



AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

TUESDAY, MARCH 20, 2012

7:00 p.m.

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

Mayor: Howard Geller

Vice Mayor: Joseph A. Medrano

Council Members

Julie K. Pierce

David T. Shuey

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 ***

March 20, 2012

7:00 P.M.

1. **CALL TO ORDER THE CITY COUNCIL** – Mayor Geller.

2. **CLOSED SESSION** – None.

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

4. **CONSENT CALENDAR**

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

(a) Approve the minutes of the regular meeting of March 6, 2012. ([View Here](#))

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

(c) Adopt a Resolution stating the status of the City's CalPERS Employer-Paid Member Contributions (EPMC). ([View Here](#))

(d) Adopt a Resolution approving the Engineer's Report for Diablo Estates at Clayton Benefit Assessment District, declaring intention to levy and collect assessments for Fiscal Year 2012-13, calling for an assessment ballot procedure, and giving notice of the time and place for hearings on the real property levy of the proposed assessments. ([View Here](#))

5. **RECOGNITIONS AND PRESENTATIONS**

(a) Certificates of Recognition to "Do The Right Thing" students of the month for exemplifying "Self-Discipline" during January and February 2012.

6. **REPORTS**

(a) Planning Commission – Commissioner Sandra Johnson.

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

(c) City Manager/Staff.

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

(e) Other

7. PUBLIC COMMENT ON NON - AGENDA ITEMS

Members of the public may address the City Council on items within the Council's jurisdiction, (which are not on the agenda) at this time. To facilitate the recordation of comments, it is requested each speaker complete a speaker card available on the Lobby table and submit it in advance 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 or you are recognized by the Mayor as wishing to speak, 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 at its discretion 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) Second Reading and Adoption of Ordinance No. 439 amending Chapter 10.41 of the *Clayton Municipal Code* to revise the definition of recreational vehicles and make other clarifying revisions for the purpose of regulating the on-street parking of recreational vehicles within the City of Clayton. ([View Here](#))
(Police Chief)

Staff recommendation: **1)** Receive the staff report; **2)** Receive public comments; **3)** Adopt a motion to have the City Clerk read Ordinance No. 439 by title and number only and waive further reading; and **5)** By motion adopt Ordinance No. 439.

- (b) Adopt a Resolution approving a Notice of Completion for the Community Park Parking Lot Expansion Project (CIP No. 10413) and allocate \$186,717.69 in additional monies from the City's Trust and Agency interest earnings to underwrite project change orders costs and project management expenses.
(City Engineer) ([View Here](#))

Staff recommendation: Following staff report and public comment, that Council adopt the Resolution.

- (c) Consideration of a staff report evaluating the merit and feasibility of the City hosting a City of Clayton Facebook page. ([View Here](#))
(City Clerk)

Staff recommendation: Following staff report and public comment, that Council provide policy direction to staff regarding the establishment and parameters of a City of Clayton Facebook page.

- (d) Request for continued consideration of a proposal and associated details by the Vice Mayor regarding allowance of up to five (5) additional public Concerts in The Grove on selected Thursday evenings sponsored by the City but set up and funded solely by private sponsors organized by the P2C Foundation.

(Vice Mayor Medrano) ([View Here](#))

Staff recommendation: Following Council discussion and public comment, that Council provide policy direction regarding the request for City sponsorship and use of The Grove Park for five (5) additional concerts on Thursday nights organized by and through the P2C Foundation.

- (e) Consideration of a request by the Vice Mayor to allow 2-4 reserved seats at the Concerts in The Grove series for the Mt. Diablo Elementary Parent-Faculty Club (PFC) to auction off as part of its fundraising effort for the public school.

(Vice Mayor Medrano) ([View Here](#))

Staff recommendation: Following Council discussion and public comment, that Council provide direction regarding the request.

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

11. ADJOURNMENT – the next regularly scheduled City Council meeting is April 3, 2012.

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**MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL
TUESDAY, March 6, 2012**

Agenda Date: 3-20-12

Agenda Item: 4a

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:20 p.m. by Mayor Geller in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Geller, Vice Mayor Medrano, Councilmembers Pierce, Shuey, and Stratford. Staff present: City Manager Gary Napper, Police Chief Dan Lawrence, City Engineer Rick Angrisani, City Attorney Mala Subramanian, and City Clerk Laci Jackson.

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

- (a) *Government Code Section 54956.9 (b)(1)*, Conference with Legal Counsel. Significant Exposure to Litigation against the City. One (1) Potential Case.

7:00 p.m. Report out of Closed Session: Mayor Geller stated the Council received a report from legal counsel and gave direction to staff.

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

- (a) Approved the minutes of the regular meeting of February 21, 2012.
(b) Approved the Financial Demands and Obligations of the City.

5. **RECOGNITIONS AND PRESENTATIONS**

6. **REPORTS**

- (a) Planning Commission – Vice Chairman Keith Haydon reported on the February 28th meeting of the Planning Commission. The Commission heard a presentation on the Housing Element zoning implementation project, which should be submitted shortly to the City Council for action.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) The City Manager had no report.
- (d) City Council

Councilmember Stratford attended the flag pole dedication in memory of Eldora Hoyer and the Mayors' Conference. He attended a Do the Right Thing committee meeting and stated the character trait is "Integrity" for March and April.

Councilmember Medrano attended the Mayors' Conference, a League of California Cities East Bay Division meeting, and an HR committee meeting for the Clayton Valley Charter High School.

Councilmember Shuey stated he has been working with the Clayton Valley Charter High School and they are searching for an Executive Director/ Principal for the Charter school and need volunteers for all of its committees.

Councilmember Pierce attended the ABAG and Council of Governments workshop in Sacramento with State Legislators. She also attended the dedication of the new flag pole in honor of Eldora Hoyer and the Mayors' Conference.

Mayor Geller noted he helped judge the Chili Cook-off at the Clayton Club.

- (e) Other – None.

7. PUBLIC COMMENTS

Cathie Gernhart asked when the City last did a survey about what citizens wanted to see in the downtown. She suggested the city do an online survey of the community to gain understanding of what everyone wants downtown and discuss the ideas at community meetings.

8. PUBLIC HEARINGS

- (a) Introduction and First Reading of proposed Ordinance No. 439 amending Chapter 10.41 of the *Clayton Municipal Code* to revise the definition of recreational vehicles and make other clarifying revisions for the purpose of regulating the on-street parking of recreational vehicles within the City of Clayton.

The Police Chief presented the staff report and stated that five years ago because of an increase in long-term parking on public streets the Council adopted an Ordinance regulating the on-street parking for recreational vehicles. He stated residents must obtain a City permit at no cost and guests must pay a nominal fee. Since the Ordinance went into effect 439 resident permits and 14 permits to guests have been issued. He stated officers have issued 29 citations, most of which were dismissed. He stated staff recently received letter from a citizen concerned about a vehicle which he considered a recreational vehicle parked in his neighborhood on public streets. The vehicle had a camper shell with a sleeping area and a bathroom facility and was not used for daily transportation. Because of situation and ambiguity of the ordinance language staff reviewed the Ordinance and recommended changes to clarify the language and definitions of recreational vehicle. Also, during the review, the City Attorney noted that signs needed to be posted at City entrances stating the recreational vehicle parking restriction. The City Attorney recommended signs be placed at the four entries to Clayton. He stated the fiscal impact would be \$800 for the purchase and installation of the signs but the enforcement would remain the same.

Councilmember Pierce stated her concern involves the Definition Section of Chapter 10.41 of the code. The Police Chief responded a pick-up truck with a camper shell that does not have a bathroom, sleeping area, or kitchen facility is not considered a recreational vehicle. He stated a pick-up truck with a camper shell can be parked on a street without a permit, while a camper with a restroom, sleeping area, or kitchen would be considered a recreational vehicle. If a defined recreational vehicle is parked on the street they are subject to a citation.

Councilmember Pierce asked how the officers would know when citing a vehicle if it met those criteria? The Police Chief stated they would have to use judgment when deciding to issue a ticket.

Councilmember Stratford asked that these wording of "business use" on a daily basis to be removed.

The Police Chief stated the changes would be incorporated into the final Ordinance for approval at the next Council meeting.

Mayor Geller opened the Public Hearing at 7:40 p.m., no comments were received, and closed the Public Hearing at 7:41 p.m.

It was moved by Councilmember Pierce, seconded by Councilmember Stratford, to amend the Definition of a recreational vehicle in the section 10.41.020 to remove "of materials and equipment" and "licenses business" regarding daily use exclusions and clarify the exclusion is for pick-up trucks carrying a camper shell and used for daily transportation "...that are not designed to be slept in or lived in with facilities such as a self-contained bathroom, kitchen or sleeping area." (Passed; 5-0 vote)

It was moved by Councilmember Pierce, seconded by Councilmember Stratford, to have the City Clerk read Ordinance No. 439 as amended, by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 439 by title and number only.

It was moved was moved by Councilmember Pierce, seconded by Councilmember Stratford, to approve Ordinance No. 439, as amended, for Introduction (Passed; 5-0 vote).

9. ACTION ITEMS

- (a) Consideration of a Resolution approving the following two (2) Settlement Agreements resolving the Oakhurst Country Club Development construction defects and hillside movement-related various litigation:

1. Settlement Agreement and Partial Release of All Claims (between the City of Clayton, the Oakhurst Geological Hazard Abatement District, The Presley Companies, Presley Homes and William Lyon Homes, Inc.); and
2. Settlement Agreement, Release, and Covenant Not to Sue (between various named Plaintiffs and various named Defendants, including the City of Clayton).

The City Attorney presented the staff reported and stated the item is consideration of two settlement agreements relating to movement of the slope in the City open space. She stated both the Oakhurst Geological Hazard Abatement District and the City have been named in various related lawsuits. She stated the second attachment is the Settlement agreement between the City/GHAD, Presley Homes (Lyon Homes), various property owners, and this settles the lawsuit. She stated the settlement money is as follows: \$1 million from Lyon; \$250,000 from City's risk pooling authority; \$75,000 from various subcontractors. She stated \$600,000 would go to the property owners and \$700,000 would be used to perform remediation work to stabilize the slope. She stated the first

attachment clarifies the payments to be made. She stated the Council needs to approve the Resolution authorizing these settlement agreements and authorizing the contracts.

Councilmember Shuey noted in Agreement A 4(d), it states the City is standing down on the Achim and Brooks litigation, is still represented, but not take the lead in those litigations? The City Attorney stated he was correct. Councilmember Shuey asked if the ESR contract was already agreed to or what happens if ESR doesn't do that work? He asked if the actual cost is more, who pays for the extra if there is a not to exceed amount of \$725,000?

The City Attorney responded the ESR contractor did not have an issue with the price but had a problem with the indemnification language required.

Councilmember Shuey asked what happens if they cannot reach an agreement on the final cost? The City Attorney responded the Agreements indicate neither Lyon nor the City/GHAD has to pay.

Councilmember Shuey stated a section needs to be added that protects the City/GHAD in the event we cannot get the slope fixed for the set dollar amount or are unable to find another contractor to do the work for that dollar amount. He stated the City/GHAD should not get stuck with any added expense for the remediation field work. He stated he would not sign the agreement without that protection written in.

Based on that concern, the City Council referred the item back to staff for further review.

- (b) Continued consideration of a proposal and associated details by Vice Mayor Medrano regarding allowance of up to five (5) additional public Concerts in The Grove on selected Wednesday evenings to be sponsored by the City but funded solely by private sponsors organized by the P2C Foundation.

The City Attorney reported she believes if this is structured in a certain way whereby the City contracts with the P2C Foundation and the P2C Foundation and the P2C Foundation receives no compensation then the P2C Foundation avoids any financial conflict.

Vice Mayor Medrano stated the whole idea of trying to add weeknight concerts is for economic development in the community. He stated most cities have their concerts on a weeknight to bring people downtown. He stated from an economic development standpoint Saturday concerts hurt some businesses and helped others. He stated his goal was to see if a weeknight concert would bring people in. He stated the intent was not for the P2C Foundation to benefit in any way but to have a foundation or another non-profit for the liquor license or vendors for retail memorabilia. He stated the goal was hopefully to help bring people to the businesses. He stated he was not set on a certain evening, he just wanted a weeknight. He stated this is a way to try something different without disturbing the Saturday concerts, and help fund concerts through private sponsorships.

Vice Mayor Medrano stated VIP seating would be sold, and reserved seating would be given to the business who sponsors the concert. He stated that money would go toward helping to fund the actual concert. He also stated Clayton memorabilia with Clayton logos would be sold to raise additional funds. He stated right now personal alcohol is already allowed at the Saturday concerts, but he is proposing one booth to sell alcohol. He stated the goal is some people might purchase alcohol instead of bringing their own. He stated it is something to try and since most people work during the week the alcohol

consumption will be less. He stated some of these ideas might be able to be used for Saturdays if they work. He stated the music would be local bands, and the expense for a sound technician was less for a weeknight concert. He stated he also budgeted for police, maintenance, and janitorial supplies. He also stated he received an email from ABC confirming that people who purchase alcohol and those who bring their own can sit in the park together. He stated the P2C Foundation would not make any money on the concerts, and he strongly believe concerts should be tried on a weeknight.

Councilmember Shuey asked about the insurance situation. Vice Mayor Medrano stated he is working on that with the City Attorney. He stated the City has liability coverage the P2C could pay for.

The City Manager clarified this coverage is provided through a separate insurance company and the cost is determined based on event risk.

Councilmember Geller asked if this is a City sponsored event, wouldn't somebody go after the deep pocket on liability? Vice Mayor Medrano stated the liability is the same as for the Saturday Concerts by the City when allowing alcohol consumption during the event.

Councilmember Stratford stated he would like to avoid Wednesday nights due to conflicts with other business activities in the downtown.

Vice Mayor Medrano stated if the Council feels the money should be run through the City then that could happen. The City Manager stated this is a proposal in progress, and the City could be responsible for cutting the checks, provided there is money coming in to underwrite the contractual relationship.

Councilmember Shuey stated he likes the idea of a Thursday night.

Mayor Geller asked why not just take out the alcohol sales portion? He also noted the Council received letter from La Veranda Restaurant and a letter from Mike and Barbara Dywer.

Mayor Geller opened the item up for public comments.

Skip Ipsen, on behalf of Skipolini's Pizza, stated for 23 years Skipolini's has been paying the fees to get the Wednesday night Car Show going and it now draws a large enough crowd that the other businesses benefit. He stated he is not against the concerts on a trial basis but is against Wednesday nights and the liquor sales competition.

Ted Meriam, P2C Foundation, stated the goal of Foundation is to support the local community. He stated adding 5 concerts was really about stimulating the downtown economy since many businesses must rely on the events to draw people downtown. He stated the Council should try something new, support local businesses, and hold mid-week concerts during the summer.

Steve Barton, Clayton Club Saloon, stated his principle objection is the sale of alcohol in the park. He stated he believes alcohol sales would detract from the concerts with a "water cooler" effect. He stated Wednesday nights are not a good night for these concerts and he objects to the sale of alcohol. He added the additional concerts in the park may cause confusion for the public.

Ed Hartley stated he supports the experiment to revitalize downtown. He stated all of the civic amenities started as small experiments and if it works out, the citizens benefit.

Doug Rodgers stated he objects to the sale of alcohol at the event because it competes with downtown business. He asked if P2C will not financially benefit from it how would a profit be handled? Vice Mayor Medrano stated all of the money would go back to the City for future concerts.

Mayor Geller read a letter from La Veranda.

Vice Mayor Medrano noted the letter states the **Saturday** nights take away business from La Veranda, but the goal of the weeknight concert is to bring people down on a night when they wouldn't normally come downtown.

Mayor Geller read a letter from Mark and Barbara Dwyer.

Lynn Hadley stated she agreed with the liquor sales elimination as other people noted. She stated the City already has four days a week of activities in the downtown and stated one of the reasons the Council cut down the number of concerts was because it inconvenienced residents in the proximity to the downtown.

Bill Walcutt stated he really has a problems with this because the City has to assume the liability but has no control. He stated the City is financially secure and this proposal is an unreasonable risk. He stated there is an impact on businesses and surrounding neighborhoods. He noted he read the response from ABC but stated the proposal should remove alcohol sales. He stated when the park was designed the Council did not want it to be dominated by one use. He stated he didn't think it would do the businesses any good but will publicize Vice Mayor Medrano's Foundation.

Pete Laurence agreed with Bill Walcutt and stated he is very against the concerts being on Wednesdays. He also stated he hopes the weeknight concerts won't diminish the Saturday concerts. He added if the point is to bring more people downtown the Council might want to consider a 6p.m.-8p.m. window so that people can go to dinner after the concert.

Public Comment period ended and the Council took a short break (8:50 p.m.)

Councilmember Shuey noted the audience is concerned about the alcohol sales. He stated maybe the Foundation could ask for the \$2,500 liquor sales revenue quote from CBCA so that there doesn't have be liquor sales?

Councilmember Pierce stated she is fine with trying the idea if all of the details and conflicts can be mitigated. She stated she is basically opposed to selling alcohol in the park because she does think it sends the wrong message and image and might detract from the event. She stated she is worried about taking away business from the downtown businesses. She asked who handles the money and how the bills are paid? She stated her other concern was that if the P2C had a loss on the concerts, could that be a financial conflict?

Vice Mayor Medrano asked if another organization were involved would there be this issue? He stated he is trying to do something good for the community, but if the Council would rather use someone else he has no problem with that.

Councilmember Pierce stated she does respect the intent but is politically torn because the people she talked to oppose the alcohol sales. She stated she fundamentally disagrees with selling the alcohol and merchandise.

Councilmember Shuey stated he thinks the idea is whether we want to try a weeknight concert which has been talked about for 3 years. He has some concerns with the sale of liquor, and we could take that out. He asked if it is worth it to try? He stated it is all about bringing new people downtown.

Councilmember Pierce stated if we were to drop the alcohol sales out of it all together, it is close to the same thing as Saturday concerts with the exception of the reserve seating. She stated then maybe it becomes more of a clean comparison from weeknight to weekend.

Vice Mayor Medrano indicated he is now pulling P2C from the proposal; he stated it is not worth having the perception of a conflict. He stated he did this proposal as a concept.

Councilmember Pierce asked if the City could put up the \$5,000 to be replenished by sponsorships?

Councilmember Stratford stated he thinks the weeknight concerts are a good experiment, and there is no way to knowing if they will work without trying. He stated as far as P2C goes he thinks transparency could be handled and believes Vice Mayor Medrano has no financial interest. As far as the alcohol sales in the park he stated it is not going to make much money, but at the same time we already allow people to bring their own or they go buy something from the Village Market.

Mayor Geller stated weeknight concerts he has attended in other cities do not seem to be as well attended. He stated he does not know of any series where the City sells alcohol. He stated many of the citizens who spoke did not like the alcohol or merchandise sales. He stated a lot of people he spoke with do not like the noise created by the concerts and other downtown events. He stated Thursday nights seem to be a better night. He stated he does not want this to cost staff more time and stated there is still a perception of a conflict of interest that would need to be resolved if the Council moves forward.

Councilmember Shuey stated Vice Mayor Medrano should withdraw this item. He stated Vice Mayor Medrano was trying to raise funds from non-traditional funds and people are getting lost in the minutia. He stated he would love to try Thursday night concerts and would vote for it without alcohol sales.

Vice Mayor Medrano stated he has an obligation to sit down with Ted Meriam (P2C Boardmember) to further discuss the proposal after this input, and stated he would rather not utilize the P2C Foundation in any form. He stated unless we can find someone else put the concert on, he will pull the proposal.

Councilmember Pierce asked if the Council were willing to find money to have the experiment would he consider it? Vice Mayor Medrano responded he is opposed to having City funds pay for the Concerts.

The proposal was pulled from the agenda by Vice Mayor Medrano, therefore no action was taken.

- (c) Mayor appointment of an elected official of the City Council to serve as Clayton's representative to the Contra Costa County Delta Stakeholders' Coalition.

Councilmember Pierce called and checked to see when the meetings would be scheduled. She stated there would only be three to four total meetings.

Mayor Geller appointed Councilmember Stratford to the Contra Costa County Delta Stakeholders' Coalition.

10. **COUNCIL ITEMS**- None.

11. **ADJOURNMENT**- On call by Mayor Geller the meeting adjourned at 9:40 p.m.

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Howard Geller, Mayor



Agenda Date: 3/20/12

Agenda Item: 4B

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER

DATE: MARCH 20, 2012

SUBJECT: INVOICE SUMMARY

RECOMMENDATION

Approve the following Invoices.

3/20/12	Cash Requirements Report	\$75,381.58
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Attachments:

Cash Requirements Report dated 3/15/12 (3 pages)

City of Clayton

Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Access One								
Access One	3/20/2012	3/2/2012	1239352	Long distance	\$51.69	\$0.00		\$51.69
				Totals for Access One:	\$51.69	\$0.00		\$51.69
ACCOUNTTEMPS								
ACCOUNTTEMPS	3/20/2012	2/29/2012	35033929	Temp Svcs- Jodi Fehl	\$859.68	\$0.00		\$859.68
ACCOUNTTEMPS	3/20/2012	3/6/2012	35068219	Temp Services - Jodi Fehl	\$859.68	\$0.00		\$859.68
				Totals for ACCOUNTTEMPS:	\$1,719.36	\$0.00		\$1,719.36
All City Management Services, Inc.								
All City Management Services, Inc.	3/20/2012	2/24/2012	25980	School Crossing Guard Svcs	\$372.00	\$0.00		\$372.00
				Totals for All City Management Services, Inc.:	\$372.00	\$0.00		\$372.00
Arlene H. Kikkawa-Nielsen								
Arlene H. Kikkawa-Nielsen	3/20/2012	3/14/2012	0312	Library Volunteer Coordinator	\$820.00	\$0.00		\$820.00
				Totals for Arlene H. Kikkawa-Nielsen:	\$820.00	\$0.00		\$820.00
AT&T/ CalNet 2								
AT&T/ CalNet 2	3/20/2012	2/21/2012	3159699	Phone Bill for February	\$1,690.05	\$0.00		\$1,690.05
AT&T/ CalNet 2	3/20/2012	3/8/2012	3198284	Main phone line bill	\$180.35	\$0.00		\$180.35
				Totals for AT&T/ CalNet 2:	\$1,870.40	\$0.00		\$1,870.40
Bay Area News Group-East Bay								
Bay Area News Group-East Bay	3/20/2012	2/29/2012	0000459666	classified ads	\$200.40	\$0.00		\$200.40
				Totals for Bay Area News Group-East Bay:	\$200.40	\$0.00		\$200.40
Best Best & Kreiger LLP								
Best Best & Kreiger LLP	3/20/2012	3/9/2012	673462-4	March Services	\$10,056.00	\$0.00		\$10,056.00
				Totals for Best Best & Kreiger LLP:	\$10,056.00	\$0.00		\$10,056.00
Blackbaud								
Blackbaud	3/20/2012	12/30/2012	90397445	Financial Edge Consulting	\$1,237.50	\$0.00		\$1,237.50
				Totals for Blackbaud:	\$1,237.50	\$0.00		\$1,237.50
CCC General Services (Traffic)								
CCC General Services (Traffic)	3/20/2012	2/21/2012	4452	Traffic Signal Mtm January 2012	\$3,074.36	\$0.00		\$3,074.36
CCC General Services (Traffic)	3/20/2012	2/21/2012		Traffic Signal Mtm January	\$3,074.36	\$0.00		\$3,074.36
				Totals for CCC General Services (Traffic):	\$6,148.72	\$0.00		\$6,148.72
City of Concord								
City of Concord	3/20/2012	3/8/2012	27863	Dispatch Services February	\$13,285.00	\$0.00		\$13,285.00
City of Concord	3/20/2012	1/20/2012	27839	Vehicle Maintenance	\$747.74	\$0.00		\$747.74
City of Concord	3/20/2012	3/8/2012	27873	vehicle maintenance	\$1,851.47	\$0.00		\$1,851.47
City of Concord	3/20/2012	3/8/2012	27869	Live Scan for Notary - Dansie	\$51.00	\$0.00		\$51.00
				Totals for City of Concord:	\$15,935.21	\$0.00		\$15,935.21
Clean Street								

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Clean Street	3/20/2012	11/30/2011	65842	Street Sweeping	\$3,500.00	\$0.00		\$3,500.00
Clean Street	3/20/2012	2/29/2012	66649	street sweeping	\$3,500.00	\$0.00		\$3,500.00
				Totals for Clean Street:	\$7,000.00	\$0.00		\$7,000.00
Comcast								
Comcast	3/20/2012	3/5/2012	billing date 3/5/12	Internet	\$392.48	\$0.00		\$392.48
				Totals for Comcast:	\$392.48	\$0.00		\$392.48
Contra Costa Water Dist.								
Contra Costa Water Dist.	3/20/2012	3/6/2012	series - 1/4 to 3/1		\$8,973.71	\$0.00		\$8,973.71
				Totals for Contra Costa Water Dist.:	\$8,973.71	\$0.00		\$8,973.71
De Lage Landen Financial Services, Inc.								
De Lage Landen Financial Services, Inc.	3/20/2012	3/10/2012	12950113	Copier Lease	\$431.68	\$0.00		\$431.68
				Totals for De Lage Landen Financial Services, Inc.:	\$431.68	\$0.00		\$431.68
G and M Honey								
G and M Honey	3/20/2012	2/24/2012	360	Removal of bees from Lydia Lane Park	\$50.00	\$0.00		\$50.00
				Totals for G and M Honey:	\$50.00	\$0.00		\$50.00
Globalstar LLC								
Globalstar LLC	3/20/2012	2/16/2012	1000000003687188	Phone	\$54.60	\$0.00		\$54.60
				Totals for Globalstar LLC:	\$54.60	\$0.00		\$54.60
Jarvis Fay Doporto & Gibson, LLP								
Jarvis Fay Doporto & Gibson, LLP	3/20/2012	3/7/2012	21512	Chevron Property Tax Refund Dispute	\$19.03	\$0.00		\$19.03
				Totals for Jarvis Fay Doporto & Gibson, LLP:	\$19.03	\$0.00		\$19.03
LarryLogic Productions								
LarryLogic Productions	3/20/2012	3/7/2012	1225	City Council Production	\$400.00	\$0.00		\$400.00
				Totals for LarryLogic Productions:	\$400.00	\$0.00		\$400.00
Nancy Libby								
Nancy Libby	3/20/2012	3/6/2012	024905	Deposit Refund	\$200.00	\$0.00		\$200.00
				Totals for Nancy Libby:	\$200.00	\$0.00		\$200.00
Office Depot								
Office Depot	3/20/2012	2/28/2012	599774379001	Computer Upgrades	\$1,515.49	\$0.00		\$1,515.49
				Totals for Office Depot:	\$1,515.49	\$0.00		\$1,515.49
PERMCO, Inc.								
PERMCO, Inc.	3/20/2012	3/12/2012	9677-9690	engineering services	\$12,447.13	\$0.00		\$12,447.13
				Totals for PERMCO, Inc.:	\$12,447.13	\$0.00		\$12,447.13
Raney Planning & Management, Inc.								
Raney Planning & Management, Inc.	3/20/2012	3/9/2012	1108p-8	Housing Element Implementation February	\$1,349.19	\$0.00		\$1,349.19
Raney Planning & Management, Inc.	3/20/2012	1/12/2012	1108P-6	Housing Element Implementation December 2	\$3,411.00	\$0.00		\$3,411.00

City of Clayton

Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Riso Products of Sacramento				<i>Totals for Raney Planning & Management, Inc.:</i>	\$4,760.19	\$0.00		\$4,760.19
Riso Products of Sacramento	3/20/2012	2/27/2012	87228	Copy Contract PD	\$94.79	\$0.00		\$94.79
				<i>Totals for Riso Products of Sacramento:</i>	\$94.79	\$0.00		\$94.79
Sprint Comm (PD)								
Sprint Comm (PD)	3/20/2012	2/29/2012	703335311.123	Nextel for PD	\$296.70	\$0.00		\$296.70
				<i>Totals for Sprint Comm (PD):</i>	\$296.70	\$0.00		\$296.70
Western Exterminator								
Western Exterminator	3/20/2012	2/29/2012	619762	Services to city buildings	\$334.50	\$0.00		\$334.50
				<i>Totals for Western Exterminator:</i>	\$334.50	\$0.00		\$334.50
GRAND TOTALS:					\$75,381.58	\$0.00		\$75,381.58



Agenda Date: 3-20-12

Agenda Item: 4c

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY CLERK / HR MANAGER

DATE: MARCH 21, 2012

SUBJECT: A RESOLUTION STATING THE STATUS OF THE CITY'S CALPERS RETIREMENT PROGRAM PAID MEMBER CONTRIBUTIONS

RECOMMENDATION

Staff recommends that the City Council adopt the attached housekeeping resolution required by the CalPERS Retirement System which properly identifies the categorization of the City's Employer Paid Member Contributions (EPMC).

BACKGROUND

Since 1975, the City has contracted with CalPERS for retirement benefits for City employees. The retirement benefits are funded through employee and employer designated contributions. When the employee contribution is paid by the employer on the employees' behalf it is called the Employer Paid Member Contribution. Staff believes that since the mid-1990's following state-mandated collective bargaining, the City has paid the employees' CalPERS portion.

During a routine CalPERS compliance check it was noted the City had not ever filed an EPMC Resolution. In order to bring the City into compliance with the CalPERS regulations the attached Resolution must be adopted and submitted to CalPERS. The Resolution outlines the status of EPMC for both Tier I and Tier II employees.

FISCAL IMPACT

None. The City has been paying and reporting its retirement contributions since the CalPERS contract went into effect in 1975, and CalPERS has been accepting the City's contributions.

Attachment: 1. Resolution
2. California Government Code Section 20691

RESOLUTION NO. XX- 2012

**A RESOLUTION STATING THE STATUS OF THE CITY'S
EMPLOYER PAID MEMBER CONTRIBUTIONS**

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

WHEREAS, the City Council of the City of Clayton has the authority to implement Government Code Section 20691; and

WHEREAS, by virtue of past and present Memoranda of Understanding (MOU) and Memoranda of Agreement (MOA) with its two employer bargaining units or groups, the governing body of the City of Clayton has a written labor policy or agreement which specifically provides the normal member contribution to CalPERS shall be paid by the City as the employer; and

WHEREAS, one of the steps in the procedures to implement Section 20691 in the mid-1990's should have been adoption of a Resolution by the governing body of the City of Clayton to notify CalPERS of the commencement of said Employer Paid Member Contributions (EPMC); and

WHEREAS, the governing body of the City of Clayton has identified the following conditions for the purpose of its election to pay EPMC:

1. This benefit shall consist of paying the following percentage of the normal contributions as EPMC for the following employee groups:

Tier I- Misc. Employees- 7%; Safety Employees- 9%

Tier II- Misc. Employees- 0%; Safety Employees- 0%

2. The EPMC has never been and shall not be reported as employee compensation for the purpose of employee retirement benefits or calculations.
3. The effective date of this Resolution shall March 21, 2012.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California did in the past and does hereby state its election to pay the CalPERS EPMC as set forth with the above conditions and exceptions.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Clayton, California at a regular public meeting thereof held on the 20th day of March 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Howard Geller, Mayor

ATTEST:

Laci J. Jackson, Secretary

#

I certify that the foregoing is a true and correct copy of the original Resolution on file in the office of the City Clerk of and for the City of Clayton.

Laci J. Jackson, Secretary

California Government Code Section 20691

[Legal Research Home](#) > [California Laws](#) > [Government Code](#) > California Government Code Sect

Notwithstanding any other provision of law, a contracting agency or school employer may pay all or a portion of the normal contributions required to be paid by a member. Where the member is included in a group or class of employment, the payment shall be for all members in the group or class of employment. If an individual is not part of a group or class, the payment shall be limited to the amount that the board determines is payable to similarly situated members in the closest related group or class, subject to the limitations of paragraph (2) of subdivision (e) of Section 20636. The payments shall be reported simply as normal contributions and shall be credited to member accounts.

Nothing in this section shall be construed to limit the authority of a contracting agency or school employer to periodically increase, reduce, or eliminate the payment by the contracting agency or school employer of all or a portion of the normal contributions required to be paid by members, as authorized by this section.



Agenda Date: 3-20-12
Agenda Item: 4d

STAFF REPORT

Approved:

Gary A. Napper
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: RICK ANGRISANI, CITY ENGINEER
DATE: MARCH 20, 2012

SUBJECT: CONSIDERATION OF A RESOLUTION APPROVING THE ENGINEER'S REPORT FOR THE DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT, DECLARING INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2012-13, CALLING FOR AN ASSESSMENT BALLOT PROCEEDING, AND GIVING NOTICE OF THE TIME AND PLACE FOR HEARINGS ON THE LEVY OF THE PROPOSED ASSESSMENTS.

RECOMMENDATION

Adopt the attached Resolution approving the Engineer's Report for the Diablo Estates at Clayton Benefit Assessment District ("BAD"), declaring intention to levy and collect assessments for fiscal year 2012-13, calling for an assessment ballot proceeding and giving notice of the time and place for hearings.

BACKGROUND

On February 7, 2012, the City Council approved the formation of the BAD and ordered the preparation of an Engineer's Report in anticipation of levying assessments for fiscal year 2012-13.

As directed, the Engineer of Work, SCI Consulting Group, prepared and submitted the attached Engineer's Report ("Report") for the Council's consideration. Staff has reviewed the Report and found that it satisfies the requirements of the Landscaping and Lighting Act of 1972 (Government Code Section 22500 et seq.) and the Benefit Assessment Act of 1982 (Government Code Section 54703 et seq.).

The Report proposes an assessment for fiscal year 2012-13 of \$3,027.62 on each parcel within the District for a total assessment of \$72,662.88. The Report further calls for annual increases in the assessments equal to the annual increase in the Bay Area Consumer Price Index (CPI) with an annual cap of 4%. Increases in the CPI in excess of 4% may be carried over to a future year as long as the increase does not exceed 4% in any one particular year.

Date: March 20, 2012

Page 2 of 2

Since this is a new assessment, the provisions of Proposition 218 require the holding of an assessment ballot proceeding. In addition, the City is required to hold both a public meeting and a public hearing for the presentation of protests by any interested parties. Annually thereafter, the City will be required to calculate and apply any increase in the parcel assessments and adopt a Resolution levying them for the subsequent fiscal year property tax roll collection.

FISCAL IMPACT

Staff has made it very clear there is to be no fiscal impact to the City's General Fund arising from this residential development. In working with the Developer and his engineer, staff has been very conservative in estimating all of the costs associated with the District, including the City's costs for overseeing the District, handling the finances of the District, and inclusion of an escalator provision to the annual assessment. It is the intent and direction of staff to have the services performed for the District by private sector contracts. To validate the expectant costs, staff reviewed and/or discussed anticipated costs with various contractors. In addition, staff had a local HOA management firm, Matrix Association Management, prepare an annual budget which included maintenance, replacement and administrative costs. The recommended budget was slightly lower (\$71,182) than the estimate shown in the Engineer's Report.

Other than in an emergency situation, there will be little involvement by City Staff. The cost for any required City staff involvement is paid for by the District from its annual Administration expense account noted in the Engineer's Report.

CONCLUSION

Staff recommends the City Council approve the attached Resolution approving the Engineer's Report and calling for an assessment ballot election prior to levying of assessments for fiscal year 2012-13.

Attachments: Resolution
 Notice and Ballet
 Engineer's Report

RESOLUTION NO. XX-2012

**A RESOLUTION APPROVING ENGINEER'S REPORT AND DECLARING INTENTION TO
LEVY AND COLLECT ASSESSMENTS FOR THE DIABLO ESTATES AT CLAYTON
BENEFIT ASSESSMENT DISTRICT FOR FISCAL YEAR 2012-13, CALLING FOR AN
ASSESSMENT BALLOT PROCEEDING AND GIVING NOTICE OF THE TIME AND PLACE
FOR HEARINGS ON THE LEVY OF THE PROPOSED ASSESSMENTS.**

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

WHEREAS, by Resolution No. 04-2012, adopted February 7, 2012, the Clayton City Council formed the Diablo Estates At Clayton Benefit Assessment District ("District") pursuant to the provisions of the Landscaping and Lighting Act of 1972 (Government Code Section 22500 et seq.) and the Benefit Assessment Act of 1982 (Government Code Section 54703 et seq.) ("Acts"); and

WHEREAS, the City Council further directed the Engineer of Work, SCI Consulting Group, to prepare the initial Engineer's Report in accordance with the requirements of the Acts and to submit said report to the City Council for its approval; and

WHEREAS, the City Council reviewed the Engineer's Report at its regular meeting on March 20, 2012, and found same to be satisfactory and in compliance with the Acts; and

WHEREAS, the proposed assessments constitute a new assessment thereby requiring an assessment ballot proceeding in accordance with the requirements of Proposition 218; and

WHEREAS, it is now necessary for the City Council to approve the Engineer's Report, call for an assessment ballot proceeding, establish the dates for the public meeting and public hearing on the levying of the proposed assessments for fiscal year 2012-13 and for the tabulation of ballots for and against the proposed assessments, and to direct the Clerk to give the required notice of such ballot and hearings.

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

1. The report, dated March, 2012, prepared by SCI Consulting Group as the Engineer for the District, and each part thereof, is sufficient in each particular, has fairly and properly apportioned the cost of the improvement to each parcel of land in the District in proportion to the

estimated benefits to be received by each parcel respectively from such improvements, and is hereby approved as filed.

2. The City Council hereby declares its intention to levy and collect an assessment of \$3,072.62 on each parcel within the District for a total assessment of \$72,662.88 for fiscal year 2012-13.

3. The City Council also declares its intention to annually levy assessments in future years with increases in the annual assessments not to exceed the greater of 4% or the increase in the Consumer Price Index for Urban Consumers (CPI-U) for the San Francisco Bay Area as of April of each year. As stated in the Engineer's Report on file with the City Clerk, if the CPI-U should exceed 4% in any year, the difference between the increase in the CPI-U and 4% may be added to a following year's assessment increase as long as the increase in any particular year does not exceed 4%.

4. The Assessment District includes Lots 1 through 24, inclusive, as shown on the map of Subdivision 8719 as was recorded in Book 506 of Maps at Page 45, in the Office of the County Recorder of Contra Costa County and as modified by Lot Line Adjustment Nos. 10-01 (2010-0239196) and 10-02 (2010-0239195).

5. As shown on the Engineer's Report on file with the City Clerk, the District will pay for the cost of maintaining storm drainage collection and treatment facilities, street lighting, landscaping and irrigation, and weed abatement by the proposed assessments during fiscal year 2012-13.

6. **A public meeting will be held on Tuesday, May 1, 2012, at the hour of 7:00 p.m., of said day, at a regular City Council meeting and a public hearing shall be held on Tuesday, May 15, 2012, at the hour of 7:00 p.m., of said day, at a regular City Council meeting, each at Hoyer Hall in the Clayton Community Library situated at 6125 Clayton Road, Clayton, California,** the regular meeting place of the Clayton City Council; any and all persons having any interest in the lands within the Diablo Estates At Clayton Benefit Assessment District, liable to be assessed for the expenses of the District for fiscal year 2012-13, may be heard, and any such persons may also present their protests against the proposed assessments with City Clerk at or before the time set for hearing.

7. Ballots must be received by the City Clerk prior to the close of the public hearing on May 15, 2012. After the public hearing is closed, all ballots received will be tabulated by the City Clerk, and the results immediately presented to the City Council.

8. The City Clerk shall give notice of the passage of this resolution and of the time and place of hearing of protests and filing of ballots as herein designated by causing a copy of this resolution to be published and by causing a joint notice of the passage of this resolution and of the time and place of the public meeting and the public hearing of protests, as well as the ballots to be cast, to be mailed to all owners of property within the District as required by Section 54954.6 of the Government Code.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on 20th day of March 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Howard Geller, Mayor

ATTEST:

Laci J. Jackson, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on March 20, 2012.

Laci J. Jackson, City Clerk

Diablo Estates at Clayton Benefit Assessment District

NOTICE TO PROPERTY OWNERS FOR LEVY OF ASSESSMENT

Reason for Assessment

At the request of the project developer, Toll Bros., Inc., the City of Clayton City Council ("Council") approved Resolution No. 04-2012 on February 7, 2012, forming the Diablo Estates at Clayton Benefit Assessment District ("District") to pay for the oversight and maintenance of certain facilities such as the stormwater treatment facilities, storm drain collection system, common landscape and irrigation, street lighting and weed abatement of natural slope areas, all as described in the Engineer's Report approved by the Council on March 20, 2012.

Proposition 218, passed in November of 1996, changed a number of procedures used to authorize special assessments. In order to establish an annual assessment, the City must send a ballot to each property owner within the District to vote on the assessment. Property owner ballots must be returned to the City Clerk's office by May 15, 2012 or delivered to the City Clerk at the City Council public meeting being held on May 1st or the public hearing being held on May 15th. Only ballots returned will be counted. Please pay close attention to this notice, the description of procedures, and the enclosed ballot.

Notice

This notice informs you, as a property owner within the Diablo Estates at Clayton Benefit Assessment District, that on March 20, 2012, the Clayton City Council adopted Resolution No. XX-2012 approving an Engineer's Report, declaring its intention to levy assessments for fiscal year 2012-13 and setting a public meeting and a public hearing on the issue of the proposed assessments:

PUBLIC MEETING:	7:00 p.m. May 1, 2012
PUBLIC HEARING:	7:00 p.m. May 15, 2012
Hoyer Hall (Library Meeting Room)	6125 Clayton Road

Assessment Information

1. Name of District: Diablo Estates at Clayton Benefit Assessment District
2. Assessor parcel number(s) (APN): The parcels for which you are casting your ballot are shown on the label attached to the enclosed ballot.
3. Total District Assessment for the fiscal year beginning on July 1, 2012 and ending June 30, 2013: \$72,662.88
4. Proposed use of assessments:

\$19,426.88	Common Landscaping
11,910.00	Weed Abatement
27,966.00	Storm drain System
1,460.00	Street Lighting
<u>11,900.00</u>	Administration
\$72,662.88	Total proposed budget
5. Proposed assessment per parcel: The assessment proposed for your property is shown on the attached ballot. The assessment for each parcel is proposed to be \$3,027.62 per year. The assessment may be increased each following year by the increase in the Consumer Price Index for

Urban Consumers (CPI-U) for the San Francisco Bay Area as of April of each year, subject to a maximum increase of 4% in any single year. As stated in the Engineer's Report on file with the City Clerk, if the CPI-U should exceed 4% in any year, the difference between the increase in the CPI-U and 4% may be added to a following year's assessment increase as long as the increase in any particular year does not exceed 4%.

6. Duration of assessment: The assessment will be levied annually at the above proposed rate. The assessment may only be increased (other than the annual CPI-U increase described above) in the future by again seeking the approval of a majority of the property owners.
7. Reason for the assessment: The assessment funds the maintenance of various facilities and miscellaneous maintenance tasks as described in the Engineer's Report.
8. Calculation of the assessment: All parcels within the City which receive special benefit from the tasks funded by the assessments are assessed in proportion to the special benefit they receive. The assessment is based on a single family parcel being equal to one benefit unit. The total annual assessment cost is divided by the total number of benefit units to determine the cost per benefit unit. For a detailed explanation of the assessment methodology, please refer to the Engineer's report on file in the City Clerk's office.

Ballot Procedures

Accompanying this notice is a ballot along with a pre-addressed envelope. The ballot must be completed by the property owner or authorized representative to indicate support or opposition to the increasing of the assessment. The ballot must be dated and signed. There is only one ballot per assessed parcel.

By State law, ballots are weighted according to the proportional financial obligation of the affected property.

Prior to the public hearing, ballots may be returned by mail in the enclosed envelope or delivered to the City Clerk's office at 6000 Heritage Trail, Clayton, during regular business hours, 9:00 a.m. to 5:00 p.m., Monday through Friday.

Ballots must be received by the City Clerk prior to the close of the public hearing on May 15, 2012. After the public hearing is closed, all ballots received will be tabulated by the City Clerk, and the results immediately presented to the City Council.

Questions

If you have any questions about the assessments, please contact the City Engineer Rick Angrisani, he may be reached at 363-7433. If you have questions about the ballots, please contact City Clerk Laci Jackson at 673-7300.

Laci Jackson
City Clerk

Notice and ballot mailed March 21, 2012

OFFICIAL BALLOT
DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT

Assessor's parcel number

Name

Address

Proposed:

The Annual Assessment for this parcel, beginning in 2012-13 fiscal year, shall be: **\$3,027.62**. The assessment may be increased each subsequent year in an amount equal to the annual increase in the Consumer Price Index for Urban Consumers for the San Francisco Bay Area (CPI) as of April of each year, subject to a maximum increased of 4% in any single year. If the CPI increase exceeds 4% in a single year, the amount of the increase over 4% may be carried over and added to a future assessment levy.

Instructions For Completing and Delivering This Ballot

- To express your view on the proposed assessment, check the square before the word "YES" or "NO", then sign and date the ballot.
- After completing your ballot, mail or deliver this entire ballot to the clerk of the City of Clayton at 6000 Heritage Trail, Clayton.
- Ballots may be sent or delivered to the clerk at any time, but **MUST** be received not later than the conclusion of the public hearing on the proposed assessment set for Tuesday, May 15, 2012, at 7:00 p.m., at Hoyer Hall (Clayton Community Library Meeting Room), 6125 Clayton road, Clayton.

PLEASE EXPRESS YOUR VIEW BY MARKING AND SIGNING BELOW

☐ **Yes**, I approve the proposed assessment described above for the parcel identified in this ballot.

☐ **No**, I do not approve the proposed assessment described above for the parcel identified in this ballot.

I hereby declare under penalty of perjury that I am a record owner of the parcel listed above.

Signature of Record Owner

Date



CITY OF CLAYTON

DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT FOR LANDSCAPE AND LIGHTING AND BENEFIT ASSESSMENT

ENGINEER'S REPORT FISCAL YEAR 2012-13

MARCH 2012

PURSUANT TO
THE LANDSCAPING AND LIGHTING ACT OF 1972,
THE BENEFIT ASSESSMENT ACT OF 1982, AND
ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

ENGINEER OF WORK:
SCIConsultingGroup
4745 MANGELS BOULEVARD
FAIRFIELD, CALIFORNIA 94534
PHONE 707.430.4300
FAX 707.430.4319
www.sci-cg.com

CITY OF CLAYTON

MAYOR

Howard Geller

CITY COUNCIL

Joseph A. Medrano

Julie K. Pierce

David T. Shuey

Hank Stratford

CITY MANAGER

Gary Napper

CITY ENGINEER

Rick Angrisani

CITY ATTORNEY

Malathy Subramanian

CITY CLERK

Laci Jackson

ENGINEER OF WORK

SCI Consulting Group

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INTRODUCTION

BACKGROUND

Formation of the "Diablo Estates at Clayton Benefit Assessment District" (the "Assessment District") within the City of Clayton (the "City") is proposed to provide funding for the maintenance, operation and improvement of the landscaping, street lighting, drainage and stormwater treatment facilities to benefit the properties in the Diablo Estates at Clayton subdivision that forms the Assessment District. The Diablo Estates at Clayton subdivision consists of 24 parcels east of Regency Drive and north of Rialto Drive with an approximate area of 19 acres.

This Engineer's Report (the "Report") was prepared to establish the budget for the services and improvements that would be funded by the proposed 2012-13 assessments and to determine the benefits received from the maintenance and improvements by property within the Assessment District and the method of assessment apportionment to lots and parcels. This Report and the proposed assessments have been made pursuant to the Landscaping and Lighting Act of 1972 and the Benefit Assessment Act of 1982 (the "Acts") and Article XIII D of the California Constitution (the "Article").

Following submittal of this Report to the City of Clayton City Council (the "City Council") for preliminary approval, the City Council may call for an assessment ballot proceeding and Public Hearing on the proposed establishment of assessments for the improvements.

If it is determined at the public hearing that the assessment ballots submitted in opposition to the proposed assessments do not exceed the assessment ballots submitted in favor of the assessments (weighted by the proportional financial obligation of the property for which ballots are submitted), the City Council may take action to form the Assessment District and approve the levy of the assessments for fiscal year 2012-13. If the assessments are so confirmed and approved, the levies would be submitted to the County Auditor/Controller in August 2012 for inclusion on the property tax roll for Fiscal Year 2012-13.

LEGISLATIVE ANALYSIS

PROPOSITION 218

The Right to Vote on Taxes Act was approved by the voters of California on November 6, 1996, and is now Article XIIC and XIID of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property. This Assessment District will be balloted and approved by property owners in accordance with Proposition 218.

SILICON VALLEY TAXPAYERS ASSOC., INC. V SANTA CLARA COUNTY OPEN SPACE AUTHORITY

In July of 2008, the California Supreme Court issued its ruling on the Silicon Valley Taxpayers Association, Inc. vs. Santa Clara County Open Space Authority (SVTA). This ruling is the most significant court case in further legally clarifying the substantive assessment requirements of Proposition 218. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special benefits to property, not general benefits.
- The services and/or improvements funded by assessments must be clearly defined.
- Assessment districts must be drawn to contain all parcels that receive a special benefit from a proposed public improvement.
- Assessments paid in the assessment district must be proportional to the special benefit received by each such parcel from the improvements and services funded by the assessment.

This Engineer's Report and the process used to establish these proposed assessments for fiscal year 2012/2013 are consistent with the SVTA decision and with the requirements of Article XIIC and XIID of the California Constitution based on the following factors:

1. The Assessment District is narrowly drawn to include only the properties that receive special benefit from the specific Improvements and Services. Thus, zones of benefit are not required and the assessment revenue derived from real property in each Assessment District is extended only on the Services in the Assessment District.
2. The Improvements which are constructed and/or maintained with assessment proceeds in the Assessment District are located in close proximity to the real property subject to the assessment. The Improvements and Services provide illumination to streets and sidewalks

enabling improved access to the owners, residents, and guests of such assessed property. The proximity of the Improvements to the assessed parcels and the improved access and increased safety provided to of the residents of the assessed parcels by the Improvements provides a special benefit to the parcels being assessed pursuant to the factors outlined by the Supreme Court in that decision.

3. Due to their proximity to the assessed parcels, the Improvements and Services financed with assessment revenues in the Assessment District benefit the properties in the Assessment District in a manner different in kind from the benefit that other parcels of real property in the City derive from such Improvements and Services, and the benefits conferred on such property in the Assessment District are more extensive than a general increase in property values.
4. The assessments paid in the Assessment District are proportional to the special benefit that each parcel within that Assessment District receives from the Services because:
 - a. The specific lighting Improvements and maintenance Services and utility costs thereof in the Assessment District and the costs thereof are specified in this Report; and
 - b. The cost of the Services in the Assessment District is allocated among different types of property located within the Assessment District, and equally among those properties which have similar characteristics, such as single-family residential parcels, multi-family residential parcels, commercial parcels, or industrial parcels.

DAHMS V. DOWNTOWN POMONA PROPERTY

On June 8, 2009, the 4th Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court denied review. On this date, Dahms became good law and binding precedent for assessments. In Dahms the Court upheld an assessment that was 100% special benefit (i.e. 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

BONANDER V. TOWN OF TIBURON

On December 31, 2009, the 1st District Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of

the Town of Tiburon. The Court invalidated the assessments on the grounds that the assessments had been apportioned to assessed property based in part on relative costs within sub-areas of the assessment district instead of proportional special benefits.

BEUTZ V. COUNTY OF RIVERSIDE

On May 26, 2010 the 4th District Court of Appeal issued a decision on the Steven Beutz v. County of Riverside ("Beutz") appeal. This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services were not explicitly calculated, quantified and separated from the special benefits.

COMPLIANCE WITH CURRENT LAW

This Engineer's Report is consistent with the requirements of Article XIIC and XIID of the California Constitution and with the *SVTA* decision because the Improvements to be funded are clearly defined; the Improvements are directly available to and will directly benefit property in the Assessment District; and the Improvements and Services provide a direct advantage to property in the Assessment District that would not be received in absence of the Assessments.

This Engineer's Report is consistent with *Beutz* and *Dahms* because the Improvements and Services will directly benefit property in the Assessment District and the general benefits have been explicitly calculated and quantified and excluded from the Assessments. The Engineer's Report is consistent with *Bonander* because the Assessments have been apportioned based on the overall cost of the Improvements and Services and proportional special benefit to each property.

PLANS & SPECIFICATIONS

The work and improvements proposed to be undertaken by the City of Clayton and the Diablo Estates at Clayton Benefit Assessment District (the "Assessment District"), and the costs thereof paid from the levy of the annual assessments, provide special benefit to Assessor Parcels within the Assessment District as defined in the Method of Assessment herein. Consistent with the Landscaping and Lighting Act of 1972 and the Benefit Assessment Act of 1982 (the "Acts"), the work, services and improvements are generally described as follows:

Maintenance and servicing of public improvements, including but not limited to, storm drain system, landscaping and lighting and all necessary appurtenances, and labor, materials, supplies, utilities and equipment, and incidental costs as applicable, for property within the Assessment District that is owned or maintained by the City of Clayton (the "Improvements"). Any plans and specifications for these improvements will be filed with the City Engineer of the City of Clayton and are incorporated herein by reference. More specifically the improvements and associated plans are the storm drain system in the Improvement Plans, Diablo Pointe by David Evans and Associates Inc., the lighting in the Joint Trench Composite Plan, Diablo Pointe by Lighthouse Design Inc., and the shared landscaping, fencing, irrigation and entry monument in the Diablo Estates at Clayton Landscape Improvements plan by Thomas Bank and Associates LLP.

As applied herein, "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of any improvement, including repair, removal or replacement of all or any part of any improvement; providing for the life, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury; the removal of trimmings, rubbish, debris, and other solid waste; the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti; the cleaning and replacement of storm drain pipes, drop inlets, catch basins and manholes.

"Servicing" means the cost of maintaining any facility used to provide any service, the furnishing of electric current, or energy, gas or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements; or water for the irrigation of any landscaping, or the maintenance of any other improvements.

The figure shown below displays the improvements, maintenance, replacement costs and services to be provided with the Diablo Estates at Clayton Benefit Assessment District.

FIGURE 1 – SUMMARY OF ESTIMATED ANNUAL COSTS FOR DIABLO ESTATES AT CLAYTON

CITY OF CLAYTON	
Diablo Estates at Clayton Benefit Assessment District	
Summary of Estimated Annual Cost	
Fiscal Year 2012-13	
Installation, Maintenance & Servicing Costs	
Common Landscaping	\$19,426.99
Weed Abatement (On-lot)	\$11,910.00
Storm Drain System	\$27,966.00
Street Lighting	\$1,460.00
Subtotal - Installation, Maintenance and Servicing	\$60,762.99
Incidental Expenses and Administration Costs	\$11,900.00
Totals for Installation, Maintenance, Servicing and Incidentals	\$72,662.99
Net Cost of Maintenance, Servicing and Incidentals	\$72,662.99
(Net Amount to be Assessed)	
Budget Allocation to Property	
Total Assessment Budget	\$72,662.99
Single Family Equivalent Benefit Units	24
Assessment per Single Family Equivalent Unit	\$3,027.62

ESTIMATE OF COST AND BUDGET – FISCAL YEAR 2012-13

FIGURE 2 – COST ESTIMATE BREAKDOWN FOR DIABLO ESTATES AT CLAYTON

CITY OF CLAYTON Diablo Estates at Clayton Benefit Assessment District Estimate of Maintenance, Replacement, and Administrative Costs					
Item	Units	Unit Cost	Service Life (years)	Annual Cost	Annual Cost per Lot
Common Landscaping					
Landscape Maintenance	24,800 SF	\$0.30		\$7,386.00	
Landscape Replacement	24,600 SF	\$0.05		\$1,230.00	
Tree Maintenance	33 EA	\$95.00		\$3,135.00	
Tree Replacement - Materials	33 EA	\$285.00	40	\$235.13	
Water Usage	1,476 100CF	\$2.85		\$4,221.36	
Meter Charges	12 Mo	\$51.00		\$612.00	
Irrigation Maintenance & Repair	24,600 SF	\$0.03		\$738.00	
Fence Maintenance & Repair	1,870 LF	\$0.65		\$1,215.50	
Entry Monument Maintenance	1 EA	\$500.00		\$500.00	
Entry Monument Repair	1 LF	\$4,000.00	25	\$160.00	
				\$19,426.99	\$809.46
Weed Abatement (On-Job)					
Weed Abatement	397,000 SF	\$0.03		\$11,910.00	
				\$11,910.00	\$496.25
Storm Drain System					
Ditch - debris removal & maint	1 LS	\$1,000.00		\$1,000.00	
Ditch Repair	2,038 LF	\$50.00	25	\$4,076.00	
Vorsentry Maintenance	1 LS	\$1,500.00		\$1,500.00	
Vorsentry Replacement	1 LS	\$100,000.00	100	\$1,000.00	
Bio-Retention Basin Maintenance*	48 EA	\$		\$0.00	
Bio-Retention Basin Replacement	48 EA	\$2,000.00	10	\$9,600.00	
Stormwater Reporting Fee	1 LS	\$5,000.00		\$5,000.00	
Annual City Report Fee	1 LS	\$2,000.00		\$2,000.00	
Catch Basin/Manhole Cleaning	15 EA	\$200.00		\$3,000.00	
CB/MH/pipe repair	1 LS	\$79,000.00	100	\$790.00	
				\$27,966.00	\$1,165.25
Street Lighting					
Maintenance and Repair	1 LS	\$500.00		\$500.00	
Electricity	4 EA	\$240.00		\$960.00	
				\$1,460.00	\$60.83
Annual Administration					
Property Manager	12 Mo	\$600.00		\$7,200.00	
Annual City Engineer Services	1 LS	\$2,500.00		\$2,500.00	
Legal Notice/Mailing	1 LS	\$100.00		\$100.00	
County Collection	1 LS	\$100.00		\$100.00	
General Reserve	1 LS	\$2,000.00		\$2,000.00	
				\$11,900.00	\$495.83
Total				\$72,662.99	\$3,027.62
Number of Lots:				24	
Cost per Lot:				\$3,027.62	

* homeowner responsibility

* assumes covenant with Toll Brothers, Inc. for 5 year maintenance period

Unit costs per direction of City of Clayton City Engineer

METHOD OF APPORTIONMENT

METHOD OF APPORTIONMENT

This section of the Engineer's Report includes an explanation of the benefits to be derived from the installation, maintenance and servicing of improvements and the methodology used to apportion the total assessment to properties within the Assessment District.

The Diablo Estates at Clayton Benefit Assessment District consists of all Assessor Parcels within the boundaries as defined by the Assessment Diagram included within this Report and the Assessor Parcel Numbers listed within the included Assessment Roll. The method used for apportioning the assessments is based upon the proportional special benefits to be derived by the properties in the Diablo Estates at Clayton Benefit Assessment District over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two step process: the first step is to identify the types of special benefit arising from the improvements, and the second step is to allocate the assessments to property based on the estimated relative special benefit for each type of property.

DISCUSSION OF BENEFIT

In summary, the assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. Moreover, such benefit is not based on any one property owner's use of the District's storm drain system, streets and sidewalks, corridor landscaping, lighting, or a property owner's specific demographic status. With reference to the requirements for assessments, Section 22573 of the Landscaping and Lighting Act of 1972 states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the Improvements."

The Benefit Assessment Act of 1982 states in Government Code Section 54711:

"The amount of the assessment imposed on any parcel of property shall be related to the benefit to the parcel which will be derived from the provision of service"

Proposition 218, as codified in Article XIII D of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

The following benefit categories summarize the types of special benefit to residential, commercial, industrial and other lots and parcels resulting from the installation, maintenance and servicing of the Improvements to be provided with the assessment proceeds. These categories of special benefit are derived in part from the statutes passed by the California Legislature and other studies which describe the types of special benefit received by property from the installation, maintenance and servicing of improvements such as those proposed by the City of Clayton and the Diablo Estates at Clayton Benefit Assessment District. These types of special benefit are summarized as follows:

- Creation of individual lots for residential use that, in absence of the services and improvements to be funded by the assessments, would not be created.
- Improved utility and usability of property
- Improved safety and security lighting for property
- Enhanced visual experience, and desirability of the area.
- Protection of views, scenery and other resources values and environmental benefits enjoyed by residents and guests and preservation of public assets maintained by the City
- Moderation of temperatures, dust control, and other environmental benefits.

These benefit factors, when applied to property in the Assessment District, specifically increase the utility of the property within the Assessment District. For example, the assessments will provide funding to maintain lighting that improves safety and access to the property after dark and landscaping that provides visual and environmental benefits to the properties within the Assessment District. Such improved and well-maintained public facilities enhance the overall usability, quality, desirability and safety of the properties. Moreover, funding for the maintenance and servicing of such public facilities is a condition of development of Diablo Estates at Clayton that is needed to mitigate the negative impacts of this development on the City. Without the Assessment District, this condition of development would not be satisfied, which could affect the approval of new homes on the property. This is another special benefit to the properties in the Assessment District.

GENERAL VERSUS SPECIAL BENEFIT

The proceeds from the Diablo Estates at Clayton Benefit Assessment District would be used to fund improvements and increased levels of maintenance to the public facilities that serve and benefit the properties in the Assessment District. In absence of the Diablo Estates at Clayton Benefit Assessment District, such Improvements would not be properly maintained. Therefore, the Assessment District is specifically proposed to ensure that the necessary and beneficial public facilities for property in the Assessment District are properly maintained and repaired over time. The assessments will ensure that landscaping and street lighting within and adjacent to the Assessment District are functional, well maintained, clean and safe. These public resources directly benefit the property in the Assessment District and will confer distinct and special benefits to the properties within the Assessment District.

In absence of the assessments, a condition of development would not be met and future home construction in the Assessment District could be denied. The creation of residential lots and the approval for the construction of homes in Diablo Estates at Clayton is the overriding clear and distinct special benefit conferred on exclusively on property in the Assessment District and not enjoyed by other properties outside the Assessment District. Moreover, benefits to the public at large, if any, will be offset by benefits residents within the Assessment District receive from the use of other similar public facilities not funded by the Assessment District. Therefore, the assessments solely provide special benefit to property in the Assessment District (100% special benefit) over and above the general benefits conferred to the public at large or properties outside the Assessment District.

METHOD OF ASSESSMENT

This process of apportioning assessments for each property involves determining the relative benefit received by each property in relation to a single family home, or, in other words, on the basis of Single Family Equivalent dwelling units (SFE). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. For the purposes of this Engineer's Report, all properties are designated an SFE value, which is each property's relative benefit in relation to a single family home on one parcel. In this case, the "benchmark" property is the single family detached dwelling which is one Single Family Equivalent unit or one SFE.

ASSESSMENT APPORTIONMENT

The proposed assessments for the Diablo Estates at Clayton Benefit Assessment District would provide direct and special benefit to properties in the Assessment District. Diablo Estates at Clayton is a residential single family development project consisting of a total of 24 single family homes, each on a separate parcel. As such, each residential property receives similar benefit from the proposed Improvements. Therefore, the Engineer has determined that the appropriate method of apportionment of the benefits derived by all parcels is on a dwelling unit or single family residence basis. All improved properties or properties proposed for development are assigned an SFE factor equal to the number of dwelling units developed or planned for the property. In other words, developed parcels and vacant parcels with proposed development will be assessed 1 SFE. The assessments are listed on the Assessment Roll in Appendix A.

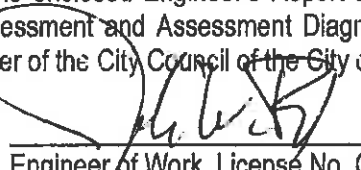
APPEALS AND INTERPRETATION

Any property owner who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the City of Clayton City Engineer or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City of Clayton City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City of Clayton City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the City of Clayton City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any property owner who disagrees with the decision of the City of Clayton City Engineer or her or his designee may refer their appeal to the City Council of the City of Clayton and the decision of the City Council of the City of Clayton shall be final.

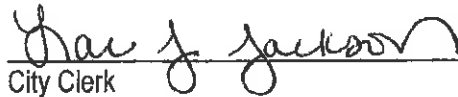
CERTIFICATES

DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT

1. The undersigned respectfully submits the enclosed Engineer's Report and does hereby certify that this Engineer's Report, and the Assessment and Assessment Diagram herein, have been prepared by me in accordance with the order of the City Council of the City of Clayton.


Engineer of Work, License No. C052091

2. I, the City Clerk, City of Clayton, County of Contra Costa, California, hereby certify that the enclosed Engineer's Report, together with the Assessment and Assessment Diagram thereto attached, was filed and recorded with me on March 14, 2012.


City Clerk

3. I, the City Clerk, City of Clayton, County of Contra Costa, California, hereby certify that the Assessment in this Engineer's Report was approved and confirmed by the City Council on _____, 2012, by Resolution No. _____

City Clerk

4. I, the City Clerk of the City of Clayton, County of Contra Costa, California, hereby certify that a copy of the Assessment and Assessment Diagram was filed in the office of the County Auditor of the County of Contra Costa, California, on _____, 2012.

City Clerk

5. I, the County Auditor of the County of Contra Costa, California, hereby certify that a copy of the Assessment Roll and Assessment Diagram for fiscal year 2012-13 was filed with me on _____, 2012.

County Auditor, County of Contra Costa

And I do hereby assess and apportion said net amount of the cost and expenses of said Improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within said Diablo Estates at Clayton Benefit Assessment District in accordance with the special benefits to be received by each parcel or lot from the Improvements, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The assessments are made upon the parcels or lots of land within the Diablo Estates at Clayton Benefit Assessment District in proportion to the special benefits to be received by the parcels or lots of land, from said Improvements.

The assessments are subject to an annual adjustment tied to the Consumer Price Index for Urban Consumers (CPI-U) for the San Francisco Bay Area as of April of each succeeding year, with the maximum annual adjustment not to exceed 4%. In the event that the annual change in the CPI exceeds 4%, any percentage change in excess of 4% can be cumulatively reserved and can be added to the annual change in the CPI for years in which the CPI change is less than 4%.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Contra Costa for the fiscal year 2012-13. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of said County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Rolls, the amount of the assessment for the fiscal year 2012-13 for each parcel or lot of land within the said Diablo Estates at Clayton Benefit Assessment District.

Dated: March 6, 2012



Engineer of Work

By

John W. Bliss, License No. C052091

ASSESSMENT

WHEREAS, the undersigned Engineer of Work has prepared and filed a report presenting an estimate of costs, a diagram for the assessment districts and an assessment of the estimated costs of the Improvements upon all assessable parcels within the assessment district;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Acts and the order of the City Council of the City of Clayton, hereby make the following assessment to cover the portion of the estimated cost of said Improvements, and the costs and expenses incidental thereto to be paid by the assessment district.

The amounts to be paid for said Improvements and the expense incidental thereto, to be paid by the Diablo Estates at Clayton Benefit Assessment District for the fiscal year 2012-13, are generally as follows:

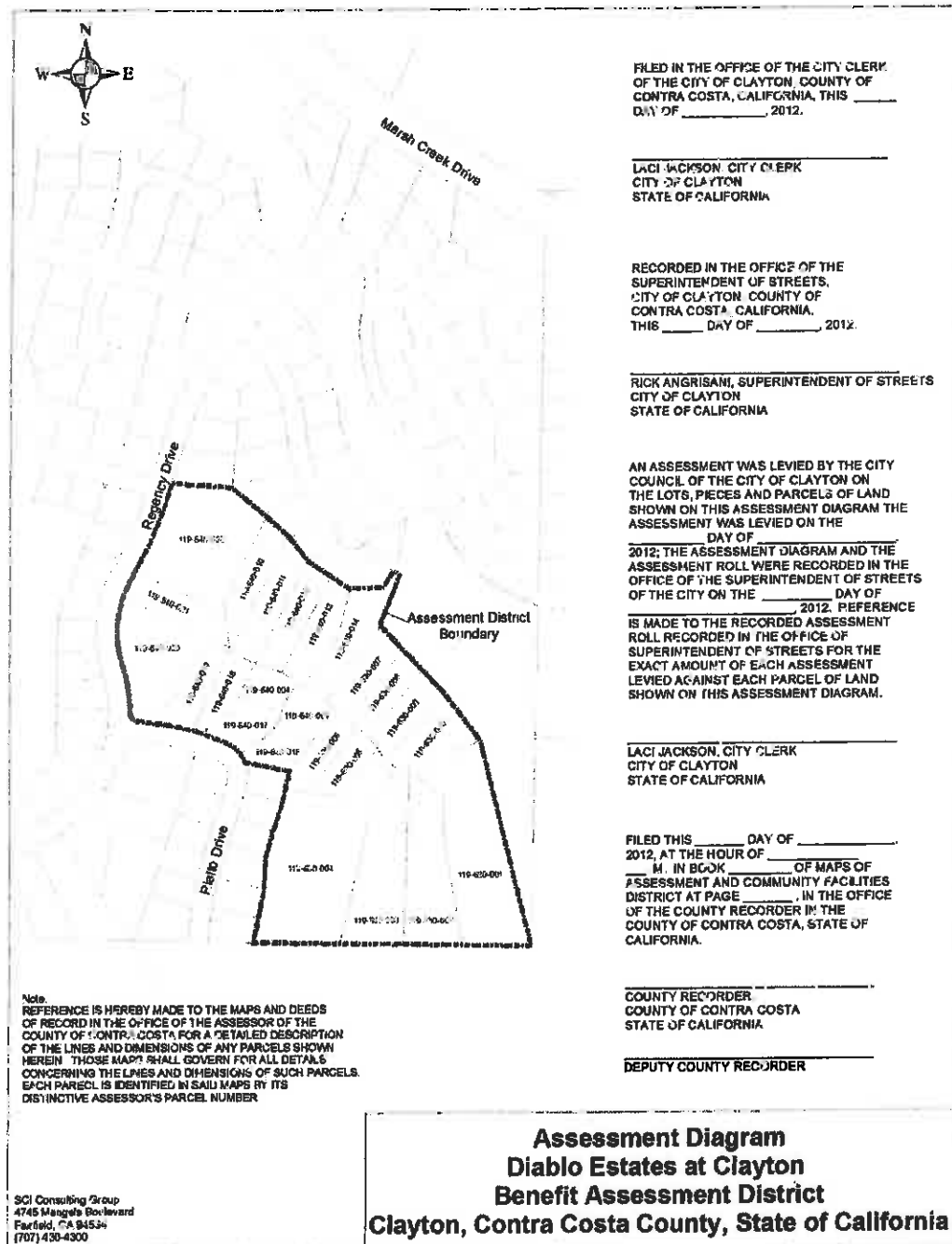
FIGURE 3 – SUMMARY COST ESTIMATES – FISCAL YEAR 2012-13

CITY OF CLAYTON	
Diablo Estates at Clayton Benefit Assessment District	
Summary Cost Estimate FY 2012-13	
Installation, Maintenance & Servicing Costs	\$60,763
Incidental Costs	\$11,900
Total Budget	\$72,663
Budget to Assessment	
Total Budget	\$72,663
Total SFE Units	24
Rate per SFE Unit	\$3,027.62

As required by the Acts, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of said Diablo Estates at Clayton Benefit Assessment District. The distinctive number of each parcel or lot of land in said Diablo Estates at Clayton Benefit Assessment District is its Assessor Parcel Number appearing on the Assessment Roll.

ASSESSMENT DIAGRAM

The boundaries of the Diablo Estates at Clayton Benefit Assessment District are displayed on the following Assessment Diagram.



APPENDICES

APPENDIX A – ASSESSMENT ROLL, FISCAL YEAR 2012-13

An Assessment Roll (a listing of all parcels assessed within the Assessment District and the amount of the assessment) will be filed with the City Clerk and is, by reference, made part of this Report and is available for public inspection during normal office hours.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference made part of this Report. These records shall govern for all details concerning the description of the lots or parcels.

FIGURE 4 – ASSESSMENT ROLL

**CITY OF CLAYTON
Diablo Estates at Clayton Assessment District
Assessment Roll**

PARCEL NUMBER	OWNER	SITUS	SFE Units	ASSESSMENT
119-630-001	TOLL CA XIX L P	27 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-002	TOLL CA XIX L P	26 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-003	TOLL CA XIX L P	22 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-004	TOLL CA XIX L P	18 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-005	TOLL CA XIX L P	14 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-006	TOLL CA XIX L P	10 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-007	TOLL CA XIX L P	8 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-008	TOLL CA XIX L P	15 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-009	TOLL CA XIX L P	19 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-010	TOLL CA XIX L P	23 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-001	TOLL CA XIX L P	6 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-004	TOLL CA XIX L P	7 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-010	TOLL CA XIX L P	16 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-011	TOLL CA XIX L P	12 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-012	TOLL CA XIX L P	8 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-013	TOLL CA XIX L P	4 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-014	TOLL CA XIX L P	5 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-016	TOLL CA XIX L P	2 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-017	TOLL CA XIX L P	3 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-018	TOLL CA XIX L P	11 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-019	TOLL CA XIX L P	17 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-020	TOLL CA XIX L P	21 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-021	TOLL CA XIX L P	24 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-022	TOLL CA XIX L P	30 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
			24	\$72,662.88



Agenda Date: 3-20-12

Agenda Item: 9a

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CHIEF OF POLICE

DATE: MARCH 20, 2012

**SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 439
AMENDS CHAPTER 10.41 REGULATING PARKING OF RECREATIONAL
VEHICLES ON PUBLIC STREETS**

RECOMMENDATION

It is recommended the City Council receive public comments on Ordinance No. 439, and then adopt the Ordinance by approving the following motions:

BACKGROUND

On March 6, 2012 the City Council introduced and held the first reading of proposed Ordinance No. 439 which included amendments to Section 10.41.020 (A), redefining a Recreational Vehicle (RV). During the public discussion, the City Council directed staff to make additional modifications to the proposed definition of an RV. These changes, approved by Council in its introduction of the Ordinance, are highlighted in red and can be viewed in Exhibit A of this report. The attached Ordinance No. 439 (Exhibit B) is submitted for Second Reading and Adoption and includes all of the modifications requested by the City Council on March 6, 2012.

Exhibits : A. RV Ordinance with approved changes highlighted in red [5 pp.]
B. Final RV Ordinance No.439 [5 pp.]

EXHIBIT A

ORDINANCE NO. 439

AN ORDINANCE AMENDING CLAYTON MUNICIPAL CODE CHAPTER 10.41, RELATING TO THE PARKING OF RECREATIONAL VEHICLES

THE CITY COUNCIL City of Clayton, California

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

Section 1 Amendments

Chapter 10.41 of the Clayton Municipal Code is hereby amended to read as follows:

"Chapter 10.41

RECREATIONAL VEHICLES

Sections:

- 10.41.010 Findings and Declaration of Intent
- 10.41.020 Definitions
- 10.41.030 Parking Prohibited on All Public Streets and Roads, including Residential Districts, at anytime
- 10.41.040 Exceptions by City Permit
- 10.41.050 Issuance of Permits
- 10.41.060 Long-Term Occupancy
- 10.41.070 Violation

10.41.010 Findings and Declaration of Intent. The City Council finds that the parking of recreational vehicles on public streets can, unless controlled, create neighborhood blight, contribute to the deterioration of property values, impair visibility, constitute a nuisance, and is injurious to the public health, safety and general welfare. Therefore except as permitted by this chapter the parking of recreational vehicles on a public right-of-way is prohibited and is declared to constitute a public nuisance. This chapter is adopted under section 22507 and 22507.5 of the California Vehicle Code.

10.41.020 Definitions.

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Ordinance No. _____

Page 1

March 20, 2012

A. "Recreational vehicle" means a vehicle that is self-propelled, motorized, or towed and designed to be slept in or lived in with facilities such as a self-contained bathroom, kitchen, or sleeping area, including, for example and without limitation, a motorhome, travel trailer, fifth wheel, camper and coach. The term recreational vehicle also includes dirt bikes, dune buggies, off-road vehicles (multiwheeled or tracked), and boats or water-craft of any size, with or without the transporting trailer. The term recreational vehicle does not include: pick-up trucks carrying a camper-shell and used for transportation ~~of materials and equipment~~ on a daily basis ~~in connection with a licensed business that are not designed to be slept in or lived in with facilities such as a self-contained bathroom, kitchen, or sleeping area;~~ any trailer component of a commercial vehicle making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted streets or highways or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted streets or highways for which a building permit has previously been obtained; or any vehicle designed exclusively for travel on stationary rails or tracks.

B. "Long term occupancy" means occupancy of more than ten (10) consecutive days.

C. "Light maintenance" means maintenance which is incidental to the current trip, is not prohibited by Section 10.36.070, 10.36.080, 13.12.060(A), 13.12.070, and 13.12.080 of this code or any other applicable local, State or Federal law and which is completed in no more than one day between the hours of 8am and 8 pm. Exterior washing of recreational vehicles is not permitted on impermeable surfaces including public streets or roads.

10.41.030 Parking Prohibited on All Public Streets and Roads, Including Residential Districts. Except as provided in Section 10.41.040, no person may park, leave standing or permit to remain, a recreational vehicle on any public street or road within the city at anytime.

10.41.040 Exceptions by City Permit.

A. A recreational vehicle displaying a valid, unrevoked permit issued pursuant to Section 10.41.050 may be parked and left standing on a public street or road for the time period authorized by the permit.

B. A recreational vehicle used as daily transportation may be parked overnight in private driveways, but not on public streets or roads. (See Chapter 17.76 for regulations regarding storage of recreational vehicles.)

C. Nothing in this Section shall be construed as to allow the parking of recreational vehicles in any location where parking of a vehicle is otherwise prohibited.

10.41.050 Issuance of Permits.

A. An application for a parking permit to authorize the parking of a recreational vehicle pursuant to this chapter shall contain all information required and shall be submitted to the Police Department, together with an application fee and permit fee, as established by resolution of the City Council.

B. The Police Department may issue a parking permit for a recreational vehicle owned or being used by a City resident, which is to be parked by the resident for a maximum of seventy-two (72) consecutive hours along the curb line directly adjacent to his/her residence for the purpose of enabling the resident to perform lawful light maintenance on, or load or unload, the recreational vehicle before or after a trip using the recreational vehicle. Each parking permit will include both

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a maximum 72 hour period before departing for the trip, and a maximum 72 hour period after returning from the trip, during which the recreational vehicle may be parked on the public street or road. The term "trip" does not refer to the daily use of the recreational vehicle but instead refers to an extended overnight use of the recreational vehicle, for which the resident requires additional time to prepare the recreational vehicle.

C. The Police Department may issue a parking permit for a recreational vehicle owned or being used by a bona fide guest of a City resident who is not a City resident, which is to be parked by the guest for a period of time not to exceed ten consecutive days along the curb line directly adjacent to the host's residence.

D. A parking permit issued pursuant to this chapter shall only be valid for the time period marked on the permit and must be prominently displayed on the dash area of the recreational vehicle or taped to the inside of the front windshield of the recreational vehicle at all times while the recreational vehicle is parked on the public street or road. If a recreational vehicle does not have a dash area or front windshield, the parking permit must be displayed in or on the recreational vehicle in a location that is clearly visible from the outside of the vehicle to a third-party observing the vehicle.

E. There is no limit to the number of parking permits that may be issued per recreational vehicle per calendar year pursuant to this chapter. However, there must be at least seven (7) calendar days between the issuance of subsequent parking permits for the same recreational vehicle. This seven (7) day period shall begin on the after the 72 hour return period set forth in the previous parking permit issued for the recreational vehicle expires.

10.41.060 Long-Term Occupancy. It shall be unlawful for a recreational vehicle to be used for long-term occupancy except when parked in an approved recreational vehicle mobile home park or on an active construction site as approved by the City.

10.41.070 Violation. A violation of this chapter shall be an infraction, punishable under Chapter 10.38 of this code. In addition, under Section 22651(n) of the California Vehicle Code, the City may cause a recreational vehicle parked or left standing in violation of this chapter to be removed at the owner's sole expense.

Section 2 Posting of Signs

The City shall post signs giving adequate notice of the parking regulations being implemented pursuant to this ordinance, and that recreational vehicles parked in violation of these regulations may be removed at the expense of the owner, no later than 10 days before the effective date of this ordinance. The parking regulations set forth in this ordinance shall not apply until such signs have been placed.

Section 3 Action to Challenge This Ordinance

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

Section 4 Conflicting Ordinances Repealed

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

Section 5 **Severability**

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

Section 6 **CEQA**

The City Council finds that the adoption of this ordinance is not a "project," as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

Section 7 **Notice of Exemption**

The City Council directs staff to prepare and file a Notice of Exemption no more than five (5) working days after adoption of this ordinance.

Section 8 **Effective Date and Publication**

This ordinance shall become effective thirty (30) days after its adoption by the city council. Within fifteen (15) days after the passage of the ordinance, the City Clerk shall cause a copy of the ordinance, including the names of the City Council members voting for and against it, to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on the 6th day of March 2012.

PASSED, ADOPTED AND ORDERED posted at a regular meeting of the City Council of the City of Clayton on the 20th day of March 2012, by the following vote:

AYES:

NOES:

Ordinance No. _____

Page 4

March 20, 2012

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ABSENT:

ABSTAIN:

The City Council of Clayton, California

Howard Geller, Mayor

ATTEST:

Laci Jackson, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO ADMINISTRATION:

Malathy Subramanian, City Attorney

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on the 6th day of March and was duly adopted and ordered posted at a regular meeting of the City Council held on the 20th day of March, 2012.

Laci Jackson, City Clerk

Ordinance No. _____

Page 5

March 20, 2012

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EXHIBIT B

ORDINANCE NO. 439

AN ORDINANCE AMENDING CLAYTON MUNICIPAL CODE CHAPTER 10.41, RELATING TO THE PARKING OF RECREATIONAL VEHICLES

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

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

Section 1 Amendments

Chapter 10.41 of the Clayton Municipal Code is hereby amended to read as follows:

“Chapter 10.41

RECREATIONAL VEHICLES

Sections:

10.41.010	Findings and Declaration of Intent
10.41.020	Definitions
10.41.030	Parking Prohibited on All Public Streets and Roads, including Residential Districts, at anytime
10.41.040	Exceptions by City Permit
10.41.050	Issuance of Permits
10.41.060	Long-Term Occupancy
10.41.070	Violation

10.41.010 Findings and Declaration of Intent. The City Council finds that the parking of recreational vehicles on public streets can, unless controlled, create neighborhood blight, contribute to the deterioration of property values, impair visibility, constitute a nuisance, and is injurious to the public health, safety and general welfare. Therefore except as permitted by this chapter the parking of recreational vehicles on a public right-of-way is prohibited and is declared to constitute a public nuisance. This chapter is adopted under section 22507 and 22507.5 of the California Vehicle Code.

10.41.020 Definitions.

A. "Recreational vehicle" means a vehicle that is self-propelled, motorized, or towed and designed to be slept in or lived in with facilities such as a self-contained bathroom, kitchen, or sleeping area, including, for example and without limitation, a motorhome, travel trailer, fifth wheel, camper and coach. The term recreational vehicle also includes dirt bikes, dune buggies, off-road vehicles (multi-wheeled or tracked), and boats or water-craft of any size, with or without the transporting trailer. The term recreational vehicle does not include: pick-up trucks carrying a camper-shell and used for transportation on a daily basis that are not designed to be slept in or lived in with facilities such as a self-contained bathroom, kitchen, or sleeping area; any trailer component of a commercial vehicle making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted streets or highways or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted streets or highways for which a building permit has previously been obtained; or any vehicle designed exclusively for travel on stationary rails or tracks.

B. "Long term occupancy" means occupancy of more than ten (10) consecutive days.

C. "Light maintenance" means maintenance which is incidental to the current trip, is not prohibited by Section 10.36.070, 10.36.080, 13.12.060(A), 13.12.070, and 13.12.080 of this code or any other applicable local, State or Federal law and which is completed in no more than one day between the hours of 8am and 8 pm. Exterior washing of recreational vehicles is not permitted on impermeable surfaces including public streets or roads.

10.41.030 Parking Prohibited on All Public Streets and Roads, Including Residential Districts. Except as provided in Section 10.41.040, no person may park, leave standing or permit to remain, a recreational vehicle on any public street or road within the city at anytime.

10.41.040 Exceptions by City Permit.

A. A recreational vehicle displaying a valid, unrevoked permit issued pursuant to Section 10.41.050 may be parked and left standing on a public street or road for the time period authorized by the permit.

B. A recreational vehicle used as daily transportation may be parked overnight in private driveways, but not on public streets or roads. (See Chapter 17.76 for regulations regarding storage of recreational vehicles.)

C. Nothing in this Section shall be construed as to allow the parking of recreational vehicles in any location where parking of a vehicle is otherwise prohibited.

10.41.050 Issuance of Permits.

A. An application for a parking permit to authorize the parking of a recreational vehicle pursuant to this chapter shall contain all information required and shall be submitted to the Police Department, together with an application fee and permit fee, as established by resolution of the City Council.

B. The Police Department may issue a parking permit for a recreational vehicle owned or being used by a City resident, which is to be parked by the resident for a maximum of seventy-two (72) consecutive hours along the curb line directly adjacent to his/her residence for the purpose of enabling the resident to perform lawful light maintenance on, or load or unload, the recreational vehicle before or after a trip using the recreational vehicle. Each parking permit will include both a maximum 72 hour period before departing for the trip, and a maximum 72 hour period after

returning from the trip, during which the recreational vehicle may be parked on the public street or road. The term "trip" does not refer to the daily use of the recreational vehicle but instead refers to an extended overnight use of the recreational vehicle, for which the resident requires additional time to prepare the recreational vehicle.

C. The Police Department may issue a parking permit for a recreational vehicle owned or being used by a bona fide guest of a City resident who is not a City resident, which is to be parked by the guest for a period of time not to exceed ten consecutive days along the curb line directly adjacent to the host's residence.

D. A parking permit issued pursuant to this chapter shall only be valid for the time period marked on the permit and must be prominently displayed on the dash area of the recreational vehicle or taped to the inside of the front windshield of the recreational vehicle at all times while the recreational vehicle is parked on the public street or road. If a recreational vehicle does not have a dash area or front windshield, the parking permit must be displayed in or on the recreational vehicle in a location that is clearly visible from the outside of the vehicle to a third-party observing the vehicle.

E. There is no limit to the number of parking permits that may be issued per recreational vehicle per calendar year pursuant to this chapter. However, there must be at least seven (7) calendar days between the issuance of subsequent parking permits for the same recreational vehicle. This seven (7) day period shall begin on the after the 72 hour return period set forth in the previous parking permit issued for the recreational vehicle expires.

10.41.060 Long-Term Occupancy. It shall be unlawful for a recreational vehicle to be used for long-term occupancy except when parked in an approved recreational vehicle mobile home park or on an active construction site as approved by the City.

10.41.070 Violation. A violation of this chapter shall be an infraction, punishable under Chapter 10.38 of this code. In addition, under Section 22651(n) of the California Vehicle Code, the City may cause a recreational vehicle parked or left standing in violation of this chapter to be removed at the owner's sole expense.

Section 2 Posting of Signs

The City shall post signs giving adequate notice of the parking regulations being implemented pursuant to this ordinance, and that recreational vehicles parked in violation of these regulations may be removed at the expense of the owner, no later than 10 days before the effective date of this ordinance. The parking regulations set forth in this ordinance shall not apply until such signs have been placed.

Section 3 Action to Challenge This Ordinance

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

Section 4 **Conflicting Ordinances Repealed**

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

Section 5 **Severability**

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

Section 6 **CEQA**

The City Council finds that the adoption of this ordinance is not a "project," as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

Section 7 **Notice of Exemption**

The City Council directs staff to prepare and file a Notice of Exemption no more than five (5) working days after adoption of this ordinance.

Section 8 **Effective Date and Publication**

This ordinance shall become effective thirty (30) days after its adoption by the city council. Within fifteen (15) days after the passage of the ordinance, the City Clerk shall cause a copy of the ordinance, including the names of the City Council members voting for and against it, to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on the 6th day of March 2012.

PASSED, ADOPTED AND ORDERED posted at a regular meeting of the City Council of the City of Clayton on the 20th day of March 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The City Council of Clayton, California

Howard Geller, Mayor

ATTEST:

Laci Jackson, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO ADMINISTRATION:

Malathy Subramanian, City Attorney

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on the 6th day of March and was duly adopted and ordered posted at a regular meeting of the City Council held on the 20th day of March, 2012.

Laci Jackson, City Clerk

AYES:

NOES:

ABSENT:

ABSTAIN:

The City Council of Clayton, California

Howard Geller, Mayor

ATTEST:

Laci Jackson, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO ADMINISTRATION:

Malathy Subramanian, City Attorney

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on the 6th day of March and was duly adopted and ordered posted at a regular meeting of the City Council held on the 20th day of March, 2012.

Laci Jackson, City Clerk

NO PARKING OF A
RECREATIONAL VEHICLE
ON ANY CITY STREET
AT ANY TIME
WITHOUT A CITY PERMIT
(CMC 10.41.030)



Agenda Date: 3-20-12
Agenda Item: 9b

STAFF REPORT

Approved:

Gary A. Napper
City Manager/Executive Director

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: MARCH 20, 2012

SUBJECT: RESOLUTION ACCEPTING THE COMMUNITY PARK PARKING LOT EXPANSION PROJECT (CIP No. 10413) AS COMPLETE, ORDERING THE FILING OF A NOTICE OF COMPLETION AND ALLOCATING \$186,717.69 IN ADDITIONAL FUNDING FROM THE CITY'S AGENCY AND TRUST ACCOUNT.

RECOMMENDATION

Adopt Resolution.

BACKGROUND

The contractor, Ghilotti Bros., Inc., has completed construction of the Community Park Parking Lot Expansion Project (CIP No. 10413) and has requested acceptance of the work.

As explained in the attached Final Project Report, there were significant additions made to the original scope of work in order to improve the final appearance of the entire area around the lower ballfield, the existing parking lot and the area along Marsh Creek Road.

The Engineering and Maintenance Departments have now completed inspection of the new improvements and recommends acceptance of the work as complete.

FISCAL IMPACT

The original approved project budget amount was \$850,000 for the design and construction of the parking lot. As explained in the Final Project Report, the preliminary design and processing, along with extra work requested and the extended duration of the construction time resulted in a final total project cost of \$1,056,717.69. This higher figure requires that additional funds in the amount of \$186,717.69 be appropriated to complete the project funding.

Date: March 20, 2012

Page 2 of 2

As of January 31, 2012, the City had over \$287,000 in unallocated funds in its Trust and Agency account. It is recommended that \$186,717.69 of these unallocated funds be appropriated for this project.

CONCLUSION

The project is complete and the work has satisfied the project's specifications. Therefore, Staff recommends approval of this Resolution accepting the work as complete, ordering the filing of a Notice of Completion and the payment of all retained funds 35 days after filing of the notice, and appropriating \$186,717.69 in additional funding from the unallocated fund balance in the City's Trust and Agency account.

Attachments: Resolution
 Notice of Completion
 Final Project Report

RESOLUTION NO. - 2012

A RESOLUTION ACCEPTING THE CONSTRUCTION OF THE COMMUNITY PARK PARKING LOT EXPANSION PROJECT (CIP #10413) AS COMPLETE AND ORDERING THE FILING OF A NOTICE OF COMPLETION AND APPROPRIATING ADDITIONAL FUNDING FROM UNALLOCATED FUNDS IN THE TRUST AND AGENCY ACCOUNT

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

WHEREAS, on May 17, 2011 the City Council of Clayton, California did award a contract to Ghilotti Bros., Inc. for the construction of the Community Park Parking Lot Expansion Project (CIP #140413); and

WHEREAS, Ghilotti Bros., Inc. has now represented their work is complete and they are requesting acceptance by the City; and

WHEREAS, the City Council must accept the work as complete and order the filing of a Notice of Completion prior to release of the retained funds; and

WHEREAS, the City Engineer has inspected the work, declares the contract and related project specifications have been fulfilled, and the City Engineer now requests the City Council to accept the work and authorize the filing of a Notice of Completion; and

WHEREAS, the final project costs have exceeded the amount of funding previously allocated by the City Council at the time of contract award;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby accept as completed, as of the date of adoption of this Resolution, the construction of the Community Park Parking Lot Expansion Project, hereby authorizes the City Engineer to file a Notice of Completion with the County Recorder, and further authorizes the release of the contract retention after the required 35 day waiting period; and

BE IT FURTHER RESOLVED the City Council does hereby approve and authorize the appropriation of \$186,717.69 from unallocated funds in the City's Trust and Agency account to address the corresponding project cost overrun of the Community Park Parking Lot Expansion Project (CIP No. 10413).

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 20th day of March, 2012 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Howard Geller, Mayor

ATTEST:

Laci Jackson, City Clerk

#

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at its regular public meeting held on March 20, 2012.

Laci J. Jackson, City Clerk

Recorded at the request of:

City of Clayton
6000 Heritage Trail
Clayton, CA 94517

**NOTICE OF ACCEPTANCE
AND COMPLETION OF PUBLIC WORKS**

NOTICE IS HEREBY GIVEN that the City of Clayton did, on or about May 17, 2011, contract with Ghilotti Bros., Inc., 525 Jacoby Street, San Rafael, California, 94901, for the construction of the Community Park Parking Lot Expansion Project (CIP # 10413) in accordance with the plans and specifications prepared by the City of Clayton and said contractor's surety was and is Fidelity and Deposit Company of Maryland, 1400 American Lane, Tower 1, 19th Floor, Schaumburg, IL, 60196-1056.

NOTICE IS FURTHER GIVEN that the Clayton City Engineer has inspected said work of the Contractor and reported that the work complies with the approved plans and specifications and recommended its acceptance as complete; also that the City Council of the City of Clayton, California, by adopting Resolution No. XX-2012 on March 20, 2012, accepted said public work as complete.

I hereby certify that the foregoing is true and correct and that the aforesaid action of the City Council of the City of Clayton, in accepting said public work as completed, was duly entered on the minutes of said Council's meeting of March 20, 2012. I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 21, 2012, at Clayton, California.

Laci Jackson, City Clerk

CITY OF CLAYTON
ENGINEERING DEPARTMENT
925/343-7433

FINAL PROJECT REPORT

COMMUNITY PARK PARKING LOT EXPANSION PROJECT
(CIP 10413)

Project Description

Construction of a 100-space parking lot in the Community Park connecting the existing lower parking lot to the Diablo View Middle School Gymnasium driveway and extending between Marsh Creek Road and the lower ballfield. The project also included the construction of new parking spaces in the existing lower parking lot, conversion of the existing parking lot lighting to LED fixtures, and the installation of new landscaping and irrigation as well as three large stormwater runoff filtration planters.

Scope Changes During Construction

Once the construction began, it became obvious that the new parking spaces in the existing parking lot, while designed in accordance with the latest ADA requirements, was impacting the existing access paths for disabled persons. The original construction occurred while the ADA standards were being developed. While the existing construction met the standards in place at the time, the new construction (in accordance with the latest ADA standards) exacerbated the situation and forced a redesign and reconstruction of the paved area between the existing parking lot and the lower ballfield. In addition, the reconstruction of the paved area, combined with the very poor condition of the existing picnic area slab, required the removal, expansion and reconstruction of the concrete slab adjacent to the lower parking area.

The existing park improvements were constructed approximately 20 years ago (1991). The poor condition of the existing improvements in the existing parking lot and around the lower ballfield was worsened by the impacts of the new construction (e.g., trenching for new electrical and irrigation lines, regrading for ADA conformance, etc.). In order to have an aesthetically uniform and pleasing appearance upon completion of the project, it was decided to repair the deficient pavement and curbs, and to slurry seal all of the existing pavement area (due to the condition of the new parking lot pavement, which was completed out of sequence by the Contractor, we had already required the Contractor to slurry seal the new pavement at no cost to the City).

In a similar vein, the new landscaping in the area of the new parking lot made our existing horse trail and landscaping along Marsh Creek Road look very shabby. While the construction of new landscaping and paver areas between the sidewalk and curb along the length of the new parking area was already included in the work, it was decided to reconstruct the entire length of the horse trail from the Gymnasium driveway to Regency Drive. In addition, pavers, landscaping and irrigation were installed between the sidewalk and curb at the Gymnasium driveway and between the southerly end of the new parking area and Regency Drive.

CITY OF CLAYTON
ENGINEERING DEPARTMENT
925/343-7433

Some redesign was required due to the location and depth of existing utilities running through and adjacent to the new parking lot. Numerous other changes were made to improve the appearance of the final product, such as the removal of additional existing trees and vegetation, regrading and re-landscaping of areas around the existing Nextel building and at the connection to the Gymnasium driveway. We also added a retaining wall around the monument sign at the Gymnasium driveway, again to improve the aesthetic appearance.

Liquidated Damages

The original specifications imposed a 60 working day limit on the length of construction. The actual time of completion ended up being 110.5 working days. The changes made during construction increased the working day limit to 93 (an additional 33 working days were approved). Even with the increase in working days, the work was completed 17.5 working days later than allowed by the contract. The contract called for liquidated damages of \$1,900 for each calendar day beyond the working day limit. The 17.5 working days equates to 24.5 calendar days and total liquidated damages of \$46,550.

CIP Budget and Funding Sources

Approved Budget per 2011/12 CIP project sheet:

Final Design	\$99,000
Construction	691,000
Inspection/Admin.	<u>60,000</u>
Total	\$850,000

Sources:

CIP Interest Earnings (FY 2008-09)*	\$20,000
CIP Interest Earnings (FY 2010-11)	357,000
Measure WW	<u>493,000</u>
Total	\$870,000

*not shown on CIP project sheet

Final Costs

Preliminary Plans – Environmental Review (Resurfacing, Lighting, etc.):

Raney Planning & Management (environmental)	\$13,394.79
PMC (economic study)	14,900.00
Permco (planning studies)	38,227.52
County Recorder	2,094.00
Legal Advertising	<u>378.20</u>
<i>Subtotal Preliminary Plans</i>	<i>\$68,994.51</i>

CITY OF CLAYTON
ENGINEERING DEPARTMENT
925/343-7433

Design & Bidding:

Permco (final design)	\$39,570.87
Berlogar (soils study for design parameters)	5,474.69
Dillon Electric (electrical design)	3,392.60
Legal Advertising	<u>1,337.20</u>
<i>Subtotal – Design & Bidding</i>	<i>\$49,775.36</i>

Construction:

Ghilotti Bros., Inc. (paid to date)	\$759,464.57
Ghilotti Bros., Inc. (retention)	42,427.08
Permco (admin & inspection – est. to complete)	116,466.62
Chapman Surveying (const. staking)	7,875.00
Nicolas Engineering (testing)	6,900.00
Monk & Assoc. (preconstruction bird survey)	1,217.50
State Water Board (WDID)	200.00
City Payroll	2,414.35
Misc. (equip rental, temp. signs)	<u>982.70</u>
<i>Subtotal – Construction</i>	<i>\$937,947.82</i>

Total Project Costs ***\$1,056,717.69***

Budget Variance: over (under) \$206,717.69* (24.3%)

* actual budget variance is \$186,717.69 (21.5%) due to the CIP project sheet not showing the \$20,000 appropriated from CIP interest earnings in FY 2008-09

Budget Variance Discussion

The budget variance is due to three causes. This project was originally part of a larger project intended to replace the playfield surfacing with artificial turf, add sports lighting to all the fields, and construct a large concession stand at the lower ballfield. The preliminary plan preparation, cost and benefit studies and the environmental review ended up costing \$68,994.51 as shown above under “Preliminary Plans”. The only funding earmarked for this work was \$20,000 in FY 2008-09 from the CIP interest earnings account. The remaining \$49,000± ended up being charged against the design and construction budget in the 2010 revision to the project sheet.

The second reason is, of course, the increase in the scope of construction work as described above. Ghilotti’s original contract was for \$658,027.15. The approved change orders, including the final change order imposing liquidated damages, increased the final contract amount to \$801,891.65 or a total increase of \$143,864.50.

Finally, from a coordination, inspection and administration standpoint, this project has been, without a doubt, the most complex and difficult project the City has undertaken since we

CITY OF CLAYTON
ENGINEERING DEPARTMENT
925/343-7433

reconstructed the Town Center area in the mid-90s with the Downtown Revitalization Project.

While new parking lot projects are generally benign (e.g., the Endeavor Hall parking lot), constructing a large lot within an existing improved facility creates numerous problems that must be addressed on the fly. In addition, having a construction duration that stretched out to almost double the original schedule combined with an expanded work scope in order to improve the aesthetics of the surrounding existing improvements, significantly increased the City's oversight and inspection costs.

It was quite obvious that the work and changes were going to require significant documentation in order to avoid problems and questions at the conclusion of the work. We would normally anticipate a daily expenditure of 4 hours of an inspector's time in the field and another hour or two in the office to take care of paperwork. In addition, we would anticipate an average of 6 to 8 hours per week for the City Engineer's oversight time, including attending weekly progress meetings. For a project with a 60 working day duration, this would equate to approximately 360 hours for the inspector and 96 hours for the City Engineer.

From the beginning of construction last June to date, this project has required over 950 hours of the inspector's time (for inspection work, redesigns, drafting, coordination and paperwork) and almost 250 hours of the City Engineer's time (for oversight, submittal reviews, etc.). The final administrative and inspection costs ended up at \$116,466.62 as opposed to the \$60,000 shown in the CIP budget. However, the extensive record keeping performed on this project allowed us to confidently impose over \$46,000 in liquidated damages and reduce claims for extra work reimbursement by almost \$32,000.

All together, the above extra costs total almost \$250,000. However, a portion of this is offset by extra funds in the "Final Design" category on the project sheet (\$99,000 vs \$49,000 expended) and the additional \$20,000 allocated in FY 2008-09, resulting in the final figure of \$186,717.69 for additional funding required.

Recommended Sources for Additional and Final funding:

As of 1/31/12, the City's Trust and Agency account included \$287,546 in unallocated funds. Therefore, it is recommended that the needed funds (\$186,717.69) be appropriated from that account.

Recommended final funding sources:

CIP Interest Earnings (FY 2008-09)*	\$20,000.00
CIP Interest Earnings (FY 2010-11)	357,000.00
Measure WW	493,000.00
Trust & Agency – unallocated	<u>186,717.69</u>
Total	<i>\$1,056,717.69</i>



Agenda Date: 3-20-12

Agenda Item: 9c

Approved:

Gary A. Napper, City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laci J. Jackson, City Clerk

DATE: March 20, 2012

SUBJECT: Discuss the merits of creating a City Facebook page.

BACKGROUND

At its Goal Setting Session in January the City Council asked staff to research the feasibility, merits, and expense of creating a City of Clayton Facebook page.

In February staff met with Councilmember Stratford to discuss the objectives of having a City Facebook page. Councilmember Stratford identified that this page would be a way to disseminate information to the public regarding City Sponsored events (Farmers' Market, Concerts in The Grove, the 4th of July Parade, and Clayton Counts Down). He suggested a limited trial of one year to see if this site is used or "liked" by the community.

WHAT IS FACEBOOK?

"Facebook is a social networking service and website launched in February 2004, operated and privately owned by Facebook Inc. As of February 2012, Facebook has more than 845 million active users. Users must register before using the site, after which they may create a personal profile, add other users as friends, and exchange messages, including automatic notifications when they update their profile. Additionally, users may join common-interest user groups, organized by workplace, school or college, or other characteristics, and categorize their friends into lists such as "People From Work" or "Close Friends". The name of the service stems from the colloquial name for the book given to students at the start of the academic year by some university administrations in the United States to help students get to know each other. Facebook allows any users who declare themselves to be at least 13 years old to become registered users of the site". (Wikipedia)

As a way of introduction, staff will first start with Definitions of words being described throughout this report please see: Attachment 1- Facebook Glossary.

LOCAL GOVERNEMENT ON FACEBOOK

Recently city governments have been creating government agency "fan pages" where citizens can "like" their page. Many of these pages provide links to information on a city's existing website or provide updates to the "status" about pertinent events. Facebook is being used as a public engagement tool and creates two way communication between the agency (or the person administering the account) and the public accessing the page. When local government first began using Facebook many agencies tried to avoid the public being able to comment on the information they provided to deter nasty or irrelevant posts to a public entity page. Facebook however is

intended (when being used personally or by a public entity) to be two way communication and a dialogue, therefore comments cannot be turned off.

Staff researched and identified benefits and dangers (pro's and con's) to establishing a City Facebook page.

BENEFITS

Citizens are Using Facebook

The benefit of having a City Facebook page begins with the number of users who are already using Facebook. Facebook is a website citizens are accessing multiple times a day. These citizens are spending a considerable amount of time browsing the site for updates from their "friends" or "fan" pages. Facebook has a growing number of users worldwide. "Facebook boasts the largest online community in the world, with 624 million members and counting...with 49% of the American population participating" (Streaker, 2011). It is unknown how many Clayton citizens participate or have Facebook accounts but the likelihood is that many Claytonians are already accessing the site on a daily basis. While the City website would and does contain all of the information that would be posted on the City's Facebook page, citizens are required to visit the page and seek the information for themselves rather than having it automatically updated to their Facebook "news feed."

Information that *could* be provided

Facebook provides a forum where information can be provided to the public with outreach ease and less expensive than direct mailings. It only requires the page administrator to either type in a "comment" or to add a "link" to an existing City website. The information that could be included on the page:

- Updates and Information about public meetings
- Updates and Information about events (City sponsored or community)
- Links to updated pages on the City's website
- Links to new information or pictures on the City's website
- Notice of openings for committees and commissions
- Links to City surveys
- Urgent information about road closures or other citizen inconveniences

Since Facebook is an interactive social network citizens or the public would also be able to provide feedback to the City regarding anything. They could also provide feedback on problems via Facebook (which is already an available used option on the City's website).

DANGERS

Content Regulation

Comments

While Facebook allows the agency to control what content they add to the page it is more difficult to regulate the content that citizens or the public add to the page. Having a Facebook page inherently creates a public forum where citizens can voice their opinions. There is no way to have these comments "turned off" because this is a social network and Facebook requires that two way communications be an option. Having citizens comment creates a host of problems. First, if citizens post comments which are not related to the post or are offensive or degrading to City officials, employees or citizens there is very little the City can do to regulate these comments. The City Attorney believes there are first amendment issues on such posts and the City would not have much leeway for deleting posts.

Public Records

Also, whenever the City creates content it becomes a public record and at this time staff is unsure how it would access old information from Facebook if a records request were to be presented to the City.

Account Access and Administration

Currently, only the City Clerk and the IT consultant have the ability to update the City's website. This is done frequently and is time consuming. All content to be posted is directed to the City Clerk who uploads the information to the website. This allows for control of the website and the information the public sees. Ideally the Facebook page would have similar input controls so the information would be directed from a centralized location. In most cities a Public Information Officer or department handles this type information (Clayton does not have that resource).

What information gets posted?

Also, determining what information should be posted on the Facebook page is problematic. Does the City only publicize City sponsored events? If so, that would exclude some of the largest events in the City including all CBCA events. If the City were to post events other than those sponsored by the City how would staff decide what events are worthy of posting? Where is the line drawn in the sand between City posts and community requests- does any fundraiser get posted? Also, the more events that need to be posted the more work it entails for staff and if an event is missed, the missed community groups will not be pleased.

Ongoing Maintenance

If the City were to host a Facebook page it would require constant monitoring. Facebook is social media and in the age of constant contact citizens will expect to be responded to in a timely fashion. Staff is only available Monday through Friday 9am-5pm therefore comments will only be responded to during those hours and when time permits. This may not be as fast as citizens would like and could create a problem if a citizen puts the City on notice for some sort of problem that is not addressed right away.

In order for Facebook to be effective it must be updated constantly. When information is provided through a "wall post" or "update" the information only shows up in the "newsfeed" for people who have "liked" the page. Citizens or the public who do not "like" the page will not see updates. Also, if staff were to update the page it would only show up in the "newsfeed" of the person who "liked" the page for a short period of time, therefore many people will be choosing to go and look at the page for information just as they do with the City website. Staff is concerned the information posted regarding events will be lost in the "newsfeed" and if it is not put up at just the right time will not be seen by those who have "liked" the page.

When the City receives a comment that is negative or does not show a particular staff, councilmember, or another citizen in a favorable light will staff be expected to provide that information to the Council as soon as it is posted? If so how can this site be monitored for comments around the clock? Facebook users are required to have an identity therefore there will not be the opportunity for anonymous posting but this alone may not stop negative comments.

OPTIONS FOR USE

If the City Council wishes to have a Facebook page there are two options: Open Wall or Closed Wall. An Open Wall allows users other than the City to post updates to the wall and to comment on wall

posts. The only positive feature of an open wall is that community groups with Facebook pages can post to the wall about their upcoming events. On the downside, people can post random thoughts and comments that are not associated with any content on the page. A Closed Wall only allows the City to post to the wall, but citizens can comment on the wall posts. In the attachments you will find examples of an Open Wall (Pleasant Hill) and a Closed Wall (Walnut Creek).

The Council will also need to choose what type of "wall" they wish to have and whether or not to have a trial period and a review. Staff recommends if the Council chooses to move forward they elect to have a "closed" wall to prevent irrelevant comments.

FISCAL IMPACT

Constant updating of a Facebook page will require considerable staff time and dedication. Staff already spends great deal of time updating the City's website with community events. All of the information that would be provided on the Facebook page can already be found on the City's website. Also, unlike the City's website where a post can be put up in advance, staff will be required to post to the Facebook page continually to have the information show up timely. The more events and activities promoted through the Facebook page (ie. if more than only City events are promoted) the more time it will take to keep it current and "fresh." Other than staff time, there are no other costs directly associated with implementing a Facebook page.

RECOMMENDATION

Provide direction on whether or not to establish a City of Clayton Facebook page.

If the Council chooses to establish a Facebook page staff recommends the following:

1. Decide whether to have an Open Wall or Closed Wall.
2. Provide direction to staff and ad-hoc subcommittee for creation of policies for information and events to be posted, updating frequency, and content control.
3. Determine a timeline for reviewing the ongoing utility of the page.

Attachments:

1. Facebook Glossary
2. Open Wall Scenario (Pleasant Hill)
3. Closed Wall Scenarios (Walnut Creek)
4. Western City's Article "Social Media and Public Agencies: Legal Issues to know about"
5. City of Pleasant Hill's Content Policy
6. Flocking to Facebook: How local governments can build citizen engagement- Amy Strecker

HELP CENTER

Search the Help Center

Basics

Learn About Facebook

Manage Your Account

Explore Popular Features

Discover Games and Apps

Use Mobile

Something's Not Working

Report Abuse or Policy Violations

Ads and Business Solutions

Safety Center

Community Forum

Facebook Glossary

English (US)

Basics » Learn About Facebook » Glossary

Expand All · Share

Facebook Glossary

Account settings

Use your account settings to manage basic account preferences. You can edit your name or email info, change your notifications preferences, turn on extra s...

Activity log

Your activity log is a tool that lets you review and manage everything you share on Facebook. Only you can see your activity log. Learn more.

Admin

Admins are people who create and manage activity in groups and pages. Learn more about group admins and page admins.

Audience selector

Your audience selector lets you choose who can see what you post, every time you post. Learn more.

Badge

A badge is a box you can create to share your Facebook profile (timeline), photos or Page on other websites. Learn more.

Block

You can block someone from seeing your profile, adding you as a friend, and sending you messages. Blocked also can mean that Facebook has temporarily rest...

Chat

Chat is a feature that lets you send instant messages to online friends. Learn more.

Cover photo

Your cover photo is the large picture at the top of your timeline, right above your profile picture. Learn more.

Credits

Credits are Facebook's virtual currency that you can use to engage with games and apps. Learn more.

Event

Events is a feature that lets you organize gatherings, respond to invites, and keep up with what your friends are doing. Learn more.

Facebook Exporter for iPhoto

Facebook Exporter for iPhoto is an add-on you can download to make sharing photos and photo albums on Facebook easier from your Mac. Download the app or l...

Facebook Questions

Facebook Questions is a feature that lets you get recommendations, conduct polls and learn from your friends and other people on Facebook. Learn more.

Family Safety Center

Visit the Family Safety Center to find the information, tools and resources you need to stay safe online.

Friend

Friends are people you connect and share with on Facebook. Learn more.

Friendship page

A friendship page shows a friendship history between two friends on Facebook. Try it: Visit a friend's profile (timeline), open the gear menu in the top-r...

Games and apps

The games and apps you use on Facebook are created by outside developers on the Facebook Platform. Learn more.

Group

Groups are close circles of people that share and keep in touch on Facebook. Learn more.

Instant personalization

Instant personalization makes a few select websites more useful by letting you bring your friends and interests with you when you visit. Learn more.

Like

Clicking Like is a way to give positive feedback and connect with things you care about. Learn more.

Link

You can share a link from the web on Facebook. Learn more.

Lists

Lists are an optional way to organize your friends on Facebook. Learn more.

Login approvals

Login approvals is a security feature you can turn on in your security settings. When you turn on login approvals, you'll be prompted to enter a security...

Login notifications

Login notifications is a security feature you can turn on in your security settings. When you turn on login notifications, alerts are sent to you each tim...

Messages

Messages is a central place to exchange private messages, chats, emails and mobile texts with friends. Learn more.

HELP CENTER

Mobile
You can update your status, browse the News Feed, and view friends' profiles (timelines) all from your mobile phone. [Learn more.](#)

Mobile texts
You can receive and respond to notifications through text messages (SMS) on your phone. [Learn more.](#)

Networks
Networks are affiliations with schools or workplaces on Facebook. [Learn more.](#)

News feed
Your news feed is the ongoing list of updates on your home page that shows you what's new with the friends and pages you follow. [Learn more.](#)

Notes
Notes is a feature that lets you publish what's on your mind in a full rich format. [Learn more.](#)

Notifications
Notifications are email, onsite, or mobile updates about activity on Facebook. [Learn more.](#)

Page
Pages allow businesses, brands, and celebrities to connect with people on Facebook. Admins can post information and News Feed updates to people who like th...

Photos
Photos is a feature that lets you share images and tag the people in them. [Learn more.](#)

Places
You can share where you are with your friends by checking into places. You can also find friends nearby. [Learn more.](#)

Poke
You can poke someone to get their attention or say hello. [Learn more.](#)

Privacy settings
Your privacy settings let you manage basic privacy preferences, such as who can send you friend requests and messages. For everything else that you share o...

Profile
Your profile (timeline) is a complete picture of yourself on Facebook. [Learn more.](#)

Profile picture
Your profile picture is the main photo of you on your profile (timeline). Your profile picture appears as a thumbnail next to your comments and other acti...

Search
Search is a tool to find people and content on Facebook. [Learn more.](#)

Social plugins
Social plugins are tools that other websites can use to provide people with personalized and social experiences. When you interact with social plugins, yo...

Subscribe
Subscribe is a way to hear from people you're interested in, even if you're not friends. The Subscribe button is also a way to fine-tune your News Feed to...

Tagging
A tag links a person, page, or place to something you post, like a status update or a photo. For example, you can tag a photo to say who's in the photo or...

Ticker
Ticker, on the right-hand side of your home page, lets you see all your friends' activity in real-time. [Learn more.](#)

Timeline
Your timeline is your collection of the photos, stories, and experiences that tell your story. [Learn more.](#)

Top story
Your top stories are stories published since you last checked News Feed that we think you'll find interesting. They're marked with a blue corner and may b...

Typeahead
A typeahead is a dropdown menu that appears when you're searching for something. It guesses what you're searching for so you can find it faster. If you se...

Wall
Your Wall is the space on your profile where you and friends can post and share. [Learn more.](#)

Video
Upload short videos to share your experiences. [Learn more.](#)

Video calling
Video calling is a feature that lets you to talk to your friends face to face. [Learn more.](#)

Was this information helpful?

Back to Facebook

Email

☐ Keep me logged in[Forgot your password?](#)[Sign Up](#)

Facebook helps you connect and share with the people in your life.

[Create a Page](#)

CITY OF PLEASANT HILL

Wall
Info
Photos
Links
Events

About

Official page for the City of Pleasant Hill, CA. News on programs, projects...

More

759

like this

21

talking about this

521

were here

Likes

See All



Downtown Plea...



Pleasant Hill Pol...



Pleasant Hill 4th...



Amazon Kindle



Jack's Restaura...

[Create a Page](#)

City of Pleasant Hill

[Like](#)

Government Agency · Pleasant Hill, California

Wall

City of Pleasant Hill · Everyone (Top Posts)

Share: [Post](#) [Photo](#) [Video](#)

Write something...



City of Pleasant Hill

As of February 1, 2012, the Pleasant Hill Redevelopment Agency (along with all other Redevelopment Agencies in California) will no longer exist. Instead, a "Successor Agency" - the City Council in our case - will assume ownership of all assets belonging to the agency. The accomplishments of the PH Redevelopment Agency cannot be overstated which are listed in the slideshow below, which was presented to the City Council on January 23, 2012. This is a large file which will take time to open, so please be patient.

<http://www.ci.pleasant-hill.ca.us/DocumentView.aspx?DID=5627>
www.ci.pleasant-hill.ca.us

Like · Comment · January 24 at 4:56pm ·

Katherine Bracken, David Mascaro and Timothy May like this.



Nancy Garcia Good luck to everyone who staffed the agency
January 26 at 8:57am



Heidi Dolamore

Join us at the Pleasant Hill library on Tuesday, February 7 at 6:30pm for an enchanting music performance with Ramana Vieira!

Kickoff of quarterly 'Dinner and a Show' series at Pleasant Hill Library - Inside Bay Area
www.insidebayarea.com

Portuguese musical program begins series at Pleasant Hill branch

Like · Comment · Yesterday at 11:47am ·



City of Pleasant Hill

Purchase tickets here for the Mayor's Breakfast on February 9th, 7:30 a.m. at Back Forty Restaurant.

Mayor's Breakfast
www.eventbrite.com

The Pleasant Hill Chamber of Commerce is hosting the annual Mayor's Breakfast Thursday, February 9, 2012 at Back Forty Texas BBQ. Hear from Mayor John Hanecak about the state of the city. Credit Card Payments through this website only. For Info, call 687-0700

Like · Comment · January 24 at 10:07am ·



City of Pleasant Hill

Thinking of Starting a new Business? Check out this brochure on the [city website](#).



Pleasant Hill, CA - Official Website
www.ci.pleasant-hill.ca.us

Personalize your online experience to stay up-to-date on news, events and other information you care about. View my dashboard

Like · Comment · January 23 at 11:56am ·

European Wax Center- Pleasant Hill likes this.



European Wax Center- Pleasant Hill Great link!
January 23 at 12:41pm



City of Pleasant Hill

Want to like or comment on this page?

To interact with City of Pleasant Hill you need to sign up for Facebook first.

[Sign Up](#)

It's free and anyone can join. Already a member? [Log in](#).

Government Agencies in Nearby Cities



San Francisco Government Agencies
554 near San Francisco



Oakland Government Agencies
258 near Oakland



Fairfield Government Agencies
241 near Fairfield

[More](#)



The 41st Annual Community Awards Night was celebrated at Back Forty Texas BBQ on January 19, 2012. This event is hosted by the Chamber of Commerce, City of Pleasant Hill and the Recreation & Park District each year to honor employees, businesses and residents who have made a positive contribution and significant difference in improving the quality of life in Pleasant Hill.



Pleasant Hill, CA - Official Website
www.ci.pleasant-hill.ca.us

Personalize your online experience to stay up-to-date on news, events and other information you care about. View my dashboard

Like · Comment · January 20 at 1:59pm ·

Dave's Cuisine Catering, Shella Cotruvo and Loosen Up Bodywork like this.



King's Cleaning Service congrats!
January 22 at 11:22am



Rachel Braver

Will any work be done to improve the intersection where the In-N-Out is being built? It's a pain already without the extra traffic from INO.

Like · Comment · January 23 at 11:59am ·



City of Pleasant Hill The left turn lane onto Chilpancingo going north on Contra Costa Blvd will be extended prior to the opening of INO.

January 24 at 8:38am



City of Pleasant Hill

Mayor John Hanecak will host the Mayor's Breakfast on Thursday, February 9th at Back Forty. Event is sponsored by the Chamber of Commerce. Tickets are \$25 per person and can be purchased online at this link. For more details call 671-5229.

Mayor's Breakfast
www.eventbrite.com

The Pleasant Hill Chamber of Commerce is hosting the annual Mayor's Breakfast Thursday, February 9, 2012 at Back Forty Texas BBQ. Hear from Mayor John Hanecak about the state of the city. Credit Card Payments through this website only. For Info, call 687-0700

Like · Comment · January 19 at 2:45pm ·



City of Pleasant Hill

"Inside Pleasant Hill" Episode Number Two

The second production of "Inside Pleasant Hill" has begun airing on the City Channel (see schedule below). This episode features local restaurant Dallimontis with an in depth interview with Ron and Christy Dallimontis; the "Hometown Hero" section interview is with Jim Bonato; and third part of the program, "Uptown-Downtown" features local store, Pleasant ...

See More



City Channel Pleasant Hill on Vimeo
vimeo.com

Visit City Channel Pleasant Hill's profile on Vimeo. Use Vimeo to share the videos you make with the people you want. It's free to join and really easy to use.

Like · Comment · January 19 at 2:11pm ·



Rachel Cruz

Any stay at home moms want to start a walking group with me? I am 5 months pregnant and looking for a great group of moms to become friends with!

Like · Comment · January 3 at 2:38pm ·



Kat Hunn

Please join us on Thursday, January 19th as we honor the nominees for various awards during the 41st Annual Community Awards Night at Back Forty Restaurant. Listed below are the thirteen nominees for Businessperson of the Year, Citizen of the Year, Community Plus Award, Educator of the Year and Teen of the Year. Please support all of these excellent nominees by attending the event. To RSVP, please...

See More

Like · Comment · January 10 at 11:30am ·

RECENT ACTIVITY

City of Pleasant Hill edited their Phone, Website and About.



The Community Focus

Ribbon Cutting at Sips Cellars in Pleasant Hill. Stop by and give them a big welcome!



Like · Comment · December 8, 2011 at 8:11pm ·

Chris Croft and Paul Cotruvo like this.

**City of Pleasant Hill**

The Pleasant Hill Planning Commission will hold a study session and a public hearing in January to consider Zoning Ordinance amendments pertaining to emergency shelter uses. See link below for more information.

<http://www.ci.pleasant-hill.ca.us/DocumentView.aspx?DID=5551>
www.ci.pleasant-hill.ca.us

Like · Comment · December 29, 2011 at 9:26am ·

**Donna Darling**

Wonderful event, filled with holiday spirit. Sense of community was felt as we shared the evening with others. Many memories were made. Thanks Santa!



Like · Comment · December 4, 2011 at 9:56am ·

Eric Bonnel likes this.

**Dave's Cuisine Catering**

Great City to live and work in! Lots of events to attend --my favorite is the Free Music @ City Hall during the summer. They had some great Bands this year - looking forward to next years line-up. Have a great Holiday season --Chef Dave

Like · Comment · December 6, 2011 at 11:20am ·

Sherry Hunt Mullin likes this.



City of Pleasant Hill added 38 new photos to the album Sequoia Elementary Visit to City Hall.



Like · Comment · December 15, 2011 at 3:56pm ·



Ellen Montague What do the kids who don't celebrate Christmas do?

December 15, 2011 at 4:20pm

**City of Pleasant Hill**

The December 1st Tree Lighting in Downtown Pleasant Hill is now online here.

**Light Up the Night 2011**
vimeo.com

The city of Pleasant Hill, CA's 4th Annual Light up the Night on Thursday, December 1st, 2011. Video was shot and edited by the City Channel Crew.

Like · Comment · December 12, 2011 at 8:53am ·

Leonard Shapiro likes this.

1 share

**Donna Darling**

Like · Comment · December 4, 2011 at 9:53am ·

**City of Pleasant Hill**

John Hanecak elected as Mayor of Pleasant Hill for 2012

**Pleasant Hill, CA - Official Website**
www.ci.pleasant-hill.ca.us

Personalize your online experience to stay up-to-date on news, events and other information you care about. View my dashboard

Like · Comment · December 7, 2011 at 12:48pm ·

Timothy May, Jennifer Neys, Melodie Lane and 10 others like this.

2 shares



Jennifer Ellis Baydo Congratulations John.
December 7, 2011 at 1:14pm



Norma Hawkins Flakerud Congratulations John! It is good to know the city will continue in good hands in 2012!
December 7, 2011 at 4:32pm



Cindy Walker Durant Way to go John!
December 8, 2011 at 4:51pm

**City of Pleasant Hill**

The video of the 50th Anniversary featuring the Gala Dinner & Open House is now uploaded to vimeo. This high definition video has excellent and entertaining footage of both events.

**City Channel Pleasant Hill on Vimeo**
vimeo.com

Visit City Channel Pleasant Hill's profile on Vimeo. Use Vimeo to share the videos you make with the people you want. It's free to join and really easy to use.

Like · Comment · December 6, 2011 at 5:01pm ·

Downtown Pleasant Hill and Debbie Freund Shess like this.

4 shares

**City of Pleasant Hill**

The highlights video of the 50th Anniversary weekend celebration will be broadcast on the City Channel on Comcast Channel 28 and UVerse Channel 99 on the following dates:

- > Wednesday, December 7 at 6 p.m.
- > Thursday, December 8 at 5 p.m.
- > Friday, December 9 at 2 p.m.

> Saturday, December 10 at 8 p.m.

...

See More



City Channel Pleasant Hill on Vimeo
vimeo.com

Visit City Channel Pleasant Hill's profile on Vimeo. Use Vimeo to share the videos you make with the people you want. It's free to join and really easy to use.

Like · Comment · December 5, 2011 at 4:29pm ·



City of Pleasant Hill

Great event in Downtown Pleasant Hill last night as we lit up the night. Thanks to everyone who participated. Anyone got photos to share with the rest of us?



Like · Comment · December 2, 2011 at 11:24am ·

Norma Hawkins Flakerud and John Barajas like this.



The Community Focus The Community Focus has images to share from Light Up The Night on the Home page.
December 2, 2011 at 2:19pm



Genevieve Marie Nelson My photo was taken, wish i could find it. :p
December 3, 2011 at 2:10pm

More Posts

Email

Keep me logged in

Forgot your password?

Sign Up

Facebook helps you connect and share with the people in your life.



Wall

Info

Photos

YouTube

Twitter

Terms of Use

About

This is an official Facebook page of the City of Walnut Creek. This site is...

More

1,047
like this

15
talking about this

102
were here

Likes

See All



Walnut Creek P...



Walnut Creek O...



Walnut Creek Li...



Walnut Creek C...



Bedford Gallery

Also on:

Yelp

Create a Page

City of Walnut Creek

Like

Create a Page

Government Agency · Walnut Creek, California

Wall



City of Walnut Creek

Set in the late 1800's, this romantic comedy will have you laughing out loud!



Center REPeratory Company

After a very successful preview weekend, Arms and the Man opens tomorrow night! Do you have your tickets yet???

Like · Comment · Tuesday at 4:12pm ·

Pamela Turner likes this.



Pamela Turner Smelling sweeter every day!

Tuesday at 6:20pm



City of Walnut Creek

The City of Walnut Creek welcomes Brian Hickey, our new Assistant City Attorney. Brian is a graduate of the USC School of Law and Pomona College, where he played varsity football and baseball. Brian served as an Assistant City Attorney for the City of Redondo Beach for the past 5 years. He also spent 8 years practicing in the private sector at two well-known firms. We are looking forward to Brian helping us on a wide range of municipal law subjects, including litigation, employment law, labor relations, contracts, tort claims and damage claims, the Americans with Disabilities Act, and insurance. Welcome, Brian!

Like · Comment · Monday at 11:09am ·

Pamela Turner and Kim Coles like this.



Encina Veterinary Hospital Welcome Brian!

Monday at 11:25am



Pamela Turner I love the city of Walnut Creek, CA!!!

Tuesday at 10:10am · 1



City of Walnut Creek We do too, Pamela!

Tuesday at 4:13pm



City of Walnut Creek

Only a few more weeks to come by to see SNAP! at the Bedford Gallery!



Wall Photos

Stop by the gallery to see Bay Area photographer Johnna Arnold's work in our cur...

See More

By: Bedford Gallery

Like · Comment · January 27 at 1:44pm ·

Kim Coles likes this.



City of Walnut Creek

Less than a week left to submit an application for the Arts Commission or the Design Review Commission. There are 5 openings on the Arts Commission and 2 on the Design Review Commission. The deadline to apply is 5 pm Tuesday,

Want to like or comment on this page?

To interact with City of Walnut Creek you need to sign up for Facebook first.

Sign Up

It's free and anyone can join. Already a member? Log In.

Government Agencies in Nearby Cities



San Francisco Government

Agencies

554 near San Francisco



Oakland Government

Agencies

258 near Oakland



Fairfield Government

Agencies

241 near Fairfield

More

January 31. <http://bit.ly/AjquIw> Have questions about what an appointment will entail? Contact the City Clerk's Office at 943-5818.

Like · Comment · January 25 at 8:37am ·



City of Walnut Creek

Congratulations to Walnut Creek's Frank Walden who, along with five other WWII veterans, was awarded the Legion of Honor, the most prestigious honor in France, for his heroics on D-Day. The award was given yesterday inside the Residence of the French Consul General in San Francisco. "It means quite a bit," said Walden, a Navy corpsman who landed on Omaha Beach on June 6, 1944. "I think they only give this to you if you're alive. That kind of hurts because the heroes are still there. We came back, we lived a life. I'm 86 years old. Those guys really didn't get a shot at life."

Like · Comment · January 24 at 8:49am ·

Robin Schick, Kim Coles, Martha Ross and 3 others like this.



European Wax Center - Walnut Creek Congrats!

January 24 at 9:01am · 1



City of Walnut Creek

There is no excuse for being bored in Walnut Creek. Our Open Space Rangers offer interesting programs for people of all ages. Whether you're into bird watching, moonlit hikes or discovering "who pooped in the park" (the name of a very popular program), there is a program for you. Check out the Open Space Winter Spring Activities Guide.

<http://www.walnut-creek.org/civica/filebank/blobdload.asp?BlobID=6468>
www.walnut-creek.org

Like · Comment · January 21 at 3:18pm ·

Nicki Ladeck Fratus likes this.



City of Walnut Creek

Final days to 'get your skate on' at Walnut Creek on Ice! It is open daily (rain or shine) through this Sunday, January 22. Check www.ice.katewalnutcreek.com for a complete schedule. This weekend is also the 10th anniversary season opening for the Company C Contemporary Ballet. Visit lesherartscenter.org for more info.

Like · Comment · January 18 at 11:23am ·

Bedford Gallery likes this.

1 share



Denise Alejandro Santoro It sure would have been nice if they had updated their hours online so I would not have had to pay the jacked up holiday rates on Monday.

January 18 at 12:49pm



City of Walnut Creek Hi Denise - I am on the iceskate.walnutcreek.com website right now and, under Holiday Period Admission, it lists that Monday, January 16 was a holiday and subject to the holiday rate of \$15.

January 18 at 5:54pm



Denise Alejandro Santoro Thank you for your response. I understand that was the holiday rate and that it was listed on the site. However, as of this past Sunday 1/15, the last day for the rink to be open was listed as 1/16. If it had reflected the extension, I would not have chosen to come on the 16th thinking it was the last day it was open.

January 18 at 6:15pm



City of Walnut Creek

Are you a homeowner, business owner or contractor looking to start a building project in Walnut Creek? Find out which permits are needed and how the City of Walnut Creek can help you through the process.



Permit Me

www.youtube.com

Are you a homeowner, business owner or contractor looking to start a building project in Walnut Creek? Find out which permits are needed and how the City of ...

Like · Comment · January 17 at 1:00pm ·



City of Walnut Creek

Everyone is invited to the Martin Luther King, Jr. Day celebration at 12pm Monday, Jan. 16 at the Civic Park Community Center, 1365 Civic Drive. Guest speakers are Dr. Lonnie Bristow, the first black chairman of the board of the American Medical Association, and Walnut Creek Mayor Bob Simmons. There will be live music and refreshments. The event is free; participants are encouraged to bring nonperishable food items and/or large size disposable diapers for the

Monument Crisis Center. Meter parking is free, but please observe potential restrictions near the ice rink.

Like · Comment · January 13 at 8:46am ·

Pamela Turner likes this.



City of Walnut Creek

Learn about everything the Downtown Walnut Creek Farmers' Market has to offer. To see more local offerings check out the full episode of January's Creek Currents. <http://youtu.be/U1p97Pyz8g>



Walnut Creek Farmers Market

www.youtube.com

Host of Creek Currents, Brendan Moran visits the Walnut Creek Farmers Market located on Locust Street in downtown Walnut Creek.

Like · Comment · January 11 at 12:44pm ·

Nidia Arellano and Jason Wheeler - Lending Expert - Entrepreneur like this.



Keith Farley Brendan, what a great job on this segment!

January 11 at 2:10pm



Walnut Creek Marriott You can't beat a great Farmers Market - so many special treats around every corner!

January 12 at 7:52am



City of Walnut Creek

Join the Walnut Creek Walks challenge and make every step count! Create an online walking log with Walnut Creek Walks, then watch your miles grow. Set individual goals, or create a walking group and invite your friends to join. Once a month, we'll tally all the miles to see how far we've come as a community. Visit www.walnut-creek.org for more info or go directly to <http://walnutcreekwalks.walkertracker.com/> to sign up!

Like · Comment · January 11 at 10:00am ·

Laura Peabody-Park, Walnut Creek Marriott, Pamela Turner and 2 others like this.



City of Walnut Creek

A Winter Spare the Air Alert has been issued for Wed, Jan 11. It is illegal for Contra Costa County residents to burn wood or other solid fuels in fireplaces, wood stoves and inserts, pellet stoves, outdoor fire-pits, or other wood-burning devices. Winter air pollution is mainly caused by particulates or soot pollution from wood smoke. Smoke from wood-burning fires is linked to illnesses such as asthma, bronchitis and lung disease, and is especially harmful for children and the elderly. For more info about the Wood Burning Rule, or to check before you burn, visit www.sparetheair.org or call 1-877-4NO-BURN.

Like · Comment · January 10 at 1:48pm ·



City of Walnut Creek

Want to get involved? Applications are now being accepted for five positions on the Arts Commission and one position on the Design Review Commission. The deadline to apply is 5 pm Tues, Jan. 31. Details can be found on the City's website at www.walnut-creek.org.

Like · Comment · January 9 at 10:54am ·



City of Walnut Creek

Happy 2012! Start the year off on the right foot (or the left) and Join Mayor Bob Simmons on Sat. 1/14 on a walk titled "2x2x2." Meet at 10 am on the steps at the corner of California and Ygnacio Valley Rd in front of the WC BART Station. The Mayor will lead walkers to Civic Park, past the Creekwalk, along the Iron Horse Trail and to the Pleasant Hill/Contra Costa Centre BART station. From there, walkers can take BART back to their car, or continue on a longer walk to Larkey Park before returning to the WC BART station.



Like · Comment · January 4 at 8:21am ·

Nidia Arellano and Fabio Costa like this.

1 share



City of Walnut Creek For additional details about the monthly walks hosted by Mayor Simmons, visit the Walnut Creek Walks webpage at <http://bit.ly/AjFi5>.



Walnut Creek - Walnut Creek Walks
www.walnut-creek.org

January 4 at 8:25am



City of Walnut Creek

We are on a Facebook holiday until Tuesday, Jan. 3. In fact, City Hall, along with most other City facilities, will be closed until Tuesday, Jan. 3. Public safety services remain available. For a complete list of what's open and what's closed, visit www.walnut-creek.org.

Walnut Creek - Homepage
www.walnut-creek.org

Like · Comment · December 25, 2011 at 10:45am ·

Older Posts

ATTACHMENT 4

[Send to printer](#) [Close window](#)

Social Media and Public Agencies: Legal Issues You Should Know About



This column is a service of the Institute for Local Government's Ethics Project, which offers resources on public service ethics for local officials. For more information, visit www.ca-ilg.org/trust. Special thanks to Best Best & Krieger for its support of this column.

Question: Your April 2008 article on the ethics of blogging essentially counseled, "If you can't beat the bloggers, join them." If a public agency plans to follow that advice and begin using social media, what legal issues should its staff take into consideration?

Answer: The terms "social media" and "Web 2.0" refer to various activities that integrate technology, social interaction and content creation. Social media allow people to create online content and organize, edit or comment on it, as well as combine and share it. Social media and Web 2.0 use many technologies and forms, including web feeds, blogs, photo and video sharing, podcasts, social networking and more.

Examples of social media websites include Twitter, Facebook, Digg, StumbleUpon, Yahoo!Buzz, Reddit, LinkedIn and YouTube. Facebook and LinkedIn help connect friends and colleagues. Digg and Yahoo!Buzz promote sharing online news articles. YouTube focuses on sharing videos.

These Internet technologies have transformed how users communicate with each other. As a key consequence, traditional institutions — for example, the mainstream media, corporations and public agencies — exert far less control in the flow of information. From an ethical standpoint, this promotes the value of fairness by giving a voice to more people.

Social media have both positive and negative implications for public officials and agencies. The legal issues represent one such set of implications. Issues to be aware of include:

- First Amendment issues relating to government restrictions on speech;
- Use of public resources, including both personal and political use;

- Restrictions on employee use of social media, both on behalf of the agency and personally;
- Open meeting law issues; and
- Public records retention and disclosure issues.

The best way to address these issues is to adopt policies that guide both the public and staff on how the agency is using the tools offered by social media. This article discusses these issues and includes excerpts from public agencies' social media policies; additional samples are available at www.ca-ilg.org/socialmediapolicies.

First Amendment Issues

Public agencies typically want to use social media to push information out to constituents and others. For example, public agencies have successfully used Twitter to publicize information about emergency response during disasters and poll operations on election day. But social media typically offer recipients of information a way to respond, and such responses may at times be critical of the agency.

With more traditional websites and e-mail newsletters, a public agency does not open its communication vehicles to others who can post materials of their own (as opposed to the agency's) choosing. In this situation, the communication vehicle is not a public forum, and the agency does not violate First Amendment rights when it excludes content.¹

If a public agency does allow others to post materials of their choosing on a website, blog or social network site, then an argument can be made that the agency has created what the courts call a designated public forum. This would mean that the agency cannot exclude (or delete) material based on its content except for compelling reasons. The way the courts frame this is that restrictions must serve a *compelling state interest* that is *narrowly tailored* to achieving that interest.²

Even if the agency created only a "limited public forum" for certain groups or on certain topics, it cannot delete posts simply because they are critical of the agency, its officials or employees or because the agency otherwise dislikes what the posts say.

There may be technological ways to limit how much conversation occurs on the agency's page. On Facebook, for example, a public agency has choices on how to set up its page. On a "fan page," an agency may select settings so that only authorized staff can start a new topic. This helps limit topics to ones that are related to agency business. According to Facebook, however, there is no way to turn off "comments" on a Facebook wall page — even if one restricts the other settings.³

The State of Utah's social media policy⁴ gives the following direction to its staff:

Moderating Comments

In some social media formats, such as Facebook, blogs, Twitter responses, etc., you may encounter comments that cause you concern as a moderator or responsible party. If user content is positive or negative and in context of the conversation, then the content should be allowed to remain, regardless of whether it is favorable or unfavorable to the state. If the content is ugly, offensive, denigrating and completely out of context, then the content should be rejected and removed.

Note the use of the word "and" as opposed to "or" in the last line: content must be "ugly, offensive, denigrating *and* completely out of context" to be rejected or removed.

Issues Related to Use of Public Resources

Public officials are aware of the restrictions on using public resources for either personal or political purposes.⁵ State law says that elected officials and staff may not use public resources for personal or campaign purposes (or other purposes not authorized by law).⁶

Personal Activities

"Personal purposes" mean those activities that are for personal enjoyment, private gain or advantage or an outside endeavor not related to business. "Personal purposes" do not include the incidental and minimal use of public resources, such as an occasional telephone call.⁷

The law suggests that an occasional personal "tweet" or visit to one's personal Facebook page might not be a violation of the law. Employees should be reminded, however, that it's important to keep in mind public perceptions (and the public includes one's friends and family). It should never appear public servants are spending work time doing anything other than the public's business.

Thanks to Our Supporter

The Institute for Local Government (ILG), which is a 501(c)(3) organization, receives funding from a variety of sources. Its public service ethics program relies on support from publications sales, training fees and private donations. ILG gratefully acknowledges the firm of Best Best & Krieger for sponsoring the first three "Everyday Ethics" columns in 2010. Best Best & Krieger represents 32 California cities as city attorney. Western City and ILG appreciate Best Best & Krieger's shared commitment to promoting ethics in public service.

Seattle's Social Media Policy

The City of Seattle relies on a "limited public forum" theory in its social media policy, which reads:

8. Users and visitors to social media sites shall be notified that the intended purpose of the site is to serve as a mechanism for communication between city departments and members of the public. City of Seattle social media site articles and comments containing any of the following forms of content shall not be allowed:

- a. Comments not topically related to the particular social medium article being commented upon;
- b. Comments in support of or opposition to political campaigns or ballot measures;
- c. Profane language or content;
- d. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- e. Sexual content or links to sexual content;
- f. Solicitations of commerce;
- g. Conduct or encouragement of illegal activity;
- h. Information that may tend to compromise the safety or security of the public or public systems; or
- i. Content that violates a legal ownership interest of any other party.

These guidelines must be displayed to users or made available by hyperlink. Any content removed based on these guidelines must be retained, including the time, date and identity of the poster when available (see the City of Seattle Twitter, Facebook and CityLink standards).

Seattle's policy reserves the city's right to restrict or remove any content that is deemed in violation of its policy or any applicable law; it also indicates its goal of approaching the use of social media tools as consistently as possible, enterprisewide.⁸

Access to Technology in California: The Digital Divide

A June 2009 study by the Public Policy Institute of California reveals these interesting trends:

- 76 percent of Californians have access to the Internet;
- Rural Californians are as likely to use the Internet as urban Californians and almost as likely to have access to high speed Internet;
- Latinos are less likely to use information technology than whites, blacks, and Asian Pacific Islanders;
- Those with disabilities also are less likely to use a computer and the Internet;
- Renters are less likely to have access to the Internet and broadband technology than homeowners; and
- Access also varies by income as well.

For more information, visit http://www.ppic.org/content/pubs/jtf/JTF_DigitalDivideJTF.pdf; more resources are also available at www.ca-ilg.org/cgitechnology.

Footnotes:

¹ See *Vargas v. City of Salinas*, 46 Cal.4th 1, 37 n. 18 (2009) (finding city had no obligation to provide those with a different point of view access to the city's website), citing *United States v. Am. Library Ass'n, Inc.*, 539 U.S. 194, 204-206 (2003); *Arkansas Educ. TV. v. Forbes*, 523 U.S. 666, 673-677 (1998); *Cornelius v. NAACP Legal Defense & Ed. Fund*, 473 U.S. 788 (1985); *Perry Ed. Assn. v. Perry Local Educators' Assn.*, 460 U.S. 37, 46 (1983); *Clark v. Burleigh*, 4 Cal.4th 474, 482-491 (1992)) See also *Sutcliffe v. Epping School Dist.*, --- F.3d ---, 2009 WL 2973115 (1st Cir 2009) (noting that it is possible there may be cases in which a government entity might open its website to private speech in such a way that its decisions on which links to allow on its website would be more aptly analyzed as government regulation of private speech); *Hogan v. Township of Haddon*, 278 Fed.Appx. 98, 101-02 (3d Cir 2008) (rejecting elected official's claim that she had a First Amendment right to publish articles in the town newsletter and to post on the town's website and cable channel because these communications vehicles were local government-owned and sponsored, and as such are not public or limited public forums); *Page v. Lexington County School Dist. One*, 531 F.3d 275, 285-85 (4th Cir. 2008) (rejecting claims that links to other websites did not vitiate school district's retention of complete control over its website or create a limited public forum, but noting that had a linked website somehow transformed the website into a type of "chat room" or "bulletin board" in which private viewers could express opinions or post information, the issue would, of course, be different).

² *Perry Educ. Ass'n*, 460 U.S. at 45.

³ Available at <http://www.facebook.com/government#!/government?v=wall> (click on "resources" tab).

⁴ Available at <http://www.utahta.wikispaces.net/file/view/State%20of%20Utah%20Social%20Media%20Guidelines%209.22.09.pdf>.

⁵ See *Stanson v. Mott*, 17 Cal. 3d 206, 210-11 (referring to expenditure of staff "time and state resources" to promote passage of bond act); *Vargas v. City of Salinas*, 46 Cal. 4th 1, 31-32 (2009). See also *People v. Battin*, 77 Cal. App. 3d 635, 650 (4th Dist. 1978) (county supervisor's diversion of county staff time for improper political purposes constituted criminal misuse of public monies under Penal Code section 424),

cert. denied, 439 U.S. 862 (1978), *superseded on other grounds by People v. Conner*, 34 Cal. 3d 141 (1983); Cal. Gov't Code § 8314.

⁶ Cal. Gov't Code § 8314(a).

⁷ Cal. Gov't Code § 8314(b)(1).

⁸ Seattle Social Media Policy, Sections 9 and 10, available at <http://www.seattle.gov/pan/SocialMediaPolicy.htm>.



Departments Government Living Here Business Here Services

PRINT EMAIL RSS

Home - Feature Links - Facebook Page Content Policy

Contact City Staff

City Council Email

Economic
Development

EasyPlans

50th Anniversary
Celebration

City Channel

Weekly Update

City At Work Projects
Update

Master Fee Schedule

Staff Directory

Bike Pleasant Hill

Buskirk Ave Project

Street Sweeping
Schedule

Farmers' Market

Home Composting

Outlook Newsletter

Diablo Vista Water

Affordable Housing

Green Pleasant Hill

Recycling

Resource Directory

Council Meeting
Videos

Facebook Page Content Policy

Comments posted to the City's Facebook page will be monitored. The City reserves the right to remove inappropriate comments including those that have obscene language or sexual content, threaten or defame any person or organization, violate the legal ownership interest of another party, support or oppose political candidates or ballot propositions, promote illegal activity, promote commercial services or products or are not topically related to the particular posting.



Pleasant Hill City Offices
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TRANSLATE

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**Flocking to Facebook:
How local governments can build citizen engagement**

By Amy Strecker

Spring 2011

A paper submitted to the faculty of the University of North Carolina at Chapel Hill in partial fulfillment of the requirements for the degree of Master of Public Administration.

The attached paper represents work done by a UNC-Chapel Hill Master of Public Administration student. It is not a formal report of the School of Government, nor is it the work of the School of Government faculty.

Executive Summary

Facebook boasts the largest online community in the world, with 624 million members and counting (Check Facebook, 2011). With 49% of the American population participating on Facebook, the platform offers local governments an opportunity to efficiently interact with and inform citizens without adding significant expense to already lean governmental budgets (Check Facebook, 2011; and U.S. Census Bureau, 2011). This paper explores how local governments use Facebook to increase two-way interactions (engagement) with citizens and offers recommendations for jurisdictions seeking to increase citizen engagement via Facebook.

A special thanks to Ellen Bradley, Lynn Setzer and
Shannon Tufts for their guidance in developing this project.

Introduction

Facebook boasts the largest online community in the world, with 624 million members and counting (Check Facebook, 2011). Since Facebook opened Fan Pages to private and public organizations in 2007, the private and public sectors have jumped to capitalize on the efficient and inexpensive power of Facebook to communicate strategically with their client base. Now, with 49% of the American population participating on Facebook, the platform offers local governments an opportunity to efficiently interact with and inform citizens in lean economic times (Check Facebook, 2011; and U.S. Census Bureau, 2011). This paper explores how local governments use Facebook to increase two-way interaction (engagement) with citizens and offers recommendations for jurisdictions seeking to increase citizen engagement via Facebook.

Background

Facebook evolves constantly, rapidly growing its member population and adapting the site's features to serve different interests. When the site launched in 2004, only Ivy League college students could join the space. Other college students and alumni, high school students and large employee groups gradually gained access before the site opened to the public in 2006.

Organizations that attempted to create a Facebook Profile—the portal that members use to access Facebook—quickly found their profiles removed by Facebook, reinforcing the policy that Facebook Profiles were limited to individuals. Organizations could create a Group, allowing members to join the communal space by invitation or search. In 2007, Facebook added the Fan Page model, allowing organizations to create a Fan Page with the same look and feel as a Facebook Profile and to generate content that would post into a Fan's newsfeed—the news-aggregating homepage for each member. Fan Pages provide organizations an opportunity to interact with Facebook members in the following ways:

- Prompting members to join a Fan Page by choosing to click “like” and demonstrate their affinity for an organization by becoming a member, or “Fan,” of the specific Fan Page.
- Encouraging organizations to share information such as news stories, updates, meeting announcements, event invitations, website links, photos and videos by posting these items to the Fan Page. All of these types of information shared by the organization are called “posts.”
- Allowing Fans to comment or ask a question responding to a post on a Fan Page.
- Allowing Fans to comment or ask a question of the entire organization.
- Allowing Fans to give a virtual “thumbs up” to a post on a Fan Page by choosing to click “like” on each post.
- Allowing Fans to share Fan Page content with their personal Facebook communities.

The private sector pounced on the opportunity to interact directly with their mass customer base through Fan Pages. Formulas valuating Fan Pages as marketing tools project many of them into the multi-million dollar range (Morrissey, 2010). To encourage governments to also use Fan Pages, Facebook created a “Government on Facebook” website with resources for successfully using Facebook and also amended Facebook's terms of service to accommodate governmental organizations (Facebook, 2011).

The 2008 election served as a catalyst for public engagement on Facebook. Many candidates employed the speed and breadth of Facebook communications on behalf of their campaigns. In the election's wake, analysts partially attributed large Democratic victories to youth promoting candidates through Facebook and other social media platforms (Kiyohara, 2009). However, Facebook's average user is now 40 years old, and middle-age users dominate as Facebook's fastest growing demographic (Facebook, n.d.). Visits to the site account for one out of every four American webpage views, and late in 2010, Facebook surpassed Google as the most-visited site on the Internet (Grossman, 2010).

Research Question

When Fans interact with an organization's content by either responding with a written comment/question or by showing affinity for an individual piece of content by clicking "like," these collective actions are called "Fan interactions." By measuring total Fan interactions/total number of Fans for any given organization's Fan Page, this study creates a measure for Fan engagement. This project analyzes the Fan Pages of North Carolina local government jurisdictions to answer this question: what actions influence a jurisdiction's rate of Fan engagement on Facebook?

Methods

The majority of data for this project come directly from the Fan Pages of North Carolina counties and municipalities with populations of more than 10,000. Facebook activity for each jurisdiction was evaluated during the 61-day timeframe of October 13, 2010, through December 13, 2010. By evaluating the same period for each jurisdiction, the project controlled for external events such as holidays. Additional sources of data include each jurisdiction's website and accredited reports providing demographic information for each jurisdiction.

Studying jurisdictions with more than 10,000 people eliminated jurisdictions whose populations are so small that a few Fans highly skew the ratio of Fan interactions/total Fans. Jurisdictions' Fan Pages were located through both a search on Facebook and a search on the jurisdictions' websites. Of the 50 jurisdictions meeting the qualifications for this study, only Indian Trail was dropped from the study. Indian Trail had a 1:1 ratio of Fan interactions: total Fans, much higher than any other jurisdiction, and including them in the study skewed the data. Every jurisdictional post during the 61-day timeframe was recorded and categorized, in addition to recording the number of Fan interactions and jurisdictions' responses to Fan interactions (See Appendix B). The chart on the following page details data collected, including the research supporting each variable and the source of information.

Independent Variable	Data Source
Marketing of Facebook Page	
<i>Links on the jurisdiction's homepage (Facebook, 2010)</i>	County/Municipality website
<i>Links farther in on the jurisdiction's website (Facebook, 2010)</i>	County/Municipality website
<i>Links multiple places on the jurisdiction's website (Facebook, 2010)</i>	County/Municipality website
Page Facilitation	
<i>Number of posts (Facebook, 2010)</i>	County/Municipality Fan Page
<i>Frequency of posts (Facebook, 2010)</i>	County/Municipality Fan Page
<i>Type of posts (text, photo, video, etc.) (Facebook, 2010)</i>	County/Municipality Fan Page
<i>Use of third-party application to post (Facebook, 2010)</i>	County/Municipality Fan Page
Fan Interactions	
<i>Number of jurisdiction responses to Fan interactions (Riely, 2010)</i>	County/Municipality Fan Page
<i>Ability of Fans to post directly to page (Facebook, 2010)</i>	County/Municipality Fan Page
Community Characteristics	
<i>Socio-economic designation (Boyd, 2007)</i>	NC Department of Commerce
<i>Rural or urban status (Boyd, 2007)</i>	NC Rural Economic Development Center
<i>High school graduation rates (Boyd, 2007)</i>	NC Department of Public Instruction
<i>Ethnic makeup (Boyd, 2010)</i>	US Census Bureau
<i>Broadband Internet accessibility (Boyd, 2007)</i>	e-NC Authority
<i>Age of population (Lenhart, 2009)</i>	US Census Bureau
<i>Tourism (Whoriskey, 2010)</i>	NC Department of Commerce

Findings and Discussion

Analysis revealed nine significant correlations, or relationships, between Fan engagement and this study's independent variables. Findings based on these relationships include the following:

(1) Fan engagement increases as the total number of times a jurisdiction posts to the Fan Page increases. This finding was expected; as jurisdictions provide more content, Fans have more opportunities to respond to and interact with a jurisdiction. This finding suggests that jurisdictions should post often to their Fan Page.

In addition to posting often, the types of posts also matter in driving Fan engagement.

(2) Engagement increases as the number of posts with external website links increases (links to websites that do not belong to the jurisdiction). Social media theory builds upon the ideas of community and sharing across organizations and subject areas, and accordingly, Fan engagement increases as jurisdictions share information beyond news and events generated internally. This finding suggests that jurisdictions should not hesitate to share relevant information from external sources and organizations.

(3) Engagement increases as posts consisting of text-only (no links, photos, videos or audio) increase. Text-only posts are the most common type of post, and the simplest type to post, so this finding is expected. This finding suggests that jurisdictions should use text-only posts freely and frequently.

(4) Engagement increases as the number of photo posts increases; this relationship is stronger than any other relationship in this study. Posting photographs is the most significant way a jurisdiction can increase its Fan engagement. Photos create a visual connection between a jurisdiction and its Fans, and although it is not surprising that this would result in higher levels of engagement, the strength of this finding was surprising. This finding suggests that jurisdictions should consider how to increase the use of photos as part of their Facebook strategy.

How jurisdictions choose to respond to Fan comments and questions also relates to Fan engagement.

(5) Engagement increases as jurisdictions choose to respond to Fan comments and questions versus not responding to Fans.

(6) Engagement increases as the number of times a jurisdiction responds to Fans increases. When jurisdictions choose to respond to Fans, they create a two-way dialogue and an impression of listening and responsiveness that is highly valued in social media literature. These findings were expected and suggest that jurisdictions should frequently respond to Fan comments and questions.

Marketing of a jurisdiction's Facebook page also relates to Fan engagement.

(7) Engagement decreases when a jurisdiction provides the link to its Fan Page somewhere on the website other than the homepage. This finding was expected and supports the importance of visibility when marketing Fan Pages to citizens; website homepages often have the highest number of page views for any website. This finding suggests that jurisdictions should provide a link to Facebook on the homepage of their website.

Additionally, this study included both counties and cities, and found the following:

(8) Engagement increases when cities use Fan Pages compared to counties using Fan Pages. This finding was not expected and suggests that citizens might have a stronger affiliation or connection with their city compared to their county, or that they might be more aware of city services than county services.

(9) The newer the Fan Page, the higher the engagement. This finding was unexpected, and contradicts the logical assumption that the longer a jurisdiction has been on Facebook, the more engaged its Fans would be. This finding suggests that jurisdictions should not be discouraged at the prospect of starting a new Fan Page, and that being a newcomer to Facebook does not limit a jurisdiction's ability to engage Fans.

Limitations

Multiple limitations impact this study. Only 50 jurisdictions met the parameters of this study, limiting the analysis to descriptive statistics and preventing more robust statistical analysis.

Facebook provides poor metrics for outside evaluation, forcing this study to rely on the Fan counts as a part of the measure of Fan engagement. Fan counts are problematic because an individual does not have to be a citizen within a jurisdiction to become a Fan on Facebook. This study incorporated tourism spending as an independent variable in an effort to account for popular tourist destinations

that might be more likely to have out-of-town Fans than other locations. However, the level of tourism spending did not influence a jurisdiction's Fan count.

Some jurisdictions delete all Fan interactions as part of their local social media policy. If a jurisdiction deletes all these interactions, the collected data may be skewed.

Individual Fans can be very enthusiastic supporters of a jurisdiction's posts. In some jurisdictions, a single Fan would "like" every post, potentially skewing the Fan interaction data. Also, this study incorporated no way to weed out spam postings on Facebook. Fan Pages allowing public postings often had self-promoting or spam comments from their Fans. Some jurisdictions obviously monitored and deleted these posts, while others did not, potentially skewing the Fan interaction data.

Marketing literature suggests that quality matters more than quantity when posting to Facebook. However, this study had no tool to evaluate the quality of one post over another. As a result, this study did not account for the difference between a timely, informative post that sparked a 17-comment discussion among the jurisdiction and its Fans and a generic "Happy Thanksgiving!" post that 17 Fans "liked."

Recommendations

Although Facebook does not charge users to create a Fan Page, the site is not free: attention and personnel hours are required to generate content and respond to Fan comments and questions. In order to maximize the effectiveness of their Facebook Fan Pages, local governments should consider these suggestions:

- Post often to the Fan Page
- Share relevant information from external sources and organizations
- Use text-only posts freely and frequently
- Increase use of photos as part of a Facebook strategy
- Respond to Fan comments and questions, and respond often
- Link to the Fan Page from the homepage of the jurisdiction's website
- Be aware that cities might experience higher Fan engagement than counties
- Do not hesitate to create a Fan Page; being a newcomer to Facebook does not limit a jurisdiction's ability to engage Fans

Conclusion

Local governments should continue to pursue Facebook as a communication and engagement tool. Facebook membership constantly expands and increases the potential reach of local governments. Facebook also continues to refine its options for jurisdictions using Fan Pages to provide additional metrics to Fan Page Administrators. During these increasingly lean economic times, Facebook provides a valuable tool for engaging citizens, and the recommendations provided in this paper can assist jurisdictions in increasing citizen engagement via Facebook.

Appendix A

Fan Page Example

facebook

Search



www.cityofws.org

Add to My Page's Favorites

Suggest to Friends

This is the official facebook Page for the City of Winston-Salem.
<http://www.cityofws.org/>

City Link Live Chat
<http://tinyurl.com/citylinkchat>

City Link 727-8000

Social Media policy:
<http://tinyurl.com/cwssmpolicy>

Information

Location:
City Hall, 101 N. Main Street
Winston-Salem, NC, 27101

8,490 People Like This





Calvin Lori Vawter Cherelle

City of Winston-Salem NC

Like

Wall

Info

Photos

Video

Events

Notes

>>

City of Winston-Salem NC + Others

Just City of Winston-Salem NC

Just Others



City of Winston-Salem NC Fallen Officer Robert Buitrago remembered on 1/15. <http://wspd.org/>



City of Winston-Salem, NC :: Police
www.wspd.org
Police Department, City of Winston-Salem, North Carolina

Yesterday at 9:00am · View Feedback (9) · Share



City of Winston-Salem NC Did you know that the Winston-Salem Police Department has a bomb squad? <http://www.youtube.com/watch?v=k2aN6y6eXBQ>



WSPD Bomb Squad
www.youtube.com
The Winston-Salem Police Department bomb squad has had intensive training and served a wide area in North Carolina.

Wednesday at 2:31pm · View Feedback (12) · Share



City of Winston-Salem NC City offices will be closed Monday, Jan. 17, for the Martin Luther King Jr. Day holiday. Garbage and curbside recycling collections for the week of Jan. 17 will not be affected. Yard-waste collections will be postponed a day all week. Yard-waste carts normally emptied on Monday will be emptied on Tuesday, Tuesday on We...

See More

Wednesday at 2:47pm · View Feedback (3)



City of Winston-Salem NC Sanitation Collections for this week are changed due to weather: garbage routes a day late; yard waste make-up day on Wednesday; recycling make-up begins Wednesday. See details...

Appendix B
Facebook Post Example

The screenshot shows a Facebook page for the City of Winston-Salem, NC. The page features a cover photo of a city skyline and a profile picture of a Christmas tree. The main post is a text-based announcement about City Council meetings being streamed live on WSTV 13 and archived on the city's website. Below this, there is a link to the city's home page. Further down, there are two comments: one from William E. Hanson asking about yard waste pickup, and another from the City of Winston-Salem NC stating there was no change in collections. Annotations with red arrows point to specific elements: 'Fan Interactions' points to the '4 people like this' and the comments; 'Internal Link Post' points to the link to the city's home page; and 'Jurisdiction Response' points to the comment from the City of Winston-Salem NC.

City of Winston-Salem NC City Council meetings are streamed live on the city's web site; are shown live on WSTV 13 (Timewarner Cable channel 13), and are archived for later viewing on the web site and WSTV 13. Tonight's meeting begins at 7:00 p.m. Look for a link in the right-side column of the home page. <http://www.cityofws.org/>

City of Winston-Salem, NC :: Home Page
www.cityofws.org
Official web site of the City of Winston-Salem, North Carolina. A Preeminent Third Community.

December 6, 2010 at 3:30pm · Hide Feedback (6) · Share

4 people like this.

William E. Hanson What happened to the Yard Waste pick up for Monday?
December 6, 2010 at 7:40pm · Flag

City of Winston-Salem NC There was no change in collections this week; if you were missed, you can call City Link at 727-8000 to report your house or street.
December 7, 2010 at 8:48am · Flag

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Gary Napper

From: Joe Medrano <joe@claytoncouncil.com>
Sent: Thursday, March 15, 2012 3:58 PM
To: Howard Geller; gnapper@ci.clayton.ca.us
Subject: Weeknight Concerts

Agenda Date: 3-20-12

Agenda Item: 9d

Howard,

As I indicated at the council meeting I needed to speak with Ted to confirm the Foundation was still willing to support weeknight concerts. He has confirmed that the Foundation would still be willing to be involved.

I am requesting that the original proposal I submitted for weeknight concerts be added to this Tuesday's agenda for a yes or no vote by the council. The only amendment would be that we are proposing the concerts for Thursday night instead of Wednesday night.

Thank you,
Joe

Sent from my Windows Phone

Agenda Date: _____

Agenda Item: _____

City of Clayton

Wednesday Night Summer Concert Series

2012



Objective

The City of Clayton with the support of the Passport to Communities Foundation is looking to bring concerts to 5 Wednesday nights during the summer of 2012.

Our objective for the Wednesday night concert series is to help local businesses by getting residents out of their homes and spending time in town on a weeknight when our local businesses tend to have less foot traffic. We are hoping people will shop Clayton before and/or after the Wednesday night concerts as well as learn more about new and old businesses in Clayton through promotional opportunities provided by the concert series.

Execution

We plan to build off of the already successful Saturday night concert series by utilizing some of the processes and procedures already set in place. While we plan to build from the Saturday concert series the Wednesday night concerts will have its own feel and flavor. The Saturday night concerts have been successful, but having additional concerts on Wednesday nights that will probably have fewer people attending, allows us to try new things that may or may not benefit the Saturday night concerts as well.

It is important to try new things. Some may work and some may not but you have to be open to trying them out to see. Having the Wednesday concerts organized by a different group also helps foster different ideas and approaches to accomplishing the same goals as the Saturday concerts. A fun evening for the residents of Clayton while helping support local businesses and being self-sustaining.

How to Pay for Concerts

The start-up costs and concert expenses for the 2012 Wednesday Night Concert Series will be guaranteed by the P2C Foundation. The P2C Foundation will guarantee all the costs of the 2012 concert series with the expectation that the majority of costs will be recouped through sponsorships from local businesses, selling reserved seating, selling Clayton Merchandise and selling alcohol. If sales are equal to or more than needed to cover the expenses, the P2C Foundation will still donate a minimum of \$1000 to the concert series. The additional revenues above expenses will be carried over for next year's Wednesday Concerts.

Revenue

Sponsorships - \$6,000.00

We plan on selling 10 sponsorships to local business for \$500 each plus \$1,000 from the P2C Foundation. This works out to a cost of \$100 per concert for each business to reach 500 to 1500 people at each concert while also having their company logo on flyers and advertising throughout the city as well as displayed and recognized at each concert. A copy of the Sponsorship benefits flyer is attached.

VIP Seating - \$1,250.00

We will be setting aside an area that can hold up to 100 people for reserve seating. The cost for reserve seating will be \$10 per concert or if prepaid for all five concerts \$40.00. We are estimating low to be very conservative. We are estimating only 25 prepaid passes for the 5 concerts and 25 single concert passes. The single concert passes work out to 5 a concert for those who get their late and want a seat closer to the band and near the alcohol tent. The businesses who sponsor the concert receive two passes for each concert. We believe we can sell additional one day concert passes to some of the restaurants to use as a promotion for having dinner at their establishment on the night of the concert so their guest can have a nice dinner and not have to rush to get a space before the concert. But we have not included these additional sales in our estimate.

Clayton Merchandise Sales - \$1,000.00

We plan on having one booth to sell Clayton Merchandise and to also have promotional materials for each of the 10 business sponsors at this booth. The plan is to have various items including blankets, acrylic wine glasses, low rise chairs, sweaters and a few other items with a Clayton and/or Concert Series logo on each item. The price of each item will be our cost plus \$10 to go towards the concerts. Our goal is to sell 20 items per concert for a total of 100 items. The P2C Foundation will arrange and cover expenses and will be reimbursed from sales. The P2C Foundation will not receive any compensation or financial benefit from sales at the concerts.

Alcohol - \$2,500.00

Our plan is to allow people to bring their own alcohol to the concerts just like on Saturday nights but we believe a group of residents will prefer to not have to bring their own alcohol and would prefer to purchase it at the concert knowing that the funds raised benefit the concert series. Our plan is to get two cases of wine donated for each concert. We plan on selling a glass of wine for \$5.00 for a 4 ounce pour. With that we can get 144 glasses from two cases. We also plan on having one keg of beer at each concert or purchase cases of beer and sell each beer for \$5.00 each. We also plan on having pre-made mixed Margaritas for \$5.00 each as well. However, we only anticipate on selling 100 drinks per concert as we believe many people will still bring their own, there will be fewer people at the Wednesday concerts than Saturday and most people have to work on Thursday so they will consume less alcohol.

Expenses

Bands - \$2,500.00

We will be using local bands that want to play at the concerts and will bring their fans to come support them and the concerts. Many of these bands just want to have a good time, build their resume and help the Clayton community so are willing to play for less than many of the bands on Saturday night concerts.

Music Tech - \$2,500.00

We will contract with a music technician that is very experienced and filled in for one concert last year. One of the better sounding concerts and he has agreed to provide his services for \$500 a night. Weeknight rates are less than weekend rates.

Advertising - \$1,500.00

This is the estimate we are using for advertising, banner and flyers.

Police - \$1,000.00

Maintenance - \$200.00

ASCAP Fee - \$100.00

Janitorial Supplies - \$375.00

We took these numbers by dividing last year's Saturday night concert costs by ten than multiplying by 5

ABC Permit for Concerts - \$125.00

Cost for ABC Permits for 5 concerts.

Alcohol / Supplies - \$750.00

Cost for alcohol, plastic cups, soap, water, hand towels.

Misc. - \$500

We are adding an additional \$500 for miscellaneous supplies just to be conservative. The Saturday concert series miscellaneous expenses were lower than \$500.

Summary

We have been very conservative on our estimate of revenue and expenses. We have a dedicated team who are enthusiastic to run the Wednesday night concert series. We believe this is a perfect opportunity to try a weeknight concert series with no financial risk to the city and the opportunity to try new ideas without an impact to the successful Saturday night concert series.

Attachments:

Income & Expense sheet

Sponsorship Promotional flyer

VIP Seating Pass

Park Diagram with Booths and Reserved Seating area

Email from ABC approving of sale of alcohol in park

Revenue:

<u>Sponsors:</u>	
P2C Foundation	\$ 1,000.00
	\$ 500.00
	\$ 500.00
	\$ 500.00
	\$ 500.00
	\$ 500.00
	\$ 500.00
	\$ 500.00
	\$ 500.00
	\$ 500.00
	\$ 500.00
Sub Total:	\$ 6,000.00

VIP Seating:

25 x \$40	\$ 1,000.00
25 x \$10	\$ 250.00
Subtotal:	\$ 1,250.00

100 x \$10	\$ 1,000.00
------------	-------------

500 x \$5	\$ 2,500.00
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Total: \$ 10,750.00

Clayton Wednesday Night Summer Concert Series

Advertising & Promotional Opportunity

The City of Clayton with the support of the Passport to Communities Foundation is looking to bring concerts to 5 Wednesday nights during the summer of 2012.

Our objective for the Wednesday night concert series is to help local businesses by getting residents out of their homes and spending time in town on a weeknight when our local businesses tend to have less foot traffic. We are hoping people will shop Clayton before and/or after the Wednesday night concerts as well as learn more about new and old businesses in Clayton through promotional opportunities provided by the concert series.

We are looking for donations from local businesses to pay for the concert series.

For a \$500 donation you will receive the following promotional opportunity at each of the five Wednesday night concerts:

- Your company logo on a banner that will be displayed at all 5 concerts
- Your company recognized and announced as a sponsor before and after each of the 5 concerts
- Any promotion you may be offering will be announced
- Your company logo on any advertising done for the Wednesday night concerts
- Display your company promotional material at a booth selling Clayton Merchandise
- Two VIP passes for each concert for a reserved seating area at concert (\$100 value)

We anticipate between 500 and 1500 people at each concert. We anticipate 90% or more to be local Clayton residents. Your \$500 donation works out to \$100 per concert to reach 500 to 1500 people with the message that you are bringing these Wednesday night concerts to them for free. Without your support we will not have these concerts. We are only looking for 10 corporate sponsors in addition to the Passport to Communities Foundation. This opportunity is on a first come basis.



The P2C Foundation



a passport to communities

The P2C Foundation



a passport to communities

Clayton Grove Concerts

Summer Series

V.I.P.

Pass

Maresi's Chophouse

Wednesday Nights
2012

Clayton Grove Concerts

Summer Series

V.I.P.

Pass

Pavilion Bar & Grill

Wednesday Nights
2012

"Together We Can Make A Difference In Our Community"

"Together We Can Make A Difference In Our Community"

The P2C Foundation



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The P2C Foundation



a passport to communities

Clayton Grove Concerts

Summer Series

V.I.P.

Pass

Clayton Club Saloon

Wednesday Nights
2012

Clayton Grove Concerts

Summer Series

V.I.P.

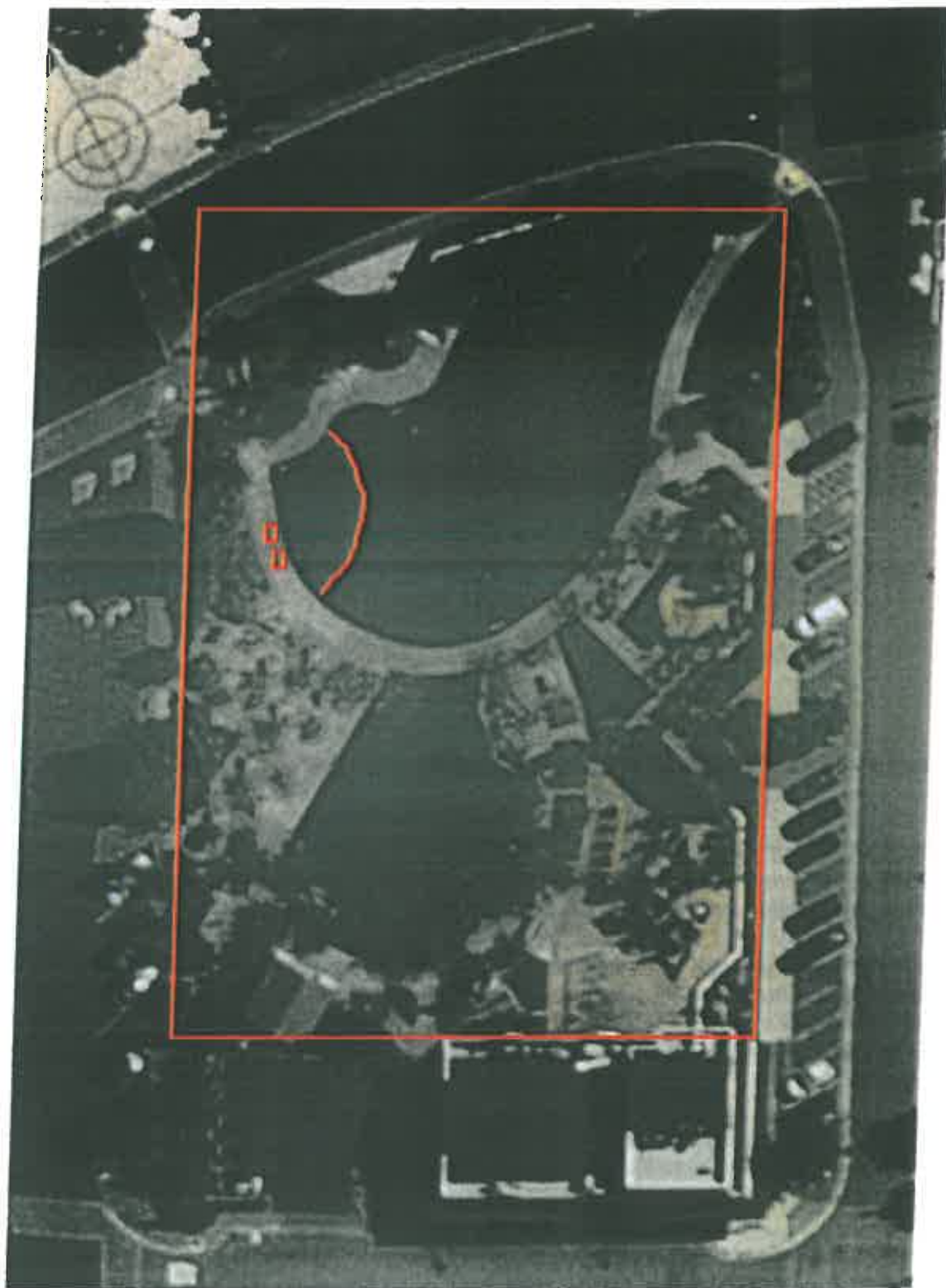
Pass

Oakhurst Country Club

Wednesday Nights
2012

"Together We Can Make A Difference In Our Community"

"Together We Can Make A Difference In Our Community"



The area identified is only for example purposes.

Joe Medrano

From: Bailey, David@ABC <David.Bailey@abc.ca.gov>
Sent: Wednesday, February 15, 2012 8:52 AM
To: joe@claytoncouncil.com
Subject: FW: Clayton Concerts in the Park
Attachments: Map of Grove Park.pdf

Good afternoon Joe,

The concept you've described below is certainly feasible. As discussed, the City itself cannot be licensed, however a non-profit group [501(c)(3)] can make application for a one-day license to cover the event. Unless specifically conditioned otherwise, there is nothing from a statutory perspective that would prohibit the one-day licensee from continuing to allow event participants to bring their own alcoholic beverages. The one-day licensee should be cautioned though that they will ultimately be responsible for the conduct of these individuals; as well as any open alcoholic beverages that are being removed from the designated event area. The same concerns relative to the removal of open containers of alcoholic beverages from the event area would also apply to the Saturday night events currently taking place. If you have any other questions, feel free to give me a call.

David H. Bailey
District Administrator
Oakland District Office
510-622-8603

From: Joe Medrano [<mailto:joe@claytoncouncil.com>]
Sent: Tuesday, February 07, 2012 1:34 PM
To: Berry, Anthony@ABC
Subject: Clayton Concerts in the Park

Tony,

Thank you for taking the time to speak with me today. Per our conversation, here is what we are looking for confirmation on.

The City of Clayton would like to hold 5 Wednesday night concerts sometime between May and September 2012. The concerts would be held in our downtown Grove Park. I have attached a picture of the park. I have put a red rectangle around the park that fits in a small square block. As you can see the park is very small and easy to monitor.

For these concerts the city will allow people to bring and consume their own alcohol for the concert series. We would like to add the ability to also sell alcohol at these events. We want people to have the option to either bring their own alcohol or purchase from the City or other 501(c)3 non-profit. Because the park is so small we would like people who purchase alcohol to be able to sit anywhere in the park amongst those who brought their own. The alcohol would be contained within the park.

Background – We have had 10 concerts each summer for the past 3 years on Saturday nights and have allowed people to bring their own alcohol for all of these events, which most if not all attendees do bring their own alcohol. We have never had a problem with allowing alcohol consumption during the Saturday concerts which run about 2 ½ hours.

We are wanting to add 5 Wednesday concerts to help bring people downtown to support our local businesses during the week when they are slower. The Wednesday concerts will also run about 2 ½ hours. We need the concerts to be self-sustaining and by allowing people the option to bring their own alcohol or buy from the event we believe a portion of

people will buy instead of bringing their own knowing that the proceeds go to helping support the concert series. Because the concerts are on Wednesdays nights we also anticipate less consumption of alcohol then is consumed on our Saturday concerts because most people will have to be at work on Thursday. Clayton's unemployment rate is only 2.5%

What I would like is an email from you confirming it is ok for us to sell alcohol at the event and allow people who purchase alcohol to be mixed in with people who bring their own alcohol and not require a separate seating area.

Please confirm with an email back to me as soon as possible so I may report back to the rest of our city council.

Thank you,
Joe

Joseph A. Medrano, ARM, CWCA
Vice Mayor
City of Clayton
P: 925-673-2210
F: 925 673-2212
E: joe@claytoncouncil.com

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Gary Napper

From: Joe Medrano <joe@claytoncouncil.com>
Sent: Thursday, March 15, 2012 8:11 AM
To: Howard Gellar
Cc: gnapper@ci.clayton.ca.us
Subject: Agenda Item

Agenda Date: 3-20-12

Agenda Item: 9e

Howard,

I would like to add an agenda item for this next council meeting.

I have been approached by parents of Mt. Diablo Elementary to request if they can have 2 or 4 seats reserved for the concerts in the park so they can auction them off for fundraisers for the school. I think this is a great idea and I would like to have the council vote on this at this meeting since the school auction is coming up shortly.

Thank you,
Joe

Joseph A. Medrano, ARM, CWCA
Vice Mayor
City of Clayton
P: 925-673-2210
F: 925 673-2212
E: joe@claytoncouncil.com

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