaders.
- Eight cities compensate their elected leaders more than the average for all surveyed. These cities spent an average of $136,145. Of that amount, 76.4% was paid for salary and/or meeting fees and health care benefits. See table below.
- Twelve cities pay for elected officials' pensions or other forms of retirement benefits.
- Twelve cities pay for elected officials' health care insurance costs.
- Eight cities pay life insurance premiums for elected officials.
- Six cities pay for elected officials' cell phone or internet access.

The following table summarizes the compensation data collected for the cities.

Total Council Compensation Expense

Cities	Population	Cost	Salary and/or Meeting Fees	Health Care Insurance Costs	Pension & Deferred Comp	Other Costs
City of Lafayette	24,500	$631	$0	$0	$0	$631
Town of Moraga	16,800	$2,673	$0	$0	$0	$2,673
City of Orinda	17,600	$2,801	$0	$0	$0	$2,801
City of Oakley	34,000	$28,544	$27,924	$0	$0	$620
City of Clayton	10,784	$29,590	$23,400	$0	$4,640	$1,550
City of El Cerrito	23,596	$37,613	$26,710	$0	$3,574	$7,329
City of Pittsburg	63,004	$40,035	$33,240	$5,220	$0	$1,575
Town of Danville	42,601	$54,998	$40,064	$11,764	$1,502	$1,668
City of Pinole	19,193	$59,965	$17,862	$41,396	$0	$707
City of Walnut Creek	66,000	$61,798	$35,100	$0	$16,086	$10,612
City of Pleasant Hill	33,377	$72,206	$37,950	$27,541	$4,569	$2,146
City of Brentwood	50,614	$91,998	$34,155	$42,425	$2,186	$13,232
City of Hercules	23,000	$93,691	$51,960	$34,141	$5,059	$2,531
City of San Pablo	30,950	$100,961	$45,210	$37,906	$6,555	$11,290
City of Antioch	100,150	$112,591	$53,746	$1,922	$5,576	$51,346
City of Concord	124,780	$128,262	$74,580	$42,303	$10,720	$659
City of Martinez	36,179	$131,326	$46,200	$71,416	$9,697	$4,012
City of San Ramon	59,002	$163,190	$47,935	$59,768	$12,457	$43,030
City of Richmond	102,186	$267,139	$152,130	$53,700	$0	$61,309
Total of 19 Cities		***$1,480,012***	***$748,166***	***$429,502***	***$82,622***	***$219,721***
Average of 19 Cities		***$77,895***	***$39,377***	***$22,605***	***$4,349***	***$11,564***

Note: Richmond has seven Council members; all other cities have five Council members

Special Districts

- The average annual amount spent for each Board was $34,784.
- Nine special districts paid their elected leaders from zero to less than $100 in total. They are: Crockett Community Services District, Diablo Community Services District, Kensington Police Protection & Community Services District, Town of Knightsen Community Services District, Kensington Fire Protection District, Rodeo-Hercules Fire Protection District, Bethel Island Municipal Improvement District, Green Valley Recreation and Park District, and Moraga-Orinda Fire District.
- Eight special districts compensate their elected officials more than the average for all surveyed. These districts spent an average of $99,089. Of that amount 87.7% was paid for salary and/or meeting fees and health care insurance costs. See the table below.
- Eight out of the nine most generous special districts are water or wastewater providers that pass on their costs to rate payers.
- Three special districts contribute to pension or other form of retirement benefits for one or more elected officials.

- Nine special districts pay for health care insurance costs for one or more elected officials.
- Four special districts pay life insurance premiums for one or more elected officials.

The following table summarizes the compensation data collected for the 27 special districts.

Total Special District Board Compensation Expense

Special District	Popu-lation	Total Cost	Salary & Meeting Fees	Health Care Insurance Costs	Pension	Other Costs
Crockett Community Services District	3,500	$0	$0	$0	$0	$0
Diablo Community Services District	1,200	$0	$0	$0	$0	$0
Kensington Police Prot & Com. Serv. Dist.	5,000	$0	$0	$0	$0	$0
Knightsen Town Community Serv. Dist	1,500	$0	$0	$0	$0	$0
Kensington Fire Protection District	4,936	$0	$0	$0	$0	$0
Rodeo-Hercules Fire Protection District	30,000	$0	$0	$0	$0	$0
Bethel Island Municipal Improve District	3,000	$0	$0	$0	$0	$0
Green Valley Recreation and Park District	473	$0	$0	$0	$0	$0
Moraga-Orinda Fire District	42,000	$50	$0	$0	$0	$50
Byron Sanitary District	995	$4,425	$4,425	$0	$0	$0
Diablo Water District	31,000	$7,365	$7,300	$0	$0	$65
Ambrose Recreation and Park District	23,000	$7,858	$5,150	$0	$0	$2,708
Rodeo Sanitary District	8,717	$8,975	$8,975	$0	$0	$0
San Ramon Valley Fire Protection Dist	158,071	$12,331	$8,085	$0	$0	$4,246
Pleasant Hill Recreation and Park District	40,003	$15,226	$12,500	$0	$0	$2,726
West Contra Costa Healthcare District	201,196	$16,385	$8,200	$4,188	$0	$3,997
Los Medanos Comm. Healthcare District	81,953	$20,500	$20,500	$0	$0	$0
Discovery Bay Community Services Dist	15,000	$22,661	$22,500	$0	$0	$161
Stege Sanitary District	40,000	$30,670	$22,540	$0	$0	$8,130
Mt. View Sanitary District	18,253	$41,283	$19,307	$12,593	$0	$9,383
Mt. Diablo Healthcare District	191,452	$42,498	$0	$42,498	$0	$0
East Contra Costa Irrigation District	60,000	$76,227	$3,605	$72,192	$0	$430
Ironhouse Sanitary District	35,350	$94,070	$28,220	$62,780	$2,051	$1,020
Contra Costa Water District	550,000	$99,826	$36,700	$41,177	$0	$21,949
Byron-Bethany Irrigation District	3,000	$105,380	$5,360	$99,684	$0	$336
Central Contra Costa Sanitary District	451,900	$158,174	$52,156	$90,435	$0	$15,583
West County Wastewater District	124,398	$175,254	$93,934	$44,277	$18,823	$18,220
Total of 27 Special Districts		***$939,158***	***$359,457***	***$469,823***	***$20,873***	***$89,005***
Average of 27 Special Districts		***$34,784***	***$13,313***	***$17,401***	***$773***	***$3,296***

Note: Byron-Bethany Irrigation District has nine Board members, of which two are vacant; all other special districts have five Board members.
Contra Costa Water District reported no pensions paid but has a provision in their retirement plan to pay a pension for Board members at age 62 after 10 years of service.

Professional full-time managers are hired to run each agency. Historically, elected officials have looked upon their work as public service for the betterment of the community. Agencies have provided their elected leaders with benefits. These include health care insurance, employer paid retirement benefits, life insurance premiums, payments for cell phone/internet access, and mileage reimbursement or car allowance.

The total dollar amounts are small in relation to agency overall budgets. However, services to the public are being reduced in most agencies which usually means staff reductions. Although service reductions have been implemented, governing boards have continued to enjoy the same level of benefits. They should demonstrate their leadership by eliminating or reducing benefits.

FINDINGS AND RECOMMENDATIONS

Each agency named needs to respond only for its own practices.

Finding # 1: Sixteen cities and eighteen special districts provide benefits to their elected leaders in some fashion. These benefits may include salary, meeting fees, health care insurance costs, pension or deferred compensation, life insurance premiums, cell phone usage, and internet connections.

> **Recommendation # 1:** All cities and special districts should conduct an annual public review of compensation provided to their respective elected Councils and Boards. This review should include such items as salary, meeting fees, health care insurance costs, pension/deferred compensation, life insurance premiums, cell phone usage, and internet connections. The public review should address whether or not changes in compensation are warranted.

Finding # 2: Eight cities spend more than the county-wide average ($39,377) for salary and meeting fees. They are: Antioch, Concord, Danville, Hercules, Martinez, Richmond, San Pablo and San Ramon.

> **Recommendation # 2:** These cities, as part of the annual review in Recommendation 1, should consider whether it would be appropriate to implement reductions of salary and meeting fee expenditures to bring them in line with other cities.

Finding # 3: Eight special districts spend more than the county-wide average ($13,313) for salary and meeting fees. They are: Central Contra Costa Sanitary District, Contra Costa Water District, Discovery Bay Community Services District, Ironhouse Sanitary District, Los Medanos Community Healthcare District, Mt. View Sanitary District, Stege Sanitary District and West County Wastewater District.

> **Recommendation # 3**: These special districts, as part of the annual review in Recommendation 1, should consider whether it would be appropriate to implement a

reduction of salary and meeting fee expenditures to bring them in line with other special districts.

Finding # 4: Health care benefits are provided to elected Board members by twelve cities and nine special districts.

Recommendation # 4: The policy of paying health care insurance costs for Council and Board members should be reviewed to determine whether this practice is appropriate. The agencies following this practice are:

Cities: Antioch, Brentwood, Concord, Danville, Hercules, Martinez, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo and San Ramon.

Special Districts: Byron-Bethany Irrigation District, Central Contra Costa Sanitary District, Contra Costa Water District, East Contra Costa Irrigation District, Ironhouse Sanitary District, Mt. Diablo Healthcare District, Mt. View Sanitary District, West Contra Costa Healthcare District and West County Wastewater District.

Finding # 5: Pension benefits, with potential long-term financial implications for the agency, are provided to Council and Board members by twelve cities and three special districts.

Recommendation # 5: The policy of paying pension or deferred compensation for Council and Board members should be reviewed to determine whether this practice is appropriate. The agencies following this practice are:

Cities: Antioch, Brentwood, Clayton, Concord, Danville, El Cerrito, Hercules, Martinez, Pleasant Hill, San Pablo, San Ramon and Walnut Creek.

Special Districts: Central Contra Costa Sanitary District, Ironhouse Sanitary District and West County Wastewater District.

REQUIRED RESPONSES

Findings and Recommendations:

Cities and Towns	
Antioch	1, 2, 4 and 5
Brentwood	1, 4 and 5
Clayton	1 and 5
Concord	1, 2, 4 and 5
Danville	1, 2, 4 and 5
El Cerrito	1 and 5
Hercules	1, 2, 4 and 5
Martinez	1, 2, 4 and 5
Oakley	1
Pinole	1 and 4
Pittsburg	1 and 4
Pleasant Hill	1, 4 and 5
Richmond	1, 2 and 4

San Pablo	1, 2, 4 and 5
San Ramon	1, 2, 4 and 5
Walnut Creek	1 and 5
Independent Special Districts:	
Ambrose Recreation and Park District	1
Byron-Bethany Irrigation District	1 and 4
Byron Sanitary District	1
Central Contra Costa Sanitary District	1, 3, 4 and 5
Contra Costa Water District	1, 3 and 4
Diablo Water District	1
Discovery Bay Community Services District	1 and 3
East Contra Costa Irrigation District	1 and 4
Ironhouse Sanitary District	1, 3, 4 and 5
Los Medanos Community Healthcare District	1 and 3
Mt. Diablo Healthcare District	1 and 4
Mt. View Sanitary District	1, 3 and 4
Pleasant Hill Recreation and Park District	1
Rodeo Sanitary District	1
San Ramon Valley Fire Protection District	1
Stege Sanitary District	1 and 3
West Contra Costa County Healthcare District	1 and 4
West County Wastewater District	1, 3, 4 and 5

Distribution List:

Cities and Towns

Antioch, Brentwood, Clayton, Concord, Danville, El Cerrito, Hercules, Lafayette, Martinez, Moraga, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon and Walnut Creek.

Independent Special Districts:

Crockett Community Services District, Diablo Community Services District, Discovery Bay Community Services District, Kensington Police Protection and Community Services District, Knightsen Community Services District, Kensington Fire Protection District, Moraga-Orinda Fire District, Rodeo-Hercules Fire Protection District, San Ramon Valley Fire Protection District, Los Medanos Community Healthcare District, Mt. Diablo Healthcare District, West Contra Costa County Healthcare District, Byron-Bethany Irrigation District, East Contra Costa Irrigation District, Bethel Island Municipal Improvement District, Ambrose Recreation and Park District, Green Valley Recreation and Park District, Pleasant Hill Recreation and Park District, Byron Sanitary District, Central Contra Costa Sanitary District, Ironhouse Sanitary District, Mt. View Sanitary District, Rodeo Sanitary District, Stege Sanitary District, West County Wastewater District, Contra Costa Water District and Diablo Water District.

CITY OF CLAYTON
Founded 1857 - Incorporated 1964

Agenda Date: 7-5-11

Agenda Item: 9b

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 05 JULY 2011

SUBJECT: CONSIDERATION OF TENTATIVE DEAL POINTS FOR FRANCHISE EXTENSION ALLIED WASTE SERVICES SOLID WASTE & RECYCLING SERVICES

RECOMMENDATION

Following presentation of the Tentative Franchise Extension "Deal Points" and opportunity for public comment, it is recommended the City Council by motion accept the "Deal Points" as proposed and authorize City staff to prepare an amended and revised Franchise Agreement for public hearing and adoption at a subsequent public meeting.

BACKGROUND

At its meeting of 02 July 2002, the Clayton City Council adopted Resolution No. 42-2002 approving a ten (10) year time extension with Pleasant Hill Bayshore Disposal, Inc. for the provision of solid waste and recyclable materials collection and disposal services within the Clayton community. Since that date, the City's franchise agreement has been transferred to Allied Waste Services, Inc. and then most recently to Republic Services, Inc. in September 2009. The City's franchisee has continuously operated in the city providing these services under their now identifiable business name of "Allied Waste Services".

The existing Franchise Agreement is set to expire on 31 December 2012 (18 months from now) and for several months both parties have been exchanging information and data in consideration of extending the time period of the current franchise agreement. In those periodic discussions with Allied Waste Services General Manager Tim Argenti and Division Municipal Services Manager Susan Hurl, the City has been represented by its City Council ad-hoc Committee of Mayor Shuey and Council Member Medrano, and the City Manager.

The Franchisee (Allied Waste Services) is certainly interested in retaining and securing a longer term agreement for its continued operational business in the Clayton community. The Franchisor (City) is equally interested in maintaining the highest quality services at the most economical rate with no to minimal disruption in service. The combination of those objectives has led both parties to negotiate mutually-acceptable terms for extension of the existing franchise agreement.

NEGOTIATED TERMS VERSUS COMPETITIVE BIDDING (RFP)

Unlike state laws governing "public works projects" that require competitive bidding, a "services" franchise agreement is not subject to a mandatory bid procedure. A municipality may negotiate acceptable terms and conditions to a franchise agreement involving solid waste and recyclable materials collections and disposal services, or it may submit the franchise opportunity to a similar competitive bid process known as a "Request for Proposals".

While that option exists for Clayton, a guiding management principle is this type of expiring "service" franchise is usually put out for competitive RFP if the franchisor (city) is dissatisfied with the service record of the franchisee or the customer rates charged for the service are deemed to be excessive or out of alignment with other area rates. Essentially, if the service is not broken and does not need fixing, municipalities typically negotiate an extension of its current franchise agreement with its existing provider as a known and reliable entity.

In the case of Allied Waste Services' franchise record of performance in the Clayton community, monthly customer service records reveal no overriding problems or chronic dissatisfaction with their curbside and collection services. Yes, errors do occur as human services are not infallible and it is fairly certain everyone might have a curbside story to share about flattened cardboard boxes being missed on a collection day. However, in terms of service coupled with being a community partner in Clayton by event sponsorships and donations (e.g. Concerts in The Grove; CBCA Art and Wine Festival; CBCA Oktoberfest; 4th of July Parade; Clayton Counts Down – New Year's Eve; community golf tournament sponsorships; etc.), it is my professional judgment that Allied Waste Services has been and continues to be an exemplary franchisee that clearly understands the expectations of, and active involvement in, a small community like Clayton.

Occasionally a municipality will advertise its solid waste franchise agreement to a RFP [competitive] process when it believes the current rates are too high; by seeking competitive bids, it is assumed other operators will offer cutthroat lower rates to get the business, including the current franchisee. However, that strategy can backfire by allowing the current operator the opportunity to bid existing rates upward, while knowing competitors' rates in other communities are higher and the uncontrolled rate bidding process by that municipality offers the open-door chance to raise their own rates. Such experience occurred in the nearby city of San Ramon years ago when that city went out to Request for Proposals (RFP) for its solid waste franchise agreement. San Ramon received only two (2) bidders, and then one of the bidders subsequently dropped out; the sole remaining proposal was from their current franchisee who submitted rates and terms actually higher and less, respectively, than what had been negotiated at the table prior to the city's decision to go to RFP! Staff understands San Ramon's franchise agreement will expire again in several years and the current organizational philosophy is they believe they can obtain better rates and service options by negotiating with their existing franchisee.

Relative to current customer rates and services by Allied Waste Services, comparative data reveals our existing franchise-regulated rates are among the lowest in the area (ref. Exhibit 2, attached), and their services and company willingness are equally impressive.

TENTATIVE "DEAL POINTS"

The results of the discussions of terms and conditions of a franchise extension for Allied Waste Services are listed in Exhibit 1 to this Staff Report. The basic ingredients of the proposed agreement are a ten (10) year time extension of the current Franchise Agreement from January 2013 through December 2022. The current customer rate structure remains the same subject to the existing 90% annual Consumer Price Index (CPI) rate adjustment, with an additional wrinkle. In exchange for elimination of language allowing the Franchisee to apply for special circumstance rate increases (e.g. exorbitant fuel costs), the Deal Points call for a rate increase "floor" of at least 1% per year but in no case greater than a 5% increase per year (a "cap"), and within that percentage spread rates remain subject to 90% of the CPI annual modification (for the San Francisco-Bay Area index, All Urban Consumers).

One of the more significant benefits to retaining Allied Waste Services as the City's franchisee is the fact this company owns the nearby Keller Canyon Landfill for refuse disposal purpose. Some companies in the solid waste curbside collection business do not own landfills and therefore could be locked-out for future disposal should a preferred or the nearest landfill's future capacity begin to diminish. Essentially, that refuse collector then becomes a self-hauler looking for another landfill in which to pay the associated tipping fees, always at risk to the closure of a landfill. This particular advantage owned by Allied Waste Services is a key component in the proper management and disposal of our community's solid waste stream, one the City wishes to guaranty in the proposed franchise extension; namely, Allied Waste Services guarantees for the term of the franchise that Clayton's solid waste will be accepted at the Keller Canyon Landfill. Transport costs to the nearest available landfill for disposal are a variable in any rate structure offered by a refuse hauler.

To enhance the City's curbside recycling program and create increased convenience for customers to recycle and aid the community's mandatory recycling mark of at least 50% of the waste stream (moving up to 60%), Allied Waste is offering a series of new services. The expanded curbside recycling program will:

1. Allow customers to have a 2nd 64-gallon recycling cart at no additional charge (eliminating the current fee of $1.85/mo.);
2. Customers can swap their 64-gallon recycling and/or green waste cart for a 96-gallon recycling and/or green waste cart, at no additional cost;
3. Curbside collection of household batteries and compact fluorescent bulbs/lamps (CFLs) at no additional charge;
4. Free on-call bulky item pickup (i.e. appliance, furniture), and illegal dumping pickups;
5. Free Electronic Waste pickup program; and
6. Unlimited curbside collection of recyclable materials.

The additions of these improved services should be well-received by a Clayton community eager to sustain its recycling efforts.

In consideration of its franchise extension for an additional ten (10) year term, Allied Waste Services has further agreed to contribute a $100,000 Community Enhancement Fee to the City by 15 January 2013 (as the 10-year time extension begins). This contribution to the City comes absent any strings or restrictions on its use and the City Council will be the ultimate arbiter of its governmental allocation and purpose.

And finally, after review of prevailing franchise fee rates among area and California cities, Clayton's 5% franchise fee is at the lowest end of fees for the execution of a solid waste franchise agreement. Therefore, the negotiated Deal Points include the recommendation for the City's applicable franchise fee to be increased to 10%, effective with the signing of an amended franchise agreement. Copies of available franchise fee surveys are attached as Exhibit 3. Based on estimates provided by Allied Waste Services, the increased 5% franchise fee may generate an additional $50,000 per year to the City General Fund, which Fund has remained a virtual flat line over the past ten (10) year period. Even with this fee bump, Clayton's rates will remain at the lower end of the comparative scale.

SUMMATION

As a total package, the Council ad-hoc Committee and the City Manager believe it is in the best interests of the City and the community it serves to extend the existing franchise agreement with Allied Waste Services an additional ten (10) years through December 2022, subject to the modifications and enhanced services offered by these negotiated Deal Points. Taking this action will ensure our residents and businesses are well-served for solid waste and recycling collection and disposal services by a highly-reputable company with a proven track record sincerely interested in providing exceptional service to this small community.

Exhibits: 1. Tentative Deal Points [2 pp.]
2. Comparative Rate Surveys, Residential and Commercial [2 pp.]
3. Franchise Fee Surveys (2) [3 pp.]
4. Community Enhancement Fee letter [1 pg.]

EXHIBIT 1

SOLID WASTE FRANCHISE AGREEMENT

TENTATIVE DEAL POINTS

A. TERM (existing franchise agreement expires 30 December 2012)
- Term extended for an additional 10 years, from Jan. 2013 thru Dec. 2022

B. RATE ADJUSTMENT METHODOLOGY
- Retain existing rate structure.
- Retain blended CPI calculation, at 90%, through term of current franchise (1 yr. left).
- Starting Dec. 2013, annual rate change at 90% of latest 12 mo. CPI change of San Francisco-Bay Area index – All Urban Consumers (base year: 1982-84), subject to rate floor and cap limits below.
- Rate Adjustment Floor of 1% (annual guaranteed rate increase)
- Rate Adjustment Cap of 5% (cannot exceed annual guaranteed rate)
- Eliminate Section 7 – Significantly Changed Circumstances, in current agreement that allows franchisee to file for special rate adjustments showing good cause (e.g. fuel prices skyrocket; secondary recycling market bombs; green waste for alternate daily coverage disallowed at landfill; landfill operational/improvement costs explode, etc.).

C. LANDFILL DISPOSAL CAPACITY GUARANTY
- Add new Section guaranteeing City solid waste stream has ensured disposal capacity at franchisee's Keller Canyon Landfill during full term of Franchise Agm't.

D. NEW SERVICES PROVIDED BY FRANCHISEE (to commence on signing of extended Agm't.)
- Expand residential curbside recycling program:

  Provide additional 64-gallon recycling cart at no additional charge (drop $1.85/mo. fee)

  Provide 96-gallon recycling cart (in lieu of 64 gal.) at no additional charge.

  Offer same above-noted cart substitution/addition for green yard waste cart.

  Curbside collection of household batteries and compact fluorescent bulbs/tubes.

  Free on-call bulky item pick-up (e.g. appliance; furniture).

  Free pickups/service for illegal dumping issues (hotline established for reporting).

  Free Electronic Waste pickup program (details to be determined).

  Unlimited curbside collection of recyclable materials.

E. OTHER

- Replacement trash trucks shall be Natural Gas fuel.
- Mandatory commercial recycling program (requires City ordinance too).
- Franchisee shall contribute a $100,000 Community Enhancement Fee to City by 15 January 2013 for consideration of extended franchise term.

F. FRANCHISE FEE

- Increase City Franchise Fee from current 5% to 10% (each 1% equals approximately $10,000 per year to City General Fund), effective the nearest month following approval of Franchise extension.
  Note: Clayton's present fee is the 2nd lowest of area cities.

DATE: 30 June 2011

2011 Residential Solid Waste and Recycling Rates

EXHIBIT 2

	20 GAL	32 GAL	64 GAL	96 GAL
El Cerrito*	$ 27.09	$ 38.10	$ 74.57	N/A
Orinda	$ 26.66	$ 30.75	$ 60.78	$ 91.17
Pinole*	$ 25.66	$ 30.40	$ 54.08	$ 78.49
Vallejo	N/A	$ 29.72	$ 48.24	$ 66.44
Richnond*	$ 24.18	$ 29.53	$ 56.32	$ 83.90
Hercules*	$ 24.35	$ 29.09	$ 51.55	$ 74.52
San Pablo	$ 23.33	$ 28.74	$ 54.71	$ 81.50
Martinez	$ 19.75	$ 28.30	$ 31.55	$ 66.30
Pittsburg	N/A	$ 27.00	$ 33.00	$ 37.00
Lafayette	$ 21.67	$ 24.98	$ 49.95	$ 74.93
Oakley	N/A	$ 24.95	$ 34.90	$ 39.60
San Ramon	$ 20.08	$ 24.84	$ 43.24	$ 69.20
Benicia	N/A	$ 23.69	$ 27.68	$ 38.18
Concord	N/A	$ 23.00	$ 31.00	$ 38.00
Clayton***	$ 21.62	$ 22.91	$ 33.59	$ 36.66
Clayton**	$ 20.59	$ 21.82	$ 31.99	$ 34.91
Walnut Creek	$ 14.86	$ 17.80	$ 35.59	$ 53.39

*Rate include an IRRF (Integrated Resource Recovery Facility) fee for fixed costs related to solid waste and recycling, processing of recyclables, solid waste disposal services, household hazardous waste services and composting services.

**Clayton rates do not include street sweeping

***5% increase for franchise fees

2011 Commercial Rate Comparison

	32 gal	64 gal	96 gal	1yd	2yd	3yd	4yd	5yd	6yd	7yd	8yd
Pinole	$ 36.92	$ 75.80	$ 99.19	$ 226.59	$ 379.44	$ 523.54	$ 663.15	$ 799.97	$ 935.76	$ 1,070.58	n/a
Orinda	$ 34.89	$ 69.79	$ 104.67	$ 182.07	$ 364.14	$ 546.22	$ 728.28	$ 910.36	$ 1,092.42	n/a	$ 1,456.56
Hercules	$ 34.92	$ 71.62	$ 93.84	$ 216.55	$ 363.44	$ 502.20	$ 636.65	$ 768.78	$ 899.65	$ 1,029.70	n/a
San Pablo	$ 35.38	$ 72.57	$ 95.05	$ 207.46	$ 349.11	$ 483.14	$ 613.01	$ 740.76	$ 867.11	$ 992.97	n/a
Richmond	$ 35.95	$ 73.69	$ 96.30	$ 195.13	$ 323.41	$ 444.62	$ 562.42	$ 678.42	$ 793.36	$ 907.46	n/a
Lafayette	$ 27.68	$ 53.06	$ 78.82	$ 165.58	$ 323.33	$ 477.75	$ 636.99	$ 796.24	$ 935.56	n/a	$ 1,247.42
Moraga	$ 23.52	$ 47.03	$ 70.55	$ 144.11	$ 288.20	$ 432.31	$ 576.41	$ 720.52	$ 864.62	n/a	$ 1,152.83
Danville	$ 19.38	$ 38.75	$ 58.13	$ 124.94	$ 249.87	$ 374.81	$ 499.76	$ 631.54	$ 749.62	n/a	$ 999.49
Martinez	$ 26.64	$ 38.30	$ 55.81	$ 129.38	$ 229.02	$ 392.82	$ 390.46	$ 381.91	$ 457.75	n/a	$ 572.15
Antioch	$ 23.66	$ 42.22	$ 60.35	$ 145.47	$ 223.96	$ 336.97	$ 435.78	$ 539.36	$ 640.00	n/a	$ 841.09
San Ramon	$ 34.89	$ 48.55	$ 62.27	$ 115.19	$ 213.93	$ 296.13	$ 361.86	$ 427.56	$ 493.30	n/a	n/a
Clayton**	$ 23.01	$ 37.82	$ 56.05	$ 133.82	$ 207.92	$ 280.80	n/a	n/a	n/a	n/a	n/a
Clayton	$ 21.91	$ 36.02	$ 53.38	$ 127.45	$ 198.02	$ 267.43	n/a	n/a	n/a	n/a	n/a
Pleasant Hill*	$ 24.36	$ 38.97	$ 54.74	$ 159.06	$ 192.51	$ 288.39	$ 381.99	$ 473.50	$ 580.01	n/a	$ 757.10
Walnut Creek	$ 24.18	$ 48.35	$ 72.53	$ 90.65	$ 181.31	$ 271.96	$ 362.60	$ 453.25	$ 543.91	n/a	$ 725.20
Benicia	$ 27.48	$ 31.71	$ 46.78	$ 119.21	$ 152.54	$ 228.75	$ 302.56	$ 374.87	$ 449.85	n/a	$ 599.96
Concord											
Pittsburg											

*Rates include recycling
** Includes 5% increase for franchise fees

As of mid 2010

EXHIBIT 3

	Franchise Fee
Albany	10%
Antioch	12%
Benicia	8% with 1% every year up to 15%
Clayton	5%
Concord	6%
Danville	10%
Dublin	14% 19%
El Cerrito	10%
Fairfield	8%
Lafayette	10%
Martinez	10%
Moraga	12%
Orinda	12.20%
Pinole	4%
Pittsburg	7%
Pleasant Hill	16%
San Pablo	$10,000/month
San Ramon	10%
Vallejo	11%
Walnut Creek	10%

Exhibit G-1
Selected Comparative Franchise Fee Survey of California Cities and Counties
(As of September 2009)

Number	Description	Percent of Gross Revenue	Effective Year
1	City of San Mateo	4.0%	2007
2	Placer County	4.0%	2009
3	City of Lodi	4.8%	2007
4	Contra Costa County (Allied, RSS)	5.0%	2007
5	Contra Costa County areas served by CCCSWA (Allied)	5.0%	2007
6	City of Clayton	5.0%	2007
7	El Dorado County	5.0%	2005
8	Inyo County	5.0%	2005
9	City of San Juan Capistrano	5.0%	2009
10	City of Marysville	5.0%	2005
11	City of Vacaville	5.0%	2007
12	City of Piedmont	5.5%	2007
13	City of Menlo Park	5.8%	2007
14	City of Danville	6.0%	2007
15	City of Elk Grove	6.0%	2007
16	City of Pittsburg	7.0%	2008
17	City of Citrus Heights	7.0%	2007
18	Town of Paradise	7.0%	2007
19	City of Red Bluff	7.0%	2007
20	Sacramento County	8.0%	2008
21	City of Lancaster	8.1%	2007
22	City of Tracy	8.5%	2007
23	Humboldt County	9.0%	2009
24	City of Diamond Bar	9.7%	2009
25	County of Napa	10.0%	2005
26	City of Atascadero	10.0%	2008
27	City of Marina	10.0%	2008
28	Town of Atherton	10.0%	2005
29	City of Oakland	10.0%	2006
30	City of Martinez	10.0%	2005
31	City of Moraga	10.0%	2007
32	City of Walnut Creek	10.0%	2007
33	City of Lafayette	10.0%	2007
34	City of Alameda	10.0%	2005

Exhibit G-1
Selected Comparative Franchise Fee Survey of California Cities and Counties
(As of September 2009) *(continued)*

Number	Description	Percent of Gross Revenue	Effective Year
35	City of Albany	10.0%	2005
36	City of Fremont	10.0%	2005
37	City of Livermore	10.0%	2005
38	City of Los Altos	10.0%	2003
39	City of San Leandro	10.0%	2005
40	City of San Ramon	10.0%	2006
41	City of San Luis Obispo	10.0%	2007
42	Town of San Anselmo	10.0%	2006
43	Los Angeles County	10.0%	2006
44	City of Poway	10.0%	2006
45	City of Los Angeles	10.0%	2003
46	City of West Hollywood	10.0%	2002
47	City of Santa Clarita	10.0%	2004
48	City of Vallejo	11.0%	2008
49	City of Salinas	12.0%	2004
50	City of Milpitas	12.0%	2007
51	City of Antioch	12.0%	2007
52	City of Costa Mesa	12.0%	2006
53	City of Orinda	12.2%	2007
54	City of Hayward	12.5%	2005
55	Santa Clara County	12.5%	2008
56	City of Redwood City	13.0%	2007
57	City of Dublin	13.6%	2005
58	Marin County	15.0%	2009
59	City of Sausalito	15.0%	2006
60	City of Colton	15.0%	2006
61	City of Morgan Hill	15.5%	2005
62	City of Pasadena	16.0%	2006
63	City of Pleasant Hill	16.0%	2007
Average		9.4%	

EXHIBIT 4

ALLIED WASTE SERVICES

Received
JUN 22 2011
City of Clayton

June 20, 2011

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

Dear Mr. Napper,

A component of our proposal to extend the Franchise Agreement between the City of Clayton and Allied Waste Services, Inc., is the contribution of a $100,000 Community Enhancement Fee.

This letter will memorialize our understanding regarding the payment of a Community Enhancement Fee to the City of Clayton. Payment will be made on January 15, 2013.

We appreciate our relationship with the City and look forward to working with you in the future.

Sincerely,

Timothy M. Argenti
General Manager

441 N. Buchanan Circle
Pacheco, CA 94553
925.685.4711 / FAX 925.685.4735
www.disposal.com

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