



AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

TUESDAY, April 17, 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 ***

April 17, 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 April 3, 2012. ([View Here](#))

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

(c) Adopt a Resolution setting the City's Fiscal Year 2012-13 Equivalent Runoff Unit (ERU) real property assessment existing rate to fund local storm water/clean water programs and services required by the federal and state-mandated National Pollution Discharge Elimination System (NPDES) Program (storm water pollution prevention). ([View Here](#))

5. **RECOGNITIONS AND PRESENTATIONS**

(a) Presentation: Clayton Community Library Foundation's Annual Report for 2011. ([View Here](#))

(b) Proclamation declaring April 15-21, 2012 as "Clayton Community Library Volunteer Recognition Week" and recognition of Clayton's "Library Volunteers of the Year". ([View Here](#))

6. **REPORTS**

(a) Planning Commission – Vice Chairman Keith Haydon

(b) Trails and Landscaping Committee – Meeting held on April 16th.

(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) Consideration of the Second Reading and Adoption of proposed Ordinance No. 440 enacting various *Clayton Municipal Code* amendments regarding the City's Housing Element Implementation Project (ENV 01-12; GPA 03-11; SPA 01-12; ZOA 06-11). ([View Here](#))
(Community Development Director)

Staff recommendations: **1)** Receive the staff report; **2)** Receive public comments; **3)** By motion authorize the City Clerk to read Ordinance No. 440 by title and number only for Second Reading; and then following that reading, **4)** By motion adopt Ordinance 440, an Ordinance of the City of Clayton amending Chapters 17.04 and 17.20 and Sections 17.16.020, 17.24.20, 17.28.100, and 17.60.030 of the *Clayton Municipal Code* related to uses allowed within the City of Clayton, and rezoning certain parcels shown on the Clayton Zoning Map to Planned Development District.

- (b) Consideration of a Resolution adopting a revised City of Clayton's Emergency Operations Plan that has been modified and updated for integration of the federal government's National Incident Management System. ([View Here](#))
(Chief of Police)

Recommendation: Following the staff report and public comment period, that Council adopt the prepared Resolution.

- (c) Action Item of City serving as Successor Agency to the former Clayton RDA
Consideration of a Resolution of the City, acting as the Successor Agency, to approve and adopt its 2nd Recognized Obligation Payment Schedule (ROPS) covering the time period from July 2012 through December 2012, pursuant to new California Redevelopment Law (ABx1 26). ([View Here](#))
(Finance Manager)

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

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

11. **ADJOURNMENT**– the next regularly scheduled City Council meeting is May 1, 2012.

#

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

TUESDAY, April 3, 2012

Agenda Date: 4/17/12
Agenda Item: 4a

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:02 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 (arrived at 7:12 p.m.), and Stratford. Staff present: City Manager Gary Napper, City Engineer Rick Angrisani, City Attorney Mala Subramanian, Finance Manager Merry Pelletier, Community Development Director David Woltering, Assistant to the City Manager Laura Hoffmeister, and City Clerk Laci Jackson.
2. **CLOSED SESSION** – None.
3. **PLEDGE OF ALLEGIANCE**- led by Mayor Geller.
4. **CONSENT CALENDAR**- It was moved by Councilmember Stratford, seconded by Councilmember Pierce, to approve the Consent Calendar as submitted (Passed; 4-0 vote).
 - (a) Approved the minutes of the regular meeting of March 20, 2012.
 - (b) Approved the Financial Demands and Obligations of the City.
 - (c) Accepted the resignation of Charles (Chuck) Evans from the Contra Costa Transportation Authority's Citizen Advisory Committee, effective immediately, and authorized staff to advertise this appointed office vacancy.
5. **RECOGNITIONS AND PRESENTATIONS** – None.
6. **REPORTS**
 - (a) Planning Commission – No meeting held.
 - (b) Trails and Landscaping Committee – No meeting held.
 - (c) The City Manager reported on the Successor Agency to the former Clayton Redevelopment Agency. He stated the Successor Agency Oversight Board now has six of the seven members officially appointed. The goal is to establish a Board meeting for the last week of April to inform the Board of their duties and to approve the Enforceable Obligations (ROPS). He stated staff just discovered the former Clayton Redevelopment Agency did not transfer the title of The Grove park into the City's ownership so now the Oversight Board will have an opportunity to review this matter about asset liquidation under ABx1 26. He stated Clayton is not the only City with this problem and The Grove was built with state grants that require the park remain in public title for 20 years. He stated this is an Enforceable Obligation and the property cannot be liquidated and must be transferred into title of the City. He stated the legislature is also working on cleanup legislation for such problems with AB 1585.

Councilmember Shuey arrived at 7:12 p.m.

(d) City Council

Councilmember Pierce attended a Transportation Authority meeting and stated countywide the sales tax increment has gone up by 4.5% over last year. She noted the City of Hercules received approval of Measure J money for their transit center. She attended ABAG meetings including attendance at the Marin County Conference of Mayors, and will be attending the ABAG General Assembly business meeting on the City's behalf.

Councilmember Stratford noted the trait being exemplified this month is "Integrity," under the Do the Right Thing program.

Vice Mayor Medrano stated he has been working with the Clayton Valley Charter High School HR Committee. He attended the City Budget ad-hoc committee meeting, a League of California Cities East Bay Division meeting, and has been working on securing sponsorships for the Concerts in The Grove weeknight concerts.

Councilmember Shuey stated he has been working with the Clayton Valley Charter High School Student Services Committee, and met with someone who might be interested in running for the Mt. Diablo Unified School District Board.

Mayor Geller attended the lottery for the Clayton Valley Charter School and spoke at the opening of the Creekside Arts Festival. He thanked Arlene Nielsen for her hard work on the event. He attended a Contra Costa Council luncheon and is looking forward to hosting the Contra Costa County Mayors' Conference on Thursday.

(e) Other – None.

7. PUBLIC COMMENTS

8. PUBLIC HEARINGS

(a) Presentation of the Mid-Year City Budget status report for Fiscal Year 2011-2012.

The Finance Manager presented the staff report recommending no mid-year budget adjustments. She stated on October 18th the Council approved adding encumbrances to the City Budget. She stated that expenditures have dropped compared to previous years at the mid-year point. She stated property taxes are higher though sales taxes are lower. She noted business license revenues are up, but rental revenue from sports fields are down. She stated there is less youth sports participation and the adult soccer league is no longer playing. She noted at the mid-year point only half of the administration budget has been provided for by the Redevelopment Agency and there are transfers and debts owed to the former Redevelopment Agency that the Successor Agency Oversight Board will need to review. She stated staff has done a good job of staying in budget. She stated the Special Funds are doing well and revenues are over expenses but there are reserve funds to cover the any over expenses. She stated she and the City Manager met and discussed the mid-year budget with the Council ad-hoc committee.

Councilmember Shuey asked for more information about the dollar amount lost from the adult soccer league. He noted Little League now plays at other sports fields because it costs more to play on the fields in Clayton.

Councilmember Pierce asked why the Police Department has expended over 60% of its overtime budget for the year? The Finance Manager responded that what often drives this is training. The Police Chief responded it is front loaded and there is a staff shortage because an officer is on light duty. He stated he met with the administrative sergeant and they will come in under budget on year-end.

Councilmember Stratford thanked staff for their work and stated there is a slight surplus at mid-year which puts the City in good position.

Mayor Geller opened the Public Hearing at 7:45 p.m., no comments were received. Mayor Geller closed the Public Hearing at 7:46 p.m.

It was moved by Councilmember Pierce, seconded by Councilmember Stratford, to accept the Mid-Year Budget Report for FY 2011-12 as presented (Passed; 5-0 vote).

- (b) Consideration of the Introduction and First Reading of proposed Ordinance 440 and related measures enacting various Code amendments for the City's Housing Element Implementation Project (ENV 01-12; GPA 03-11; SPA 01-12; ZOA 06-11).

The Community Development Director presented the staff report. He stated in April 2010 the City of Clayton adopted its current Housing Element and that it was certified by the State in July 2010. He indicated there are over thirty categories of implementation measures in the Housing Element to facilitate the construction of more affordable housing in the community. He indicated in February 2011, Raney Planning and Management was hired by the City to assist with preparing the needed policy and regulatory (i.e., General Plan, Town Center Specific Plan, and Zoning) amendments and environmental documentation to enact some of the required implementation measures. He stated over the last three or four months staff and the consultant have worked with the Planning Commission on the recommended implementation measures:

- I.1.1. Create and assign to specified properties a Multiple Family High Density (15.1 to 20 units per acre) land-use designation/classification as an incentive for affordable multi-family projects in the community.
- II.1.2 Senate Bill 2- Allow supportive and transitional housing types in all residential zones. This is housing that provides support services for certain groups.
- II.1.3 Allow single room occupancy (SRO) units in the downtown Limited Commercial (L-C) zoning district.
- II.2.1 Better ensure that intended densities are achieved in multiple-family districts.
- II.6.1 Provide flexible development standards and concessions to encourage and promote affordable housing units in Planned Development (PD) Districts.
- IV.1.2 Remove maximum "number" of persons defined as a family.

He stated the General Plan amendments include a total of 7 different properties to be redesigned to Multiple Family High Density Residential, allowing 15.1 to 20 units per acre. He stated re-designations include several properties on the west side of Old Marsh Creek Road near the AT&T facility and an area at Mitchell Canyon Road at Clayton Road.

He noted staff received a letter from Mr. and Mrs. Bryd at 1212 Mitchell Canyon Road, requesting to have the allowed density on their property increased to 15.1 to 20 units per acre. Staff analyzed this request and determined this would be acceptable, assuming that applicable mitigation measures identified in the Initial Environmental Study/Mitigated Negative Declaration (IES/MND) for the other six properties be applied to the Byrd property. He stated in total there are 7 acres of land being considered which could increase the number of buildable units by 83 with the application of the Multiple Family High Density designation.

The Community Development Director indicated there are four documents for consideration tonight. First, a Resolution approving an IES/MND which includes mitigation measures in the following areas: biological, cultural, archeological, hazards, noise, public services, and transportation and circulation. He stated the mitigation measures are only required for the re-designated sites, not for the text amendments. He stated the second Resolution would approve the General Plan amendments, including text amendments creating a Multiple Family High Density designation and, then, re-designating specified properties on the General Plan Map to that new designation. He stated the third Resolution approves amendments to the Town Center Specific Plan text and map. These amendments create the Multiple Family High Density designation and assign it to one property in the Town Center Specific Plan area. He stated the final document is the Introduction and First Reading of Ordinance No. 440 which includes both text changes to the City's Zoning Code and map changes to the Zoning Map. The map changes involve reclassifying several specified properties to Planned Development (PD), with the Multiple Family High Density (15.1 to 20 units per acre) General Plan designation and other text amendments to address the cited implementation measures, including defining and allowing for single room occupancy units, transitional housing, and support housing at specified locations within the community.

Mayor Geller asked about SRO units and whether it was common for them to have either no bathroom or no kitchen? Councilmember Pierce stated yes and that in many cities these units have shared facilities, such as shared kitchens.

Mayor Geller then asked the status the Easley property. The Community Development Director clarified the Easley property is not part of the action tonight as opposed to the Easleys.

Vice Mayor Medrano stated the Council had asked staff to look for the least impact and staff found some properties with willing property owners.

Mayor Geller clarified in the future the intent will be that multiple-family units, not single-family homes, be constructed on properties designated Multiple Family High Density Residential.

Mayor Geller opened the Public Hearing at 8:10 p.m.

Irena Liskovich asked if transitional housing meant a halfway house? The Community Development Director stated transitional housing is for a target group but he would not necessarily call it a halfway house. Vice Mayor Medrano added the State is requiring these amendments.

The City Manager addedd within some existing Clayton neighborhoods there are already State-permitted housing units where people are in transition and provided support services. He indicated that these homes typically blend in and people are generally unaware the unit is serving certain target populations.

With no further public comments, Mayor Geller closed the Public Hearing at 8:14 p.m.

It was moved by Councilmember Stratford, seconded by Councilmember Pierce, to adopt Resolution 10-2012 adopting an Initial Environmental Study/Mitigated Negative Declaration, prepared in accordance with the California Environmental Quality Act, which analyzes the potential impacts caused by the Housing Element Implementation Project and identifies various measures to mitigate these impacts (Passed; 5-0 vote).

It was moved by Vice Mayor Medrano, seconded by Councilmember Stratford, to adopt Resolution 11-2012 approving the General Plan Amendment No. 03-11 to add a Multi-Family High Density designation allowing 15.1-20 dwelling units per acre and related amendments; and re-designating certain parcels on the Clayton General Plan Map to conform with that re-designation (Passed; 5-0 vote).

It was moved by Councilmember Pierce, seconded by Councilmember Stratford, to adopt Resolution 12-2012 approving a Town Center Specific Plan Amendment No. 01-12 to add a Multi-Family High Density designation allowing 15.1-20 dwelling units per acre; and re-designating a certain parcel on the Clayton Town Center Specific Plan Map to conform with that re-designation (Passed; 5-0 vote).

It was moved by Councilmember Pierce, seconded by Councilmember Stratford, to authorize the City Clerk to read Ordinance No. 440 by title and number only (Passed; 5-0 vote).

The City Clerk read Ordinance No. 440 by title and number only.

It was moved by Councilmember Pierce, seconded by Vice Mayor Medrano, to approve the Introduction and First Reading of Ordinance 440, an Ordinance of the City of Clayton amending Chapters 17.04 and 17.20 and Sections 17.16.020, 17.24.020, 17.28.100, and 17.60.030 of the *Clayton Municipal Code*, related to uses allowed within the City of Clayton, and rezoning certain parcels shown on the Clayton Zoning Map to Planned Development District (Passed; 5-0 vote).

9. ACTION ITEMS

- (a) Consideration of a Resolution awarding contract for the Clayton Road Median Improvement Project to lowest bidder Stockbridge General Contracting, Inc. in the amount of \$263,071.50 and to further consider awarding Additive Bid No. 1 Project - CVS Retaining Wall Landscaping, in the amount of \$27,640.00, each funded by the Citywide Landscape Maintenance District.

The City Engineer presented the staff report and stated the City combined 3 separate projects into one bid for review tonight. The three projects include Clayton Road Median Landscaping project, the CVS Retaining Wall Landscaping, and the Daffodil Hill Landscaping project. He stated CBCA was expected to fund the Daffodil Hill work and the award of bid was to be looked at based on the bid price for Landscape Median project. He stated the City received 3 bids. He stated Stockbridge General Contracting, Inc was the lowest bidder and their bid will actually be reduced further because of a miscalculation by staff on the amount of materials needed for the project. He stated the bid must be awarded at the original bid amount but the City always has the option for paying for the quantities actually delivered and used. He stated he checked the lowest bidder's references and they were regarded highly. He stated based on the bid price the CBCA has decided not to fund the Daffodil Hill portion of the project at this time. He stated on top of the contract bid amount an additional \$29,000 project inspection and management services needs to be added for a project budget total of \$319,711.50. He stated the Landscape District has money in reserve to cover the cost of the project and staff recommends approval of the Resolution to award the contract.

Councilmember Shuey asked where the bid quantities were overstated? The City Engineer stated it was in the bid form. Councilmember Shuey asked if Stockbridge was aware of this. The City Engineer responded Stockbridge knows and payments have always been on the amount based on actual quantities.

Councilmember Shuey asked if the City will be at risk for paying more? The City Engineer stated no.

Keith Haydon, CBCA President, explained the reasoning for not moving forward with their Daffodil Hill portion of the project. He stated the CBCA believes this is a worthwhile project but the bid was not competitive enough. He stated it was almost double what the CBCA had anticipated and the completion of the project is in jeopardy. He challenged the Council to find a way to complete this project.

Councilmember Stratford asked how much the CBCA has budgeted for the project? Keith Haydon stated nothing has been budgeted. He stated CBCA is considering talking separately with the contractor about doing their project.

Vice Mayor Medrano asked if the Daffodil Hill area could be part of the Landscape District? The City Manager stated the City Council could annex this property into the Landscape District. Councilmember Medrano stated he would like to see this happen for maintenance and funding purposes.

Councilmember Pierce asked about a post-contract award change order to include Daffodil Hill with the project? The City Engineer stated it will take 2-3 weeks for things to get finalized and that option is always available.

Vice Mayor Medrano stated the Council should try and look for a way to finish the project. Councilmember Stratford agreed and stated there was better funding from the Landscape District.

Councilmember Pierce stated the Council should first run Daffodil Hill through the Trails and Landscaping Committee to discuss if this is a priority of the District. She asked if the Maintenance staff had looked at what it will cost to maintain that area once it is complete. The City Manager stated staff had looked at contracting the maintenance of this project out with a contract due to limited in-house personnel.

Councilmember Shuey stated he was leery of committing money from the City and stated the Council needs to look at long term costs before we do it.

Vice Mayor Medrano stated the Council already committed to Daffodil Hill's ongoing maintenance when it allowed the first improvements to be installed by CBCA, so that is not the issue. He stated the real issue is the last piece of the physical construction.

The City Manager noted the next Trails and Landscaping Committee meeting is scheduled for April 16th.

Mayor Geller stated the community is lucky to have CBCA as part of the community, and they have already expended \$68,000 on the project. He stated he wished the CBCA would have come up with a dollar amount they were willing to spend for the project. He asked if there were other City funds which could be used to pay for the Daffodil Hill project? The City Manager responded yes.

Keith Haydon stated the reason CBCA did not come with an actual dollar amount is that the competitive bid price was much more than expected.

It was moved by Councilmember Pierce, seconded by Councilmember Stratford, to direct staff to take the Daffodil Hill project to the Trails and Landscaping Committee for evaluation on whether or not the project should be annexed into the Landscape Maintenance District and given priority for funds (Passed; 5-0 vote).

It was moved by Councilmember Pierce, seconded by Vice Mayor Medrano, to adopt Resolution 13-2012 awarding contract to Stockbridge General Contracting, Inc. in the total amount of \$290,711.50 from Citywide Landscape Maintenance District funds for the Clayton Road Median Landscaping Project and the CVS Retaining Wall Landscape Project; and to allocate a total of \$319,711.50 from the Landscape Maintenance District's FY 2011-12 budget and reserve for the total Project expense (Passed; 5-0 vote).

- (b) Consideration of an evergreen contract with Pacific Coast Farmers' Markets Association for automatic renewal of its sponsorship of annual Clayton Farmers' Market in the Clayton Town Center.

It was moved by Councilmember Pierce, seconded by Councilmember Shuey, to approved the contract with the Pacific Coast Farmers' Market Association (Passed; 5-0 vote).

John Silvera, Pacific Coast Farmers' Market Association, thanked staff, the Council and the community for their support and stated he looked forward to the Market's opening on May 12th.

- (c) Consideration of a Resolution authorizing the City Manager to cast the City's real property owner votes due April 6th on the 2012 Community Clean Water Initiative Ballot Measure in Contra Costa County.

The Assistant to the City Manager presented the staff report regarding the 2012 Community Clean Water Initiative. She stated property owners received this information as well as the 19 municipalities. She stated the City has a joint permit, authorized under state and federal law for stormwater run-off. She stated over the years the State has mandated more requirements and standards. She stated the City and the Clean Water Program do not have the funds available to meet these unfunded mandates. She stated the City hit its cap of \$29 for the current stormwater assessment fee in 2000. She stated the Clean Water Program has been looking at ways to fund these additional mandates. She noted staff and Councilmembers attended meetings to fight these requirements including testifying at the Regional Water Board but to no avail. Over the last year staff has researched and evaluated various funding options to meet these new unfunded mandates. A Prop. 218 tax was the best option. She stated the tax requires there be mailed ballots to each property owner and the majority of the returned ballots constitute the vote. She stated the City has 70 parcels but only 25 qualify for this new tax.

She stated the tax would constitute an additional \$22 per parcel per year for a typical single family residence and would generate a total of \$93,721 per year to City for these programs, which would not be enough to cover the actual permit requirements and would still need subsidy out of the General Fund. She stated on average it costs Clayton \$140,000 per year to meet permit requirements.

The City Manager noted the Resolution needs to be amended in Section 2, for all parcels owned by the City of Clayton and the former Redevelopment Agency as Successor Agency.

Councilmember Medrano noted he is sick and tired of these unfunded mandates but does not want to see the General Fund depleted anymore. He stated you almost have to vote yes to approve it but it is unfortunate we must pass these costs as taxes onto citizens.

Councilmember Shuey asked what other counties are doing? The Assistant to the City Manager stated some counties have looked at the same method for raising revenue.

Councilmember Pierce stated we need to place the City's vote on this. She stated if the City is not in compliance with the regulations it will get fined and the fines will be far more than the tax.

Councilmember Shuey stated he is adamantly opposed to this and stated these unfunded mandates are unacceptable. He suggested staying out of it and seeing what the citizens want, or vote no.

Councilmember Stratford thinks by voting for the tax we are feeding the problem. He stated he is opposed to it and would prefer we vote no or stay out of it.

Mayor Geller stated he would vote no.

It was moved by Councilmember Shuey, seconded by Councilmember Stratford to have the City Manager cast a "no" vote on all of the City's ballots on the 2012 Community Clean Water Initiative (Passed; 5-0 vote).

10. **COUNCIL ITEMS**- None.

11. **ADJOURNMENT**- On call by Mayor Geller the meeting adjourned at 9:07 p.m.

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Howard Geller, Mayor



Agenda Date: 4/17/12

Agenda Item: 4B

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER 

DATE: APRIL 17, 2012

SUBJECT: INVOICE SUMMARY

RECOMMENDATION

Approve the following Invoices.

4/11/12	Cash Requirements Report	\$60,764.41
4/ 3/12	Municipal Pooling Authority	\$3,494.87
4/ 3/12	Accountemps Credit	<u>(\$541.11)</u>

Total		\$63,718.17
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Attachments:

Cash Requirements Report dated 4/11/12 (3 pages)

Vendor Activity Report dated 4/11/12 (2 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
AAUW								
AAUW	4/17/2012	4/3/2012	024243	refund - alcohol permit paid twice	\$50.00	\$0.00		\$50.00
				Totals for AAUW:	\$50.00	\$0.00		\$50.00
All City Management Services, Inc.								
All City Management Services, Inc.	4/17/2012	3/23/2012	26312	school crossing guard services	\$465.00	\$0.00		\$465.00
				Totals for All City Management Services, Inc.:	\$465.00	\$0.00		\$465.00
American Fidelity Assurance Company								
American Fidelity Assurance Company	4/17/2012	1/9/2012	A767766	January Insurance	\$293.82	\$0.00		\$293.82
American Fidelity Assurance Company	4/17/2012	2/15/2012	A792469	March Premium	\$249.52	\$0.00		\$249.52
				Totals for American Fidelity Assurance Company:	\$543.34	\$0.00		\$543.34
Arlene H. Kikkawa-Nielsen								
Arlene H. Kikkawa-Nielsen	4/17/2012	4/3/2012	04032012	Volunteer Coordinator	\$1,060.00	\$0.00		\$1,060.00
				Totals for Arlene H. Kikkawa-Nielsen:	\$1,060.00	\$0.00		\$1,060.00
AT&T/ CalNet 2								
AT&T/ CalNet 2	4/17/2012	2/21/2012	2/12	phone	\$367.19	\$0.00		\$367.19
				Totals for AT&T/ CalNet 2:	\$367.19	\$0.00		\$367.19
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	4/17/2012	3/27/2012	0280407-IN	red water based paint	\$1,461.38	\$0.00		\$1,461.38
Bay Area Barricade Serv.	4/17/2012	3/28/2012	0280408-IN	signs	\$346.40	\$0.00		\$346.40
				Totals for Bay Area Barricade Serv.:	\$1,807.78	\$0.00		\$1,807.78
Best Best & Kreiger LLP								
Best Best & Kreiger LLP	4/17/2012	4/7/2012	695294-96	Services	\$8,564.00	\$0.00		\$8,564.00
				Totals for Best Best & Kreiger LLP:	\$8,564.00	\$0.00		\$8,564.00
Blackbaud								
Blackbaud	4/17/2012	3/30/2012	90427067	consulting services	\$90.00	\$0.00		\$90.00
				Totals for Blackbaud:	\$90.00	\$0.00		\$90.00
CCC Clerk Recorder's Office								
CCC Clerk Recorder's Office	4/17/2012	4/12/2012	041212	Fish and Game Filing Fee and Processing Fee	\$2,094.00	\$0.00		\$2,094.00
				Totals for CCC Clerk Recorder's Office:	\$2,094.00	\$0.00		\$2,094.00
CCC General Services (Traffic)								
CCC General Services (Traffic)	4/17/2012	3/26/2012	4503	traffic signal maintenance	\$737.10	\$0.00		\$737.10
				Totals for CCC General Services (Traffic):	\$737.10	\$0.00		\$737.10
CCC Sheriff - Forensic Svc Div (Lab)								
CCC Sheriff - Forensic Svc Div (Lab)	4/17/2012	3/28/2012	CLPD-1202	breath and blood tests	\$400.00	\$0.00		\$400.00
				Totals for CCC Sheriff - Forensic Svc Div (Lab):	\$400.00	\$0.00		\$400.00
City of Concord								

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
City of Concord	4/17/2012	3/23/2012	27931	Live Scan for Jodi Fehl	\$32.00	\$0.00		\$32.00
City of Concord	4/17/2012	4/5/2012	28177	vehicle labor	\$269.41	\$0.00		\$269.41
City of Concord	4/17/2012	4/5/2012	28169	dispatch services and computer components	\$13,285.00	\$0.00		\$13,285.00
				Totals for City of Concord:	\$13,586.41	\$0.00		\$13,586.41
Clayton Pioneer								
Clayton Pioneer	4/17/2012	4/2/2012	11968	affordable housing ad	\$300.00	\$0.00		\$300.00
				Totals for Clayton Pioneer:	\$300.00	\$0.00		\$300.00
Clean Street								
Clean Street	4/17/2012	3/31/2012	66913	Street Sweeping	\$3,500.00	\$0.00		\$3,500.00
				Totals for Clean Street:	\$3,500.00	\$0.00		\$3,500.00
Contra Costa Water Dist.								
Contra Costa Water Dist.	4/17/2012	4/4/2012	2/2-4/2	irrigation	\$1,686.61	\$0.00		\$1,686.61
				Totals for Contra Costa Water Dist.:	\$1,686.61	\$0.00		\$1,686.61
De Lage Landen Financial Services, Inc.								
De Lage Landen Financial Services, Inc.	4/17/2012	4/7/2012	13348073	contract # 25079777 - Konica Copier	\$431.68	\$0.00		\$431.68
				Totals for De Lage Landen Financial Services, Inc.:	\$431.68	\$0.00		\$431.68
Diane Martin								
Diane Martin	4/17/2012	4/3/2012	24946	refund of reservation - rain-out	\$108.00	\$0.00		\$108.00
				Totals for Diane Martin:	\$108.00	\$0.00		\$108.00
Graybar Electric Co, Inc								
Graybar Electric Co, Inc	4/17/2012	3/22/2012	959408303	lighting	\$340.79	\$0.00		\$340.79
Graybar Electric Co, Inc	4/17/2012	3/22/2012	959408304	lighting	\$681.59	\$0.00		\$681.59
Graybar Electric Co, Inc	4/17/2012	3/22/2012	959408305	lighting	\$681.59	\$0.00		\$681.59
				Totals for Graybar Electric Co, Inc:	\$1,703.97	\$0.00		\$1,703.97
Hammons Supply Company								
Hammons Supply Company	4/17/2012	3/20/2012	71236	supplies	\$318.99	\$0.00		\$318.99
				Totals for Hammons Supply Company:	\$318.99	\$0.00		\$318.99
Harold and Sue Miller								
Harold and Sue Miller	4/17/2012	4/2/2012	0025 proj 8024	Refund - permit deposit	\$500.00	\$0.00		\$500.00
				Totals for Harold and Sue Miller:	\$500.00	\$0.00		\$500.00
Health Care Dental Trust								
Health Care Dental Trust	4/17/2012	4/12/2012	041212	Delta Dental for April	\$2,683.70	\$0.00		\$2,683.70
				Totals for Health Care Dental Trust:	\$2,683.70	\$0.00		\$2,683.70
J & R Floor Services								
J & R Floor Services	4/17/2012	4/1/2012	March 2012	March services	\$4,910.00	\$0.00		\$4,910.00
				Totals for J & R Floor Services:	\$4,910.00	\$0.00		\$4,910.00

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
LarryLogic Productions								
LarryLogic Productions	4/17/2012	4/4/2012	1234	4/3 City Council Meeting	\$350.00	\$0.00		\$350.00
				Totals for LarryLogic Productions:	\$350.00	\$0.00		\$350.00
Marken Mechanical Services Inc								
Marken Mechanical Services Inc	4/17/2012	3/20/2012	412-1146-3	HVAC Maintenance Library	\$502.17	\$0.00		\$502.17
Marken Mechanical Services Inc	4/17/2012	3/27/2012	412-1148-3	City Hall Maintenance	\$332.50	\$0.00		\$332.50
				Totals for Marken Mechanical Services Inc:	\$834.67	\$0.00		\$834.67
Pacific Telemanagement Svc								
Pacific Telemanagement Svc	4/17/2012	3/29/2012	375402	courtyard phone	\$73.00	\$0.00		\$73.00
				Totals for Pacific Telemanagement Svc:	\$73.00	\$0.00		\$73.00
Paramount Elevator Corp.								
Paramount Elevator Corp.	4/17/2012	3/19/2012	163867	oil and grease for elevator	\$220.00	\$0.00		\$220.00
				Totals for Paramount Elevator Corp.:	\$220.00	\$0.00		\$220.00
PERMCO, Inc.								
PERMCO, Inc.	4/17/2012	4/9/2012	9707-9717	3.24-4/6/12	\$8,667.57	\$0.00		\$8,667.57
				Totals for PERMCO, Inc.:	\$8,667.57	\$0.00		\$8,667.57
pmsigns								
pmsigns	4/17/2012	3/22/2012	17905	Vinyl stormwater signs	\$64.95	\$0.00		\$64.95
				Totals for pmsigns:	\$64.95	\$0.00		\$64.95
Raney Planning & Management, Inc.								
Raney Planning & Management, Inc.	4/17/2012	4/10/2012	1108P-9	March Labor	\$1,830.44	\$0.00		\$1,830.44
				Totals for Raney Planning & Management, Inc.:	\$1,830.44	\$0.00		\$1,830.44
Rock & Waterfall Co								
Rock & Waterfall Co	4/17/2012	3/28/2012	105-33	waterfall maint.	\$650.00	\$0.00		\$650.00
				Totals for Rock & Waterfall Co:	\$650.00	\$0.00		\$650.00
Roto- Rooter Sewer-Drain Service								
Roto- Rooter Sewer-Drain Service	4/17/2012	3/16/2012	C-719-12	install toilet in ladie restroom	\$867.05	\$0.00		\$867.05
				Totals for Roto- Rooter Sewer-Drain Service:	\$867.05	\$0.00		\$867.05
SPRAYTEC (Sprayer Sales Co)								
SPRAYTEC (Sprayer Sales Co)	4/17/2012	3/16/2012	11118	Parts	\$71.80	\$0.00		\$71.80
SPRAYTEC (Sprayer Sales Co)	4/17/2012	3/22/2012	11136	Monthly Maint	\$225.00	\$0.00		\$225.00
				Totals for SPRAYTEC (Sprayer Sales Co):	\$296.80	\$0.00		\$296.80
Sprint Comm (PD)								
Sprint Comm (PD)	4/17/2012	3/29/2012	703335311-124	PD Nextel	\$296.50	\$0.00		\$296.50
				Totals for Sprint Comm (PD):	\$296.50	\$0.00		\$296.50
Sprint Comm (PW & ADM)								

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
Sprint Comm (PW & ADM)	4/17/2012	3/29/2012	119	March	\$271.65	\$0.00		\$271.65
				Totals for Sprint Comm (PW & ADM):	\$271.65	\$0.00		\$271.65
Turf Star, Inc.								
Turf Star, Inc.	4/17/2012	3/26/2012	6748652-00	Parts	\$88.79	\$0.00		\$88.79
Turf Star, Inc.	7/17/2012	3/27/2012	6748652-01	PARTS	\$10.72	\$0.00		\$10.72
				Totals for Turf Star, Inc.:	\$99.51	\$0.00		\$99.51
Western Exterminator								
Western Exterminator	4/17/2012	3/27/2012	97050559010188318	chemical blanket	\$334.50	\$0.00		\$334.50
				Totals for Western Exterminator:	\$334.50	\$0.00		\$334.50
GRAND TOTALS:					\$60,764.41	\$0.00		\$60,764.41

City of Clayton

Vendor Activity Report

Date	Transaction # Description	Transaction Type	Post Date Due Date	Transaction Amount	Discount Amount Discount Taken	Payment Type	Payment #	Payment Date	Amount Paid	Transaction Balance
Municipal Pooling Authority										
2/1/2012	022012 Insurance for February	Invoice	4/3/2012 4/3/2012	\$1,180.55	\$0.00	Computer Check	28418	4/5/2012	\$1,180.55	\$0.00
3/1/2012	032012 March Insurance	Invoice	4/3/2012 4/3/2012	\$1,157.16	\$0.00	Computer Check	28418	4/5/2012	\$1,157.16	\$0.00
4/1/2012	042012 April Insurance	Invoice	4/3/2012 4/3/2012	\$1,157.16	\$0.00	Computer Check	28418	4/5/2012	\$1,157.16	\$0.00
Totals for Municipal Pooling Authority:				\$3,494.87	\$0.00					
GRAND TOTALS:				\$3,494.87	\$0.00					
A total of 3 transaction(s) listed										

was posted as ACH
for approval @ City
Council meeting
4/3/12, but was not
in cash requirements
report.

City of Clayton Vendor Activity Report

Date	Transaction # Description	Transaction Type	Post Date Due Date	Transaction Amount	Discount Amount Discount Taken	Payment Type	Payment #	Payment Date	Amount Paid	Transaction Balance
ACCOUNTITEMPS										
3/14/2012	35125539 for Employee Jodi Fehl week end 3/9/12	Invoice	3/26/2012 4/3/2012	\$859.68	\$0.00	Computer Check Credit Memo	28431 35125539	4/5/2012 4/5/2012	\$318.57 \$541.11	\$0.00 \$0.00
Totals for ACCOUNTITEMPS:				\$859.68	\$0.00				\$859.68	\$0.00
GRAND TOTALS:				\$859.68	\$0.00				\$859.68	\$0.00
A total of 1 transaction(s) listed										

City Council Approved
 total payment of
 \$859.68.
 We rec'd a credit
 just before checks
 were cut.

City of Clayton Vendor Activity Report

Date	Transaction # Description	Transaction Type	Post Date Due Date	Transaction Amount	Discount Amount	Payment Type	Payment #	Payment Date	Amount Paid	Transaction Balance
Municipal Pooling Authority										
2/1/2012	022012 Insurance for February	Invoice	4/3/2012 4/3/2012	\$1,180.55	\$0.00	Computer Check	28418	4/5/2012	\$1,180.55	\$0.00
3/1/2012	032012 March Insurance	Invoice	4/3/2012 4/3/2012	\$1,157.16	\$0.00	Computer Check	28418	4/5/2012	\$1,157.16	\$0.00
4/1/2012	042012 April Insurance	Invoice	4/3/2012 4/3/2012	\$1,157.16	\$0.00	Computer Check	28418	4/5/2012	\$1,157.16	\$0.00
Totals for Municipal Pooling Authority:				\$3,494.87	\$0.00				\$3,494.87	\$0.00
GRAND TOTALS:				\$3,494.87	\$0.00				\$3,494.87	\$0.00
A total of 3 transaction(s) listed										

*was posted as ACH
for approval @ City
Council meeting
4/3/12, but was not
on cash requirements
report.*

City of Clayton Vendor Activity Report

Date	Transaction # Description	Transaction Type	Post Date Due Date	Transaction Amount	Discount Amount Discount Taken	Payment Type	Payment #	Payment Date	Amount Paid	Transaction Balance
ACCOUNTITEMPS										
3/14/2012	35125539	Invoice	3/26/2012	\$859.68	\$0.00	Computer Check	28431	4/5/2012	\$318.57	\$0.00
	for Employee Jodi Fehl week end 3/9/12		4/3/2012			Credit Memo	35125539	4/5/2012	\$541.11	\$0.00
Totals for ACCOUNTITEMPS:				\$859.68	\$0.00				\$859.68	\$0.00
GRAND TOTALS:				\$859.68	\$0.00				\$859.68	\$0.00
A total of 1 transaction(s) listed										

City Council Approved
 total payment of
 \$859.68.
 we rec'd a credit
 just before checks
 were cut.



Agenda Date: 4/17/12

Agenda Item: 4c

Approved: _____


Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Assist. to the City Manager 

DATE: April 17, 2012

SUBJECT: Establishing 2012-2013 ERU Assessment Rate for Federal and State Mandated National Pollution Discharge Elimination System (NPDES) Program (Storm Water Pollution Prevention)

RECOMMENDATION

Staff recommends the City Council adopt the attached Resolution, Establishing the Rate Per Equivalent Run off Unit (ERU) for FY 2012-13 and requesting the Contra Costa County Flood Control and Water Conservation District to adopt an Annual Parcel Assessment for Drainage and Maintenance and the National Pollutant Discharge Elimination System (NPDES) Program, maintaining the current ERU Rate at \$29.00 per single-family parcel.

BACKGROUND

The 1987 Reauthorization of the Federal Clean Water Act, as well as similar State legislation, required local agencies to obtain a NPDES Permit for discharging the contents of municipal storm drainage water conveyance systems. As implemented and enforced by the State through the Regional Water Quality Control Board (San Francisco Bay Area Region), this permitting effort is intended to improve water quality in the Delta and San Francisco Bay Estuary System, protect endangered species, and safeguard public waters and waterways for continued economic, recreation and health purposes. Stormwater runoff pollution has been identified as a significant impact on water quality and wildlife in the Bay Area by the State and Federal Government. During wet weather, large amounts of pollutants, such as oil and grease from automobiles, heavy metals from vehicle exhaust and brake pads, such as copper and lead, pesticides, herbicides and fertilizers from lawns and gardens, soil erosion, and biological material enter the storm drain system and ultimately empty, untreated, into creeks, waterways, the Delta and Bay.

The City participates and obtained its joint NPDES permit from the SF Regional Water Quality Control Board via the Contra Costa Clean Water Program whose participants include the cities within the County, the County and the Flood Control District. The City of Clayton has participated since its inception fourteen years ago (September 1993). The SF Regional Water Quality Control Board issued the third five-year permit in December 2009 for 2009/10-2013/14. The new permit is called the Municipal Regional Permit (MRP), which covers many counties and cities in the bay area (rather than individual county by county and the cities within). The process to issue the new MRP took five years. The permit

allows the city and other jurisdictions to utilize the storm water drainage system for the discharges into creeks that ultimately drain into the bay. This joint participation allows for the program management and permit process costs to be kept to a minimum through economies of scale and local and regional collaboration, at a fraction of the cost of doing it alone. The program provides for a regional approach to Stormwater pollution control, regional monitoring, public education and outreach, technical support and training, special studies and NPDES permit administration requirements.

As part of its permit conditions, Clayton is required to implement a comprehensive Stormwater Management Plan (SWMP). The SWMP includes public participation and inter-governmental coordination designed to reduce the discharge of pollutants into the storm drainage system to the maximum extent practicable through the required implementation of 500 plus Best Management Practices (about 400 pages in long with an annual checklist that is 100 pages in length), or BMP's as they are commonly referred. (For comparison in FY 03-04 amendments were added to our permit by the Regional Board, commonly referred to C-3, which increased regulation and monitoring activities for development/construction controls, municipal maintenance, public education and outreach, illicit discharge and inspection, and documentation and reporting. These amendments increased our current permit requirements to about 75 pages. In 1997 there were 257 BMP's covering 40 pages; in 1993 the first permit time frame there were 12 BMP's, about 5 pages in length, all related to municipal maintenance activities such as drainage inlet cleaning and v-ditch cleaning).

Staff is aware the cost of meeting the obligations of the increased requirements contained in the MRP will begin to exceed our revenues received from the ERU. The shortfall for FY11-12 is expected to be \$13,282, which will be able to be covered by the Stormwater Reserve Fund balance. In future years it is expected that the reserve will no longer be available to cover the MRP costs.

Although difficult to fully identify all future additional costs at this point, staff has identified the minimum estimated cost impacts by the new regulations to the City could outpace revenues by \$113,225 by, FY 2013-14, (some might be able to be covered by the remaining special fund reserve use) to over a quarter million dollars in year five, FY 2013-14.

When the program was originally established in 1993, the rate cap for the current parcel fee in Clayton was set by the City Council at \$29/ERU. Because other members of the Clean Water Program also have the same issues (costs exceeding available revenue available from the ERU rate) a cost/revenue analysis was undertaken by the Contra Costa Clean Water Program to evaluate possible additional funding mechanisms for the added requirements of the MRP. The Clean Water Program attempted three times the pursuit of legislation to add stormwater to the definitions of other utilities such as sewer and water and was not successful in receiving needed legislative support, or getting out of committee, and there is not any support by the governor and his staff. It was after these state wide attempts were fruitless, our staining local funding and the continuing increased requirements by state regulating agencies that led to the recent Prop 218 property owner vote for a new parcel fee. The results of that revenue initiative will not be known until early May. Regardless of the recent Prop 218 separate fee, in order to continue to receive our existing funding we must at least levy the current ERU rate of \$29 per single family parcel (the same amount that we have levied since FY1999/2000). Failure to levy this fee would result in the City having to use its General Fund to pay for these unfunded state mandates.

DISCUSSION

Staff currently participates, at least monthly as is required by the program agreement and state permit, on the Clean Water Program's New Development Construction Controls Committee, MRP Implementation sub-committee, and Management Committee; and as needed –usually quarterly in the Administrative and Finance Committee and the Monitoring and Inspection Committee. City staff typically attends and participates in 3-4 meetings per month as is required for permit compliance.

The new MRP added many new requirements including further reduction of the development, threshold of significance from the current 10,000 sq. feet five (effective February 2006), to the 2,500 sq. feet which became effective February 2011. This threshold also applies to widening of roads (including adding of turn lanes); additions of hardscape in medians; new sidewalk/asphalt path installation; bike lane additions and additions to existing developments, including single family homes. Other permit changes result in more staff time to review and modify environmental review, mitigation, monitoring, reporting, development conditions, general plan and municipal ordinances. One of the largest components of the new permit is the trash load analysis and reduction program that cities must undertake. The cities completed their draft documents and filed them electronically with the SF Regional Water Board in March. This provision requires cities to reduce their trash pollution load by 40% by 2014, and completely eliminate (100% reduction) by 2020. There are annual studies and documentation showing its progress that the cities must file as part of its Annual Report to the State. They include mandatory maintenance items such as cleaning of trash along specific areas of creeks and drainage inlets; the quantification of the materials collected; and enforcement action (issuance of citations) to individuals for pollution runoff. The permit also increases the number of items the creeks and waterways testing needs to cover, requires establishment of local ordinances to prohibit the use of plastic grocery type bags, or other litter materials, mapping, monitoring and of all creeks and all outfalls to creeks, and specific on-going litter removal down to the size of a cigarette butt of litter on certain distance of creek segments and the cleaning of private drainage inlets (we currently do public inlets only). The reporting format requires cities to either use its own or contract for computer data base of mapping, reporting and monitoring information and making and transmitting electronically to the SF Regional Water Board where they will post to a public accessible web site. Another focus of the permit this next year is increased inspections to commercial businesses. The City contracts with Central Sans to perform these inspections, as they have the special training needed to undertake and most of the businesses are restaurant businesses which they already periodically inspect. The new permit also requires all maintenance staff and city contractors that apply herbicides or pesticides to be certified in Integrated Pest Management Practices (IPM), and for cities to have local IMP management plans and/or ordinances.

These additional unfunded mandates has already, and will continue to, increase staff time spent on NPDES program. Only a small portion of the permit costs are recovered through deposit accounts where they relate to new development projects.

Another on-going issue is the establishment of legislation via litigation. Certain third-party interest groups have repeatedly brought successful legal action against the EPA, State and Regional Agencies, the cities, county, and our Clean Water Program. These court actions have in the past increased costs for legal defense and added to the program requirements standards issued by the State, or as a result of judicial decisions. In addition if the current permit issued by the SF Regional Board is determined to be to burdensome the Group or the Region we have filed an appeal and have currently placed the appeal on a up to two year suspense. This was also done to allow time to seek new revenue to meet the unfunded mandates. Activating the appeal will require expenditure of legal costs, thus increasing overall group costs, and further reducing our return to source funds. Thereafter depending on the State decision there could be additional legal costs if the permit issuance is contested legally through the courts. The Environmental organizations have also filed an appeal with the State and placed it on a two year suspense as well. The Environmental organizations intend to monitor the permit conditions effectiveness and our compliance and then will determine if appeal is needed. To minimize the potential future appeal and related legal costs the group program costs have included encumbrances of some group Program funds for this purpose. To date Save the Bay has been closely monitoring the recent draft Baseline Trash Load Analysis and Action Plans. Based upon some recent email received from them it appears they are concerned that cities plans may not be aggressive enough to reduce trash pollution to meet the permit requirement time frames.

Overall the City's total costs are comprised of two components, one consisting of the pro rata share of group costs based upon population. The other is the management and maintenance activities undertaken by the City and its contracts with others for required activity implementation and monitoring and reporting. All program staff and permittees (cities and county) have been and continue to make strong efforts to control costs at the program level. However, funds for the new permit technical and legal work, education and outreach, implementation of programs to address recent pollutants of concerns (mercury, PCB, etc.), and future TMDL's, trash, enforcement, have increased these State unfunded mandate costs.

ASSESSMENT AND PROGRAM BUDGET

The Group Clean Water Program Budget for FY 2012-13 is \$2.5 million, about the same as last year. However future budget years will see Group Program increases to address some of the new permit requirements. Increased costs for 2012-13 are being addressed by carry over or encumbrances of this years funds to help reduce or smooth out increases, thus minimizing the impact (reduction) in return to source funds.

For FY 12-13 the City of Clayton's pro rata share of the Program's Costs of 1.04%, is apx. \$26,203 an increase of \$686 over last year. However future costs increases and lack of Program carry over funding in future years will result Programs Costs budget increases, this will result in less return to source funds to undertake the added local city permit requirements.

It is currently estimated that for FY 12-13 the gross revenues from our assessment would total approximately \$127,014. Of this \$26,203 is allocated to the Clean Water Program administration and group expenses; \$3,800 to the County Auditor for costs related to assessment collection; \$8,000 to the Sanitary District for commercial inspection, monitoring and municipal requested call out inspections; \$3,000 to the District for fiscal and assessment area management and \$7,729 for our state discharge permit fee. Thus, the remaining funds available to the City, for all other activities are approximately \$78,732, a decrease of \$4,186 over this fiscal year 2011-12 budget. Any costs necessary to implement the requirements which exceed the special revenue funds and its reserve, will have to be obtained through the City's General Fund revenues. Approximately fifty-five percent of the City's funds are directly spent on labor costs of maintenance activities required by the program, such as storm drain inspection and cleaning, creek clearing; responding to spill calls; the remaining is divided between equipment and materials; monitoring and inspection; and management and reporting. Any shortfall this year and next year anticipated to be covered by up to \$113,578 from the City's Stormwater Fund reserves. Thereafter, if additional revenues are needed, the city would need to consider use of its General Fund, general fund reserves and/or a local city specific revenue measure if the regional Prop 218 measure should not receive enough support for passage.

To continue the local revenue source necessary to fund the unfunded mandates by federal and State government regulations, the City annually authorizes the Contra Costa Board of Supervisors to direct the Contra Costa Flood Control and Water Conservation District to establish a storm water utility area for the City and to impose benefit assessments on all applicable parcels within the City of Clayton. This is the annual consideration to request the local assessment levy which provides funding to the Federal and State Clean Water program mandates which the City must undertake and participate in according to Federal and State law. **Staff recommends no increase to the rate for FY 2012-13; it will be the same rate as last thirteen fiscal years, which is \$29.00 per ERU.**

Since we are not exceeding the current rate cap and not increasing the rate above that already levied the current language of Prop. 218 process does not apply. A single family detached dwelling is typically one ERU; homes on lots 20,000 sq. ft. or larger are allocated 1.7 ERU's; attached homes (e.g., townhomes and duets) are 0.7 ERU. This formula is the same throughout all Contra Costa communities and all cities and the County funds their NPDES costs through the ERU assessments.

FISCAL IMPACT

Although a Federal and State Mandated program, cities do not receive any revenues from the Federal and State Government to offset or cover the mandated requirements. Consequently, the Stormwater Utility Rate and Assessment areas were established in 1993 by the County and the Cities to develop a funding source to cover the costs of the Federal and State mandates.

The recommended assessment for FY 2012-13 is the same rate that is currently in place. Should the City not authorize the Flood Control District to establish and collect the annual assessments, the City would not receive the apx. \$127,014 generated by the annual assessment and mandated activities would need funding from another source, such as the General Fund. Given the high level of commitment of the General Fund to other City programs and projects, prior state "takes" of local funds, loss of redevelopment funds, the overall economic downturn, and potential impacts to the General Fund from yet to be known potential state budget impacts, these NPDES costs if paid for by the General Fund, would adversely impact other services and operations the City currently provides to the community.

Additional implementation measures such as that needed for monitoring and maintenance of new Stormwater facilities required under our mandated permit and installed as part of new construction within Clayton (C-3), have been addressed by the City Council to provide for methods that are self supported by the new development such as Benefit Assessment Districts or Homeowners Associations or combination thereof, or other approach that would not financially impact the city and its general funds. This Council-directed policy minimizes potential impacts to the under-funded Stormwater fund or the City's General Fund for the permanent new development installed specific requirements to meet the new state regulations. However not covered by these are the general overall reporting, enforcement action and trash reduction action plans, commercial inspections, monitoring enhancements required by the regional board are reasons that the current assessment fee should be continued.

CONCLUSION

To continue the revenue source required to fund the state mandated activities the City annually authorizes the Contra Costa Board of Supervisors to direct the Contra Costa Flood Control and Water Conservation District to impose annual benefit assessments on all applicable parcels within the City of Clayton. The attached Resolution would maintain the current Stormwater Utility Rate assessment of \$29.00 per ERU for FY 2012-13.

Attachments:

- Proposed ERU Resolution for FY 2012-2013
- Clean Water Program Budget costs and cost sharing formula FY 2012-13
- Cost estimates for new permit (MRP)
- City NPDES Budget History

RESOLUTION NO. __-2012

A RESOLUTION ESTABLISHING THE RATE PER EQUIVILANT RUN-OFF UNIT (ERU) FOR FY 2012-2013 AND REQUESTING THE CONTRA COSTA FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

WHEREAS, under the Federal Water Quality Act [33 U.S.C. Section 1342 (p)], certain municipal stormwater discharges require a permit from the appropriate federal or state authorities pursuant to the National Pollutant Discharge Elimination System (NPDES) program; and

WHEREAS, the City of Clayton, in conjunction with other affected jurisdictions within Contra Costa County, applied to the State Regional Water Quality Control Board and received a Joint NPDES Permit which requires the implementation of a Storm Water Management Plan and Best Management Practices to minimize or eliminate pollutants from entering stormwaters; and

WHEREAS, Assembly Bill 2768 (West's Water Code Appendix, Section 63-12 and 63-12.9) authorizes the Contra Costa County Flood Control and Water Conservation District (District) to establish Stormwater Utility Areas (SUA) and to levy annual benefit assessments for the purpose of carrying out activities required under the NPDES program; and

WHEREAS, it is the intent of the City to utilize funds received from its Stormwater Utility Area (SUA) for implementation of the NPDES program and local drainage maintenance activities; and

WHEREAS, at the request of the City, the Contra Costa County Flood Control District and Water Conservation District (District) has completed the process for the formation of a SUA, including the adoption of the Stormwater Utility Assessment Drainage Ordinance No. 93-47; and

WHEREAS, the SUA and Program Group Costs payment agreement between the City and the District requires that the City of Clayton annually, by May 1, determine the rate to be assigned to a single ERU for the forthcoming fiscal year.

WHEREAS, the City Council adopted Resolution 9-93, which established the range of the annual assessment to be imposed by the District within the storm water utility area not to exceed \$29 per ERU.

WHEREAS, the City of Clayton has been at its maximum \$29 per ERU rate since FY 1999-2000 (the last thirteen fiscal years) and the same rate is proposed for FY 2012-2013.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby determine that the rate to be assigned to a single ERU for FY 2012-2013 shall be set and assessed at \$29.00

BE IT FURTHER RESOLVED, that the City Council of Clayton, California, does hereby request the Contra Costa Flood Control and Water Conservation District to adopt the SUA levies based on the above established rate.

Adopted by the City Council of the City of Clayton, California at a regular meeting of thereof held on April 17, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Howard Geller, Mayor

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 April 17, 2012.

Laci J. Jackson, City Clerk

Reso erurate12-13

**CONTRA COSTA CLEAN WATER PROGRAM
GROUP COSTS METHODOLOGY & ALLOCATION
FOR FISCAL YEAR 2012/13**

City/County/State	January 1, 2010	January 1, 2011 ⁽¹⁾	Percent Change	Prorata % of Program ⁽²⁾	Budget ⁽³⁾ Allocation
CONTRA COSTA COUNTY	1,047,948	1,056,064	0.77%		\$ 2,528,966
ANTIOCH	102,230	103,054	0.81%	9.76%	\$ 246,784
BRENTWOOD	51,394	52,029	1.24%	4.93%	\$ 124,594
CLAYTON	10,893	10,942	0.45%	1.04%	\$ 26,203
CONCORD	122,009	122,676	0.55%	11.62%	\$ 293,773
DANVILLE	42,002	42,215	0.51%	4.00%	\$ 101,093
EL CERRITO	23,538	23,648	0.47%	2.24%	\$ 56,630
HERCULES	24,051	24,153	0.42%	2.29%	\$ 57,839
LAFAYETTE	23,872	24,025	0.64%	2.27%	\$ 57,533
MARTINEZ	35,810	35,958	0.41%	3.40%	\$ 86,109
MORAGA	16,010	16,076	0.41%	1.52%	\$ 38,497
OAKLEY	35,329	35,997	1.89%	3.41%	\$ 86,202
ORINDA	17,633	17,712	0.45%	1.68%	\$ 42,415
PINOLE	18,383	18,460	0.42%	1.75%	\$ 44,206
PITTSBURG	63,096	63,730	1.00%	6.03%	\$ 152,615
PLEASANT HILL	33,139	33,279	0.42%	3.15%	\$ 79,694
RICHMOND	103,661	104,220	0.54%	9.87%	\$ 249,577
SAN PABLO	29,143	28,931	-0.73%	2.74%	\$ 69,281
SAN RAMON	71,947	73,109	1.62%	6.92%	\$ 175,075
WALNUT CREEK	64,140	64,707	0.88%	6.13%	\$ 154,954
UNINCORP. COUNTY	159,668	161,143	0.92%	15.26%	\$ 385,891
				<u>100.00%</u>	<u>\$ 2,528,966</u>

1. Population estimate based on State of California Department of Finance (E-1) City/County projections- January 1, 2011.
Figures are updated in May of each year.
2. Percentages based on prorata of population.
3. Budget Allocation amount is the Stormwater Utility Assessment (SUA) budget, which includes contingency.

City NPDES Budget History

FY 1998-1999 Budget (Total Group Program Budget \$1,525,451): (ERU: \$24.50) (final yr of 5yr permit:)

ERU gross revenue est.	\$ 104,851
NPDES Group Program costs:	\$ 17,243
County Auditor/Controller Costs:	\$ 3,334
City Return To Source Funds:	\$ 84,274
Commercial Inspection by Central Sanitary Dist:	\$ 4,205
<u>Flood Control Dist. Fiscal Management Costs:</u>	<u>\$ 3,000</u>
Amount available to Clayton for City NPDES costs:	\$ 73,735

FY 1999-2000 Budget (Total Group Program Budget \$1,491,054): (ERU \$29) *New 5-yr permit and added req.

ERU gross revenue est.	\$125,196
NPDES Group Program costs:	\$ 18,995
County Auditor/Controller Costs:	\$ 3,500
City Return to Source Funds:	\$102,753
Commercial Inspection by Central Sanitary Dist:	\$ 2,100
<u>Flood Control Dist. Fiscal Management Costs:</u>	<u>\$ 3,000</u>
Amount available to Clayton for City NPDES costs:	\$ 94,153

FY 2000-2001 Budget (Total Group Program Budget \$1,773,242): (ERU \$29) * lawsuits filed

ERU gross revenue est.	\$129,522
NPDES Group Program costs:	\$ 18,875
County Auditor/Controller Costs:	\$ 3,500
City Return to Source Funds:	\$107,140
Commercial Inspection by Central Sanitary Dist:	\$ 2,172
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
<u>State Regional Annual Discharge Permit Fee</u>	<u>\$ 1,500</u>
Amount available to Clayton for City NPDES costs:	\$ 96,968

FY 2001-2002 Budget (Total Group Program Budget \$1,648,735): (ERU \$29) *legal costs and technical costs for permit amendment hearings

ERU gross revenue est.	\$129,737
NPDES Group Program costs:	\$ 23,940
County Auditor/Controller Costs:	\$ 3,540
City Return to Source Funds:	\$102,266
Commercial Inspection by Central Sanitary Dist:	\$ 2,240
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
<u>State Regional Annual Discharge Permit Fee</u>	<u>\$ 2,000</u>
Amount available to Clayton for City NPDES costs:	\$ 95,026

FY 2002-2003 Budget (Total Group Program Budget \$2,258,541): (ERU \$29) *legal costs and technical costs for permit amendment hearings

ERU gross revenue est.	\$131,915
NPDES Group Program costs:	\$ 26,238
County Auditor/Controller Costs:	\$ 3,550
City Return to Source Funds:	\$102,127
Commercial Inspection by Central Sanitary Dist:	\$ 2,600
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
<u>State Regional Annual Discharge Permit Fee</u>	<u>\$ 4,000</u>
Amount available to Clayton for City NPDES costs:	\$ 92,527

FY 2003-2004 (Total Group Program Budget \$2,670,929): (ERU \$29) *C-3 permit amendments/legal costs

ERU gross revenue est.	\$128,492	related to lawsuits
NPDES Group Program costs:	\$ 33,843	
County Auditor/Controller Costs:	\$ 3,550	
City Return to Source Funds:	\$ 91,099	
Commercial Inspection by Central Sanitary Dist:	\$ 3,000	
Flood Control Dist. Fiscal Management Costs:	\$ 3,000	
State Regional Annual Discharge Permit Fee	\$ 4,000	
Amount available to Clayton for City NPDES costs:	\$ 81,099	

FY 2004-2005 (Total Group Program Budget \$2,320,572): (ERU \$29) *amended 5-year permit by SFRWQCB

ERU gross revenue est.	\$129,420
NPDES Group Program costs:	\$ 11,843
County Auditor/Controller Costs:	\$ 3,600
City Return to Source Funds:	\$ 113,977
Commercial Inspection by Central Sanitary Dist:	\$ 3,000
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
State Regional Annual Discharge Permit Fee	\$ 5,000
Amount available to Clayton for City NPDES costs:	\$ 102,977

FY 2005-2006 (Total Group Program Budget \$2,320,572): (ERU \$29) * implementation of new C-3 permit 1 ac amendments

ERU gross revenue est.	\$126,362
NPDES Group Program costs:	\$ 11,749
County Auditor/Controller Costs:	\$ 3,680
City Return to Source Funds:	\$ 110,933
Commercial Inspection by Central Sanitary Dist:	\$ 5,000
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
State Regional Annual Discharge Permit Fee	\$ 5,400
Amount available to Clayton for City NPDES costs:	\$ 97,533

FY 2006-2007 (Total Group Program Budget \$2,867,625): (ERU \$29) * implementation of new C-3 permit 10K sq ft. amendments; new permit issuance and future revenue study.

ERU gross revenue est.	\$126,362
NPDES Group Program costs:	\$ 26,204
County Auditor/Controller Costs:	\$ 3,800
City Return to Source Funds:	\$ 96,358
Commercial Inspection by Central Sanitary Dist:	\$ 5,000
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
State Regional Annual Discharge Permit Fee	\$ 5,400
Amount available to Clayton for City NPDES costs:	\$ 82,958

FY 2007-2008 (Total Group Program Budget \$3,200,422): (ERU \$29) * on-going implementation of new C-3 permit 10K sq ft. amendments; draft new permit issuance and future revenue study

ERU gross revenue est.	\$126,362
NPDES Group Program costs:	\$ 31,800
County Auditor/Controller Costs:	\$ 3,800
City Return to Source Funds:	\$ 90,762
Commercial Inspection by Central Sanitary Dist:	\$ 2,000
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
State Regional Annual Discharge Permit Fee	\$ 5,400
Amount available to Clayton for City NPDES costs:	\$ 80,362

FY 2008-2009 (Total Group Program Budget \$4,200,422): (ERU \$29) * on-going implementation of C-3 ; rev draft new permit regs, hearings on new MRP – cost impact and revenue study

ERU gross revenue est.	\$126,362
NPDES Group Program costs:	\$ 44,520
County Auditor/Controller Costs:	\$ 3,800
City Return to Source Funds:	\$ 78,042
Commercial Inspection by Central Sanitary Dist:	\$ 3,915
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
State Regional Annual Discharge Permit Fee	\$ 5,400
Amount available to Clayton for City NPDES costs:	\$ 65,727

FY 2009-2010 (Total Group Program Budget \$4,000,000): (ERU \$29) * new permit issued Dec 2009 (MRP) new permit regs, hearings on new MRP – cost impact and revenue study

ERU gross revenue est.	\$127,014
NPDES Group Program costs:	\$ 41,017
County Auditor/Controller Costs:	\$ 3,800
City Return to Source Funds:	\$ 82,197
Commercial Inspection by Central Sanitary Dist:	\$ 3,402
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
State Regional Annual Discharge Permit Fee	\$ 5,400
Amount available to Clayton for City NPDES costs:	\$ 70,397

FY 2010-2011 (Total Group Program Budget \$2,250,079): (ERU \$29) * new MRP fist year; cost impact and revenue study

ERU gross revenue est.	\$127,014
NPDES Group Program costs:	\$ 23,052
County Auditor/Controller Costs:	\$ 3,800
City Return to Source Funds:	\$ 100,162
Commercial Inspection by Central Sanitary Dist:	\$ 4,165
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
State Regional Annual Discharge Permit Fee	\$ 5,400
Amount available to Clayton for City NPDES costs:	\$ 87,597

FY 2011-2012 (Total Group Program Budget \$2,497,856): (ERU \$29) * new MRP second year costs trash baseline loading and reduction plans

ERU gross revenue est.	\$127,014
NPDES Group Program costs:	\$ 25,517
County Auditor/Controller Costs:	\$ 3,800
City Return to Source Funds:	\$ 97,697
Commercial Inspection by Central Sanitary Dist:	\$ 4,500
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
State Regional Annual Discharge Permit Fee	\$ 7,279
Amount available to Clayton for City NPDES costs:	\$ 82,918

FY 2012-2013 (Total Group Program Budget \$2,528,966): (ERU \$29) * new MRP reqs third year costs – trash reduction plan; enhanced commercial -business inspection

ERU gross revenue est.	\$127,014
NPDES Group Program costs:	\$ 26,203
County Auditor/Controller Costs:	\$ 3,800
City Return to Source Funds:	\$ 97,011
Commercial Inspection by Central Sanitary Dist:	\$ 8,000
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
State Regional Annual Discharge Permit Fee	\$ 7,279
Amount available to Clayton for City NPDES costs:	\$ 78,732

CLAYTON COMMUNITY LIBRARY FOUNDATION

Agenda Date: 4/17/12

Agenda Item: 5a

2011 ANNUAL REPORT

The Clayton Community Library Foundation, established July 1989, continues to be actively involved in support of the Clayton Community Library. The CCLF is an all volunteer, tax exempt, non-profit 501(c)(3) corporation. The purpose of the CCLF is to support the Library by providing a pool of volunteers and funds to provide books, materials, special programs and furniture not provided by City and County budgets. The City of Clayton owns the 15,500 square foot building and its furnishings. The Board of Directors of the Foundation serves as the City of Clayton Library Advisory Committee.

Clayton Community Library in-library volunteers donated 7,013 hours of library service in 2011. Our volunteers checked in and shelved returned books, repaired books and videos, provided computer assistance, tutored students and helped out where needed. Volunteers working in the library numbered 89 adults and 43 students. The Volunteer Coordinator oriented 15 adults and 15 students. Three adult and 5 student volunteer tutors assisted 9 students, one-on-one, for a total of 82 hours. Four adult and 4 student group-study tutors worked 409 hours assisting 35 students. Three Computer Helpers worked 203 hours assisting 46 patrons with use of the Internet and word-processing. Once again we had a Book Buddy, Gail Fitzgerald, who volunteered 40 hours reading to 141 children. The very popular "Paws to Read" had 167 children reading to a friendly, and very happy dog. Even our paid Volunteer Coordinator volunteered 274 hours, or 23 hours a month. Based on the 2009 Independent Sector figure for the value of volunteer labor in California, \$23.42 per hour, the total monetary value of library volunteerism is \$164,244.46! Once again the Clayton Community Library has more volunteers than any other library in the County! Our library operates on 3/5ths of the normal staffing – our wonderful volunteers provide the rest of the staffing.

Other volunteers donated 1848 hours working on Used Book Sales and other Foundation related activities.

The Sixteenth Birthday celebration and the Creekside Arts Celebration shared the stage on the weekend of March 4th through 6th. On Friday, March 5th there was an artist's preview, a "live" King Snake and other reptiles presented by Leslie Jordan, musical entertainment by "Yesterday's Kids" and "Vintage", refreshments and the presentation of awards. Festivities on Saturday and Sunday included ongoing sales and demonstrations by local artists and crafters. Activities and entertainment featured "Plein Air" Painting; Creekside Exploration with Michelle Luebke, Dept. of Conservation; Local Chupcan Culture, presented by Jim Hale, Ethnobotanist & Wildlife Biologist; and the ClaytonValley High School Arts Academy Improv Workshop; Performance Poetry; Diablo Taiko; Samba Na Chuva and Jim Hudak and Friends. The net income from this weekend totaled \$900.20.

Second grade classes from Mt. Diablo Elementary visited the library and received library cards. The very popular Book Club led by Sunny Solomon continues to meet at the Clayton Community Library.

The Clayton Community Library participated in the 4th of July Parade for the 13th year. The Summer Reading Program, "ONE WORLD – MANY STORIES" was the theme of our entry. Organized by Arlene Kikkawa Nielsen, 38 participants volunteered 526 hours to make our library entry another success. Led by librarians Karen Hansen-Smith (Danish) and Mary Alice McKillen-Wright and her daughter (Scottish) many participants dressed in traditional clothing and carried a 10 foot banner and puppet sticks reflecting Chinese, Mexican, African, Middle Eastern, Japanese, British, Indian and Irish cultures. A White 2010 Toyota Prius Hybrid supported a 5 foot globe encircled with American flags and cut-outs of children from around the world holding hands.

In 2011 the CCLF was able to generate \$50,448 in income from a variety of sources, \$9,709 of this represents the value of in-kind materials, in the form of used books and tapes/CD/DVDs donated for the booksale and diverted to the library collection. The Foundation maintained an average membership of 338 units in 2011, which brought in \$8,710 in revenue, slightly less than 2010. Used Book Sales grossed \$16,889, down from last year. United Way/LIC donations added \$3,360, an increase from last year. Organizations donated \$1,236: \$300 from Clayton Valley Woman's Club, \$900 from the Clayton Valley/Sunrise Rotary and \$36 from other organizations. Matching Gifts, donations and memorials in addition to account interest, merchandise sales, and fundraising activities complete our total revenue. We had several individual donations of \$1,000.

CCLF spent almost \$42,580 on library support. As mentioned in the previous paragraph, in-kind materials added to the collection from patron donations, valued at \$9,709, represent a portion of this amount. In 2011 CCLF gave \$26,408 for materials, books, cd's, DVD's and library programs. \$9,840 was paid to the City of Clayton, which in turn pays our volunteer coordinator, a private contractor. Additional money provided insurance for volunteers, and volunteer recognition events.

CCLF spent \$3,068.59 on library programs and special events. This included 8 major programs, craft supplies for the programs presented by our talented staff, and prizes for the Teen Reading Program, and for the summer reading program. We no longer count the number of readers signing up for the Summer Reading Program, because some signed up on line and we could not track those folks. 379 completed the program at the Clayton Community Library, the same number as 2010. We like to think it is due to our great prizes!

This was the fourth year for "Clayton Reads". Special programming focused on the book, "Baking Cakes in Kigali". CCLF purchased 150 copies of the book so they could be made available to the public to encourage everyone to take part in this event.

The Clayton Community Library Foundation thanks the City Council, Staff and the community, for all the support you have shown over the years. We think the Clayton Community Library is a terrific asset to the community and it is a good feeling to know that this community values its public library. The 2010 circulation at the Clayton Community Library was 207,298 a slight decrease from 2010. We believe the advent of eBooks has made slight difference in our circulation. The door count was 133,257. The money raised by CCLF enables the staff to schedule more programs and purchase additional materials and therefore attract patrons into our library to utilize library services

I want to invite any interested citizen to attend our board meetings and become involved in our work. We meet on the 3rd Wednesday of the month at 7:30 in the Library Story Room. We do not meet in December or July.

Joyce Atkinson, President

declaring

April 15-21, 2012

Agenda Date: 4/17/12

As

Clayton Community Library Volunteer Week

Agenda Item: 5b

WHEREAS, the Clayton Community Library has a total of 132 in-library adult and student volunteers whose work is essential to the support and functioning of library services; and

WHEREAS, In-library volunteers contributed 7,013 hours and Foundation volunteers contributed 1,848 in 2011, for a total of 8,861 hours, which is still the largest library volunteer program in Contra Costa County; and

WHEREAS, on July 4, 2011, 38 Clayton Community Library volunteers and patrons contributed 526 hours to promote the Library's Summer Reading Program at the downtown parade, highlighting the importance of summer reading and summer library visits; and

WHEREAS, 8 volunteer tutors spent 82 hours, one-on-one with 9 students to provide homework help; and in the Group Tutoring Sessions on Wednesday afternoons 4 adult and 4 student tutors spent 409 hours to provide help to an additional 35 students; and

WHEREAS, Clayton Community Library volunteers shelve all the materials at the library, check in returned materials, do all mending of materials, read to children, deliver books to homebound patrons, provide art and environmental education programs, and much more; and

WHEREAS, the Seventh Annual Creekside Arts Celebration was held to showcase local artisans, performance and environmental groups and to promote the education of such to the community as well as raise funds for purchasing library materials; and

WHEREAS, the Clayton Community Library Foundation contributed \$42,580 in 2011 for volunteer support and recognition, library materials and furniture, programs for adults, teens and young children, and Creekside Arts Celebration expenses.

NOW, THEREFORE, I, Howard Geller, Mayor, on behalf of the Clayton City Council, do hereby acknowledge, April 15-21, 2012, as Clayton Community Library Volunteer Week, and urge my fellow citizens to recognize that the Clayton Community Library volunteers are a gift to the community and thank the operational volunteers, tutors, book buddies, computer helpers, parade volunteers, Creekside habitat and garden volunteers, homebound deliverers, Creekside Arts Celebration volunteers, Creekside Artists Guild artists, Library Commissioners, Foundation members, and Board for their outstanding volunteerism.



Agenda Date: 4/17/12

Agenda Item: 9a

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: DAVID WOLTERING, COMMUNITY DEVELOPMENT DIRECTOR

DATE: APRIL 17, 2012

**SUBJECT: HOUSING ELEMENT IMPLEMENTATION PROJECT
(ENV 01-12, GPA 03-11, SPA 01-12, and ZOA 06-11)**

RECOMMENDATION

It is recommended that the City Council approve Second Reading and Adoption of Ordinance No. 440 (See **Attachment**) which amends Chapters 17.04 and 17.20 and Sections 17.16.020, 17.24.020, 17.28.100, and 17.60.030 of the *Clayton Municipal Code*, related to uses allowed within the City of Clayton, and rezoning of certain parcels on the Clayton Zoning Map to Planned Development District.

BACKGROUND

At its April 3, 2012 meeting, the City Council approved Introduction and First Reading of Ordinance No. 440. The purpose of this Ordinance is to enact text amendments to the City's Zoning Ordinance to facilitate the construction of more affordable housing within the community. In addition to the text amendments, this Ordinance rezones specified parcels to Planned Development (PD), subject to an underlying General Plan land-use designation of Multi-Family High Density which allows 15.1 to 20 dwelling units per acre. Effectively, these rezonings increase the possible unit yield on the specified properties. The possible increase in yield is 83 units (140 units [maximum possible yield after reclassifications/redesignations] - 57 units [maximum possible yield prior to reclassifications/redesignations] = 83 units).

The proposed text amendments respond to and address the following implementation measures from the Clayton 2009-2014 Housing Element:

- **Implementation Measure I.1.1:** "The City will promote the development of Affordable Housing Opportunity sites identified in Table 42 (Housing Element), Vacant Residential Land (i.e., High Street parcel [Site V-2] and Old Fire Station site [V-5]) by creating a General Plan Multi-family High Density designation to allow 15.1 to 20 units per acre and create a new Zoning District Multi-Family Residential High (M-R-H) to allow up to 20 units per acre...."
- **Implementation Measure II.1.2:** "...Pursuant to Senate Bill 2, the City must explicitly allow both supportive and transitional housing types in all residential zones. The City shall update its Zoning Code to include separate definitions of transitional and

supportive housing as defined in Health and Safety Code Sections 50675.2 and 50675.14. Both transitional and supportive housing types will be allowed as a permitted use subject to only the same restrictive uses contained in the same type of structure....”

- Implementation Measure II.1.3: “...The City shall update its Zoning Code to allow for the development of single-room occupancy (SRO) units (a type of residential hotel offering one-room units for long-term occupancy by one or two people; SROs may have a kitchen or bath facilities [but not both] in the room) with a conditional use permit in the L-C (Limited Commercial) District...”
- Implementation Measure II.2.1: “...To increase housing supply and obtain densities closer to those envisioned by zoning policies, the City will consider amending the Zoning Code to allow single-family homes in the Multiple Family Residential (M-R) District only with a conditional use permit so that these remaining sites can be used to accommodate multi-family housing....”
- Implementation Measure II.6.1: “The City shall provide flexible development standards (e.g., parking, landscaping, and setbacks) and authorize regulatory concessions for development that includes residential units affordable to extremely low-, very low-, and low-income households....”
- Implementation Measure IV.1.2: “The City shall amend the Zoning Code to remove the maximum number of persons defined as part of a family. The current definition of family limits the number of unrelated individuals to six (6) or fewer persons. Upon amending the definition in the Zoning Code, the City will not restrict the number of unrelated individuals in a family....”

Also at the April 3, 2012 meeting, the City Council adopted the following companion resolutions to Ordinance No. 440:

- A resolution adopting the Housing Element Implementation Project Initial Environmental Study/Mitigated Negative Declaration (IES/MND) (ENV 01-12), February 2012, and related March 13, 2012 Errata Sheet;
- A resolution approving the General Plan Amendment (GPA 03-11) to add a Multi-Family High Density designation allowing 15.1 to 20 dwelling units per acre and related amendments, and to designate certain parcels on the Clayton General Plan Map Multi-Family High Density; and
- A resolution approving the Town Center Specific Plan Amendment (SPA 01-12) to add a Multi-Family High Density designation allowing 15.1 to 20 dwelling units per acre and to designate a certain parcel on the Town Center Specific Plan Map as Multi-Family High Density.

The IES/MND prepared for the Housing Element Implementation Project determined that with the recommended mitigation measures in that document, the proposed project would not result in any significant adverse impacts. The General Plan and Specific Plan amendments primarily relate to establishing the Multi-Family High Density designation to allow an increase to 15.1 to 20 units per acre on specified properties. This increase in the number of units that could be constructed on a property provides the opportunity to reduce per unit costs and facilitates the possibility of constructing more affordable units in the community.

FISCAL IMPACT

A contract was entered into on February 22, 2011 between the City of Clayton and Raney Planning and Management to assist with work efforts to implement various measures of Clayton's 2009-2012 Housing Element. Redevelopment Agency Low and Moderate Income (LMI) funds in the amount of \$37,350 were secured in advance of the dissolution of the City's Redevelopment Agency for this work effort. Approximately \$17,500 of the contract amount is remaining for additional Housing Element implementation efforts beyond this current work effort.

Attachment: Ordinance No. 440

ORDINANCE NO. 440

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAYTON
AMENDING CHAPTERS 17.04 AND 17.20 AND SECTIONS 17.16.020, 17.24.20,
17.28.100, AND 17.60.030 OF THE CLAYTON MUNICIPAL CODE,
RELATED TO USES ALLOWED WITHIN THE CITY OF CLAYTON, AND
REZONING CERTAIN PARCELS SHOWN ON THE CLAYTON ZONING MAP TO
PLANNED DEVELOPMENT DISTRICT**

(ZOA 06-11)

THE CITY COUNCIL OF CLAYTON, CALIFORNIA HEREBY FINDS AS FOLLOWS:

WHEREAS, the proposed text and rezone amendments specifically allow for a broader range of types of affordable housing, including transition, supportive, and single-room occupancy, and increase the allowable residential densities within the City of Clayton on specific properties; and

WHEREAS, the Planning Commission held duly-noticed public hearings on February 28, 2012 and March 13, 2012 on the proposed zoning text amendments and rezones in connection with the Housing Element Implementation Project, and considered the public testimony, staff reports, and related documents; and

WHEREAS, on March 13, 2012, the Planning Commission adopted Planning Commission Resolution No. 01-12, which recommended City Council approve the proposed zoning text amendments and rezones; and

WHEREAS, on April 3, 2012, the City Council held a duly-noticed public hearing on the zoning text amendments and rezones, and gave due consideration to all testimony, comments, and documents received; and

WHEREAS, the adoption of the proposed zoning text amendments and rezones are in the best interest of the public health, safety and welfare; and

WHEREAS, the proposed text amendments and rezones are in general conformance with the General Plan and any applicable specific plans as they facilitate the construction of more affordable housing within the City of Clayton; and

WHEREAS, there is no evidence that the proposed amendments will result in any significant adverse environmental impacts or have the potential for any individual or cumulative adverse effect on fish and wildlife resources or their habitat, as defined in Section 711.2 of the Fish and Game Code. By Resolution No. ____, the City Council adopted the IES/MND prepared for the Housing Element Implementation Project which involves the zoning text amendments and the rezones that are approved herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLAYTON, THAT:

SECTION 1. The City Council does hereby find and affirm the above noted Recitals are true and correct and are hereby incorporated in the body of this Resolution as if restated in full.

SECTION 2. The Clayton Municipal Code is hereby amended as described in **Exhibit 1**, attached hereto and incorporated herein by reference.

SECTION 3. The following five (5) properties are hereby rezoned to Planned Development (PD) District as depicted on **Exhibit 2**, attached hereto and incorporated herein by reference:

- Site P-2 (APN 119-021-013);
- Site P-3 (APN 119-021-054);
- Site P-4 (APN 119-021-055);
- Site Hoyer (APNs 119-021-019, 020); and
- Site Byrd (APN 120-015-007)

SECTION 4 Action to Challenge. 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 5. 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 provisions of the Municipal Code that may be inconsistent with the provisions of this ordinance.

SECTION 6. 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 has declared that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause or phrase thereof be declared unconstitutional, invalid or ineffective.

SECTION 7. Effective Date and Publication. This ordinance shall become effective thirty (30) days after its adoption. Within fifteen (15) days after the adoption of the ordinance, the City Clerk shall cause it, 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 public meeting of the City Council of Clayton, California held on the 3rd day of April 2012, and

PASSED, ADOPTED AND ORDERED posted by the City Council of Clayton, California
at a regular public meeting thereof on _____, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Howard Geller, Mayor

ATTEST:

Laci J. Jackson, City Clerk

APPROVED AS TO FORM:

APPROVED BY ADMINISTRATION:

Malathy Subramanian, City Attorney

Gary A. Napper, City Manager

Exhibits:

1 Amendments to Municipal Code Sections

2 Amendments to Zoning Map

I hereby certify that the foregoing Ordinance was duly introduced at a regular public meeting of the
City Council of Clayton, California held on April 3, 2012 and was duly adopted, passed and ordered
posted at a regular public meeting of the City Council held on _____, 2012.

Laci J. Jackson, City Clerk

ZOA\2011\06-11.Ordinance
38044.00000\7357811.1

PROPOSED GENERAL PLAN LAND USE ELEMENT AMENDMENTS

Changes to the General Plan Land Use Element text are shown in double underline for new text and ~~striketrough~~ for deleted text. The changes begin at the bottom of page II-6 of the Land Use Element, as follows:

Multifamily Low Density (7.6 to 10 Units Per Acre)

This designation is intended for and allows cluster units such as duplexes, triplexes, townhouses, garden units, and other types of PUDs, as well as including single family detached dwellings on smaller lots with a conditional use permit, that provide a development with amenities to balance the increased density. This density must be adequately buffered from single-family and estate development. ~~Development intensity can reach 100% of individual parcel coverage provided that each unit has access to private outdoor space, use of outdoor recreational amenities, and provision of useable open space.~~ Structural coverage, excluding recreational amenities, shall not exceed ~~30~~40% of the site area. Second dwelling units are allowed.

(Amended by Resolution 21-87, dated 5/16/87, Resolution 64-98, dated 12/1/98)

Multifamily Medium Density (10.1 to 15 Units Per Acre)

This designation is intended for and allows multifamily units, including duplexes, triplexes, and townhouses, located where the site area, circulation system and other features can comfortably accommodate increased density. Development within this density shall be ~~required~~ encouraged to use a PUD concept and standards with incorporation of significant design and amenity in the project. ~~Development intensity can reach 100% of individual parcel coverage provided that each unit has access to private outdoor space and use of outdoor recreational amenities.~~ Structural coverage, excluding recreational amenities, shall not exceed ~~40~~50% of the site area. Second dwelling units are allowed.

(Amended by Resolution 21-87, dated 5/16/87, and Resolution 25-2004, dated 6/1/04)

Multifamily High Density (15.1 to 20 Units Per Acre)

This designation is intended for and allows the two-story (or higher) apartments or condominiums located where higher densities may be appropriate, such as near major public transportation and commercial centers. Development within this density shall be encouraged to use a PUD concept and standards with incorporation of significant design and amenity in the project. Structural coverage, excluding recreational amenities, shall not exceed 65% of the site area.

Institutional Density (7.6 to 20 Units Per Acre)

This designation is intended for development of various forms of ~~elderly~~ senior housing under sponsorship of public or quasi public agencies. The density of ~~elderly~~ senior projects is not always equivalent to standard concepts of density; therefore, a density range of 7.6 to 20 units per acre may be permitted. Group dining, limited vehicles, medicine-dispensing services and other characteristics make this form of housing unique.

Senior projects must be submitted as planned developments and will have to be reviewed for site limitations including density, number of stories and structure height, on a case-by-case basis. It is assumed that densities can exceed 15 units per acre when possible impacts can be mitigated. Development intensity can reach 100% structural coverage of each individual parcel. Structural

coverage shall not exceed 50% of the site area, however, specific sites and relationship to adjacent uses may pose additional limitations.

(Amended by Resolution 21-87, dated 5/16/87, Resolution 64-98, dated 12/1/98, and Resolution 25-2004, dated 6/1/04)

Residential Density and Population Projections

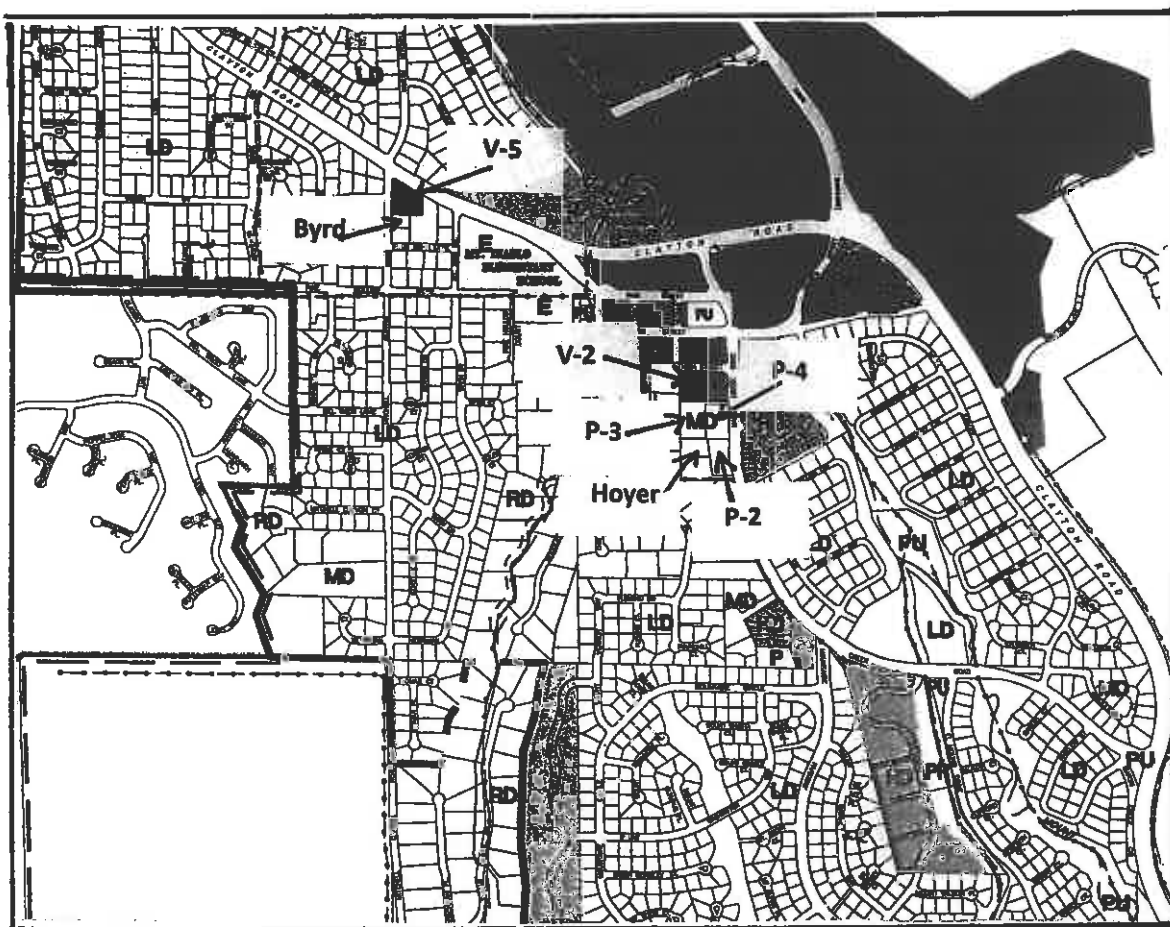
The ~~1980~~ 2010 census indicated that Clayton had an average population of ~~3.23~~ 2.72 persons per unit for occupied units. ~~The California State Department of Finance indicated the person per unit for all units was 3.14.~~ Clayton's high occupancy rate compared to other cities in Contra Costa County is due to the large homes on large parcels. As homes decrease in size, occupant size can also be expected to decrease.

(Amended by Resolution 21-87, dated 5/16/87, and Resolution 43-95, dated 6/28/95)

The analysis of the relationship of units per acre to population is not direct. Population is based on relationship of residential unit size and living pattern of residents. Generally the size of the units will indicate the number of bedrooms. Variables include the reduced size of the family, larger homes on smaller lots, ethnic and cultural preferences for family size and use of space, economic fluctuations, percentage of unmarried shared rent households and changes in taste. The projected population levels are as follows:

<u>Designation</u>	<u>Persons Per Unit</u>
Rural Estate	3.3
Low Density	3.1
Medium Density	2.8
High Density	2.5
Multifamily Low Density	2.3

General Plan Amendments (GPA 03-11)



Proposed General Plan (GP) Map Changes

Site V-2: APN 119-021-063 (south High Street):

- **Existing GP:** Multifamily Medium Density
- **Proposed GP:** Multifamily High Density

Site V-5: APN 120-015-011 (SE corner of Clayton Road and Mitchell Canyon Road):

- **Existing GP:** Multifamily Medium Density
- **Proposed GP:** Multifamily High Density

Site P-2: APN 119-021-013 (west of Old Marsh Creek Road):

- **Existing GP:** Single Family Medium Density
- **Proposed GP:** Multifamily High Density

Site P-3: APN 119-021-054 (west of Old Marsh Creek Road):

- **Existing GP:** Single Family Medium Density
- **Proposed GP:** Multifamily High Density

Site P-4: APN 119-021-055 (west of Old Marsh Creek Road):

- **Existing GP:** Single Family Medium Density
- **Proposed GP:** Multifamily High Density

Site Hoyer: APNs 119-021-019 and -020 (west of Old Marsh Creek Road):

- **Existing GP:** Single Family Medium Density
- **Proposed GP:** Multifamily High Density

Site Byrd: APN 120-015-007 (south of Mitchell Canyon Road):

- **Existing GP:** Single Family Low Density
- **Proposed GP:** Multifamily High Density



Agenda Date: 4/17/12

Agenda Item: 9b

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CHIEF OF POLICE

DATE: APRIL 17, 2012

SUBJECT: CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE CITY OF CLAYTON'S EMERGENCY OPERATIONS PLAN THAT HAS BEEN REVISED BY INTERGRATING THE FEDERAL GOVERNMENT'S MANDATED NATIONAL INCIDENT MANAGEMENT SYSTEM

RECOMMENDATION

Staff recommends that the City Council adopt Resolution No. XX (Exhibit A), approving the City's Emergency Operations Plan (EOP) that has been integrated with the Federal Government's mandated National Incident Management System (NIMS).

BACKGROUND

The Clayton Municipal Code, Section 2.08.100, requires that the city adopt a resolution approving an Emergency Plan, which; "provides for the effective mobilization of all of the resources of the city, both public and private, to meet and respond to any condition constituting a local emergency, disaster, state of emergency, or state of war emergency. In addition, the EOP provides for the organization, powers, duties, services and staffing to respond to the emergency or disaster."

Shortly after the disastrous Oakland Hills fire, the Office of the Governor's Emergency Management Agency created the Standardized Emergency Management System (SEMS). This system is based on the Incident Command System (ICS) and standardizes the way in which California cities respond to and allocate resources during disasters. Because of this requirement, the Clayton City Council, on August 4, 1998, adopted a resolution approving a redrafted city EOP that was consistent with SEMS. Since then, the city's EOP, infused with SEMS doctrine, has been the primary emergency management system that city staff was trained to utilize in response to a major disaster, should one occur in the City of Clayton.

During a time period in March 2004, the President of the United States, in Homeland Security Directive-5, directed the Secretary of the Department of Homeland Security to develop and administer NIMS. This system provides a national approach to incident management, applicable to all jurisdiction levels and across functional disciplines, and supersedes the State of California SEMS program. The implementation of NIMS into the city's EOP will require two Phases. Phase I was staff training; and Phase II is the actual redrafting of the city's current EOP with integrated NIMS doctrine & principals. Phase I was completed by September 2006, when all city staff received training in NIMS concepts, doctrines, principals, terminology, and organizational processes and is also based on the foundation of the ICS.

DISCUSSION

Completing Phase II has been a time consuming and lengthy process. During the past four years, staff has been in constant contact with the County's Office of Emergency Services (OES). Since the County's EOS is the County Area Operational Command during disasters, staff sought direction in redrafting and integrating NIMS into the city's EOP. During February 2011, a draft of the city's EOP was completed and submitted to the County's OES for acceptance & approval. During January 2012, the final version of the city's redrafted EOP was returned to the city with the County's OES approval. The city's revised EOP can be reviewed at Exhibit B.

If the resolution is adopted, city staff will be equipped to properly respond to and manage the city's personnel & resources during major disasters. The EOP will become effective on approval by the City Council.

THE NEXT STEPS

- The "Letter of Promulgation": The promulgation letter (Exhibit C), is a part of the EOP, and requires the Mayor's signature, who asserts that the City Council and key city staff give their full support for this EOP. In addition to the major's signature, the promulgation letter also requires key city staff to sign. Further, concurrence of the promulgation letter constitutes the adoption of the NIMS by the City of Clayton.
- Training: All city staff will require additional and updated NIMS training. The primary reason is employee attrition, and the length of time between the last NIMS training session and the subsequent revised EOP updated with NIMS. Elected officials are also required to receive executive level NIMS training which is designed to provide elected officials a basic understand of their role while city staff responds during a major disaster.
- Once all required NIMS training is completed, all city staff will participate in a "table top" exercise, which will provide them an opportunity to practice their functional skills while responding to a simulated disaster.

- After the "table top" exercise has been completed, city staff will participate in a 4-hour functional disaster exercise. Staff will request emergency planners from the County's EOS to facilitate a functional exercise that is designed to comprehensively test staff's utilizing the newly revised EOP while responding to a simulated disaster.

FISCAL IMPACT

There was no significant fiscal impact to the city to revise and integrate NIMS into the city's EOP. Staff was able to complete the revision project, in-house, in lieu of contracting with an outside vendor. This strategy saved the city an estimated \$5000-\$8000 in vendor fees.

Future costs to conduct NIMS training, and to conduct the table top & functional exercises will also be conducted by staff, in-house, as opposed to contracting for outside help. This approach will also save the city from incurring these unknown training costs.

Attachments: 1. Exhibit A- Resolution No. [2 pp]
 2. Exhibit B – Revised City of Clayton Emergency Operations Plan [41 pp]
 3. Exhibit C – Letter of Promulgation [2 pp]

EXHIBIT A

RESOLUTION NO. - 2012

**A RESOLUTION ADOPTING AN UPDATED VERSION OF THE CITY
OF CLAYTON'S EMERGENCY OPERATIONS PLAN THAT HAS BEEN
INTERGATED WITH THE FEDERAL GOVERNMENT'S MANDATED
NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)**

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

WHEREAS, the City of Clayton Municipal Code, Section 2.08.100 requires the City to adopt by resolution an Emergency Plan, which Plan provides for the effective mobilization of all of the resources of the City, both public and private, to meet and respond to any condition constituting a local emergency, disaster, state of emergency, or state of war emergency; and shall provide for the organization, powers, duties, services, and staff for the emergency organization; and

WHEREAS, the City of Clayton, in July 1998, adopted a resolution to update the City's Emergency Operations Plan that conformed to the State of California's Standardized Emergency Management System (SEMS) which provides an effective system of managing emergencies to best protect life and property; and

WHEREAS, the President of the United States, in Homeland Security Directive-5 (March 2004), directed the secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS) that would provide a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from disasters, regardless of cause, size, or complexity; and

WHEREAS, the Department of Homeland Security (DHS) created NIMS to provide a national approach to incident management, applicable to all jurisdictional levels and across functional disciplines, and supersedes the State of California SEMS program; and

WHEREAS, in keeping with mandatory NIMS compliance, the City Council and key City staff of Clayton, California give its full support to the Emergency Operations Plan by signing a Letter of Promulgation, which said letter constitutes the adoption of the NIMS by the City of Clayton and becomes effective on approval by the City Council; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby formally recognize and hereby adopt NIMS as a viable, effective and efficient management process to prevent, prepare for, respond to, and recover from all types of disasters and herein incorporates NIMS into the City of Clayton's Emergency Management System.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 17th day of April 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Howard Geller, Mayor

ATTEST:

Laci J. Jackson, City Clerk

CITY OF CLAYTON

EMERGENCY OPERATIONS PLAN

January, 2012

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ACRONYMS

ARC	American Red Cross
CERT	Community Emergency Response Team
EMS	Emergency Medical Services
EOC	Emergency Operations Center
EOP	Emergency operations Plan
FEMA	Federal Emergency Management Agency
ICS	Incident Command System
NDAA	Natural Disaster Assistance Act
NIMS	National Incident Management System
OES	Office of Emergency Services
PIO	Public Information Officer
RACES	Radio Amateur Civil Emergency Service
SOP's	Standard Operating Procedures

INTRODUCTION

The City of Clayton's Emergency Operations Plan identifies the city's emergency planning, organizational, and response policies and procedures, integrating and coordinating these with other governmental levels and community partnerships when required. The plan is based on the functions and principles of the National Incident Management System, (NIMS), which is based on the FIRESCOPE Incident Command System (ICS). The plan addresses how the City of Clayton will respond to extraordinary events or disasters, from preparation through recovery and how the plan fits in the overall Standardized Emergency Management System in California. A hazard analysis and probability matrix is also included in the plan. The responsibilities of each department are identified in matrices, which are based on each identified hazard or threat. The development of departmental Standard Operating Procedures is discussed, including what each department will include in its Standard Operating Procedures (SOPs).

The City of Clayton's Emergency Operations Plan will be approved by the City Council and signed by the Mayor. The City's Police Services is responsible for reviewing the entire plan and coordinating the revision of the plan as required. Each department manager is responsible for reviewing departmental SOPs on an annual basis and coordinating their revision with Police Services. The City's Police Services will be responsible for maintaining records of all revisions.

CONCEPT OF OPERATIONS

The City's response to disasters is based on four phases: increased readiness, initial response operations, extended response operations, and recovery operations. During each phase, specific actions are taken to reduce and/or eliminate the threat of specific disaster situations. In coordination with the City Manager and the Incident Commander, the responding department head will initiate the appropriate level of alert for response agencies, including the activation of the Emergency Operations Center as required.

INCREASED READINESS

Upon receipt of a warning or the observation that an emergency situation is imminent or likely to occur soon, the City will initiate actions to increase its readiness. Events that may trigger increased readiness activities include:

- Issuance of a credible long-term earthquake prediction;
- Receipt of a flood advisory or other special weather statement;
- Receipt of a potential dam failure advisory;
- Conditions conducive to wild land fires, such as the combination of high heat, strong winds, and low humidity;
- An expansive hazardous materials incident;
- Information or circumstances that indicate the potential for acts of violence or civil disturbance.

Increased readiness activities may include, but are not limited to, the following activities:

- Briefing the City Manager and key officials or employees of Clayton;
- Reviewing and updating the Clayton Emergency Operations Plan and related SOPs;
- Increasing public information efforts;
- Accelerating training efforts;
- Inspecting critical facilities and equipment including testing warning and communications systems;
- Recruiting additional staff and Disaster Service Workers (including volunteers);
- Warning threatened elements of the population;
- Conducting precautionary evacuations in the potential danger area(s);
- Mobilizing personnel and pre-positioning resources and equipment.

INITIAL RESPONSE

The city's initial response activities are primarily performed at the field response level. Emphasis is placed on minimizing the effects of the emergency or disaster. Field responders will use the Incident Command System to organize response to the emergency or disaster, incorporating the functions, principles and components of ICS (i.e., unified command, action planning, span of control, hierarchy of command, etc). Examples of

initial response activities include:

- Making all necessary notifications, including to the County Operational Area;
- Disseminating warnings, emergency public information, and instructions to the residents of Clayton;
- Conducting evacuations and/or rescue operations;
- Caring for displaced persons and treating the injured;
- Conducting initial damage assessments and surveys;
- Assessing need for mutual aid assistance;
- Restricting movement of traffic/people and unnecessary access to affected areas;
- Developing and implementing Incident Action Plans.

EXTENDED RESPONSE

The City's extended response activities are conducted in the field and in the city's Emergency Operations Center (EOC).

The City of Clayton's EOC's are:

PRIMARY EOC: City Hall - 3rd Floor
6000 Heritage Trail

ALTERNATE EOC: City Council Chambers - Clayton Community Library
6125 Clayton Rd

City of Clayton Mobile Command Trailer
Citywide as needed

Extended response operations involve the coordination and management of personnel and resources to mitigate an emergency and facilitate the transition to recovery operations. Field response personnel will continue to use the Incident Command System (ICS) to manage field operations. EOC staff will support field response personnel in mitigating the effects of the disaster. EOC staff will be organized around the five National Incident Management System (NIMS) functions:

Management/Command
Operations
Planning/Intelligence
Logistics
Finance/Administration.

NIMS AND THE EOC

The components and principles of NIMS will be used by the EOC staff to manage disaster operations. EOC staff will establish measurable and attainable objectives to be achieved

for a given operational period. An EOC action plan will be developed for each operational period.

When the EOC is activated, communications and coordination will be established between the Incident Commander(s) and the EOC. Communications and coordination will be established between the City of Clayton EOC, when activated, and the Contra Costa County Operational Area EOC. Multi-agency or inter-agency coordination will be used by EOC staff to facilitate decisions for overall local government-level emergency response activities.

Examples of extended response activities include:

- Preparing detailed damage assessments;
- Operating mass care facilities;
- Conducting coroner operations;
- Procuring required resources to sustain operations;
- Restoring vital utility services;
- Tracking resource allocation;
- Conducting advance planning activities;
- Documenting expenditures;
- Developing and implementing Incident Action Plans for extended operations;
- Disseminating of emergency public information;
- Declaring a local emergency.

MUTUAL AID SYSTEM

"Mutual Aid System" means the system which allows for the progressive mobilization of resources to/from emergency response agencies, local governments, operational areas, regions, and the state with the intent of providing adequate resources to requesting agencies. The City of Clayton is located in Mutual Aid Region II. Within the framework of the California Disaster and Civil Defense Master Mutual Aid Agreement, several discipline-specific mutual aid coordinators will operate from the City of Clayton EOC, such as fire and rescue, law enforcement, medical and public works. Mutual aid requests for these disciplines will be coordinated through the coordinators. Once the city EOC is activated, communications will be established between the EOC and these discipline-specific operational area mutual aid coordinators. All other requests for assistance will flow through the appropriate Operational Area NIMS function. The jurisdiction(s) requesting mutual aid will remain in charge and retain overall direction of personnel and equipment provided through mutual aid.

RELATIONSHIP TO SYSTEM

The City is responsible for emergency response within its geographical boundaries. The California Emergency Services Act requires the City to manage and coordinate the overall emergency response and recovery activities within its jurisdiction. During disasters, it is required to coordinate emergency operations with the Contra Costa

County Operational Area and, in some instances, other local governments. Under the National Incident Management System (NIMS), it has responsibilities at two levels, the field response and local government levels. At the field response level, all agencies will use the Incident Command System (ICS) to standardize the emergency response. At the local government level, a designated Emergency Operations Center (EOC) is used as the central location for gathering and disseminating information, coordinating all jurisdictional emergency operations, and coordinating with the Contra Costa County Operational Area.

RECOVERY

As the immediate threat to life, property and the environment subsides, the rebuilding of Clayton will begin through various recovery activities. Recovery activities involve the restoration of services to the public and rebuilding the affected area(s). Recovery activities may be both short-term and long-term, ranging from restoration of essential utilities such as water and power, to mitigation measures designed to prevent future occurrences of a given threat facing the city. This plan does not specifically identify the City of Clayton's recovery operations. However, the "Recovery Operations Manual" covers the recovery process in detail, describing roles and responsibilities and the procedures for accessing the federal and state disaster assistance programs that are available to individuals, businesses, and the city. The City of Clayton's Recovery Operations Manual is enclosed in the appendix of this plan. Examples of recovery activities include:

- Restoring of all utilities;
- Establishing and staffing Local Assistance Centers and Disaster Assistance Centers;
- Applying for state and federal assistance programs;
- Conducting hazard mitigation analyses;
- Identifying residual hazards;
- Determining and recovering costs associated with response and recovery.

DEVELOPMENT/MAINTENANCE

This plan also contains Volume II Standard Operating Procedures (SOPs). These SOPs contain, in detail, those actions that are necessary to fulfill the department's responsibilities under this plan. Each of the departmental SOPs will include some generic information such as increased readiness activities, procedures for recalling departmental personnel, disaster assignments, and departmental resource lists. Each department must also complete departmental response plans. Response Plans will be reviewed by the City of Clayton's Office of Emergency Services for consistency with the City's emergency operations plan.

CITY OF CLAYTON

FUNCTIONAL MATRIX OF DIVISIONS/ SERVICES ICS FUNCTION	DIVISION	CITY MANAGER	ASST. TO THE CITY MGR.	CITY CLERK	COMMUNITY DEVELOPMENT	ENGINEERING	FINANCE	CITY ATTORNEY	POLICE DEPARTMENT	MAINTENANCE
EMERGENCY SERVICES DIRECTOR		X								
EMERGENCY PUBLIC INFORMATION OFFICER				X						
LEGAL ADVISOR								X		
OPERATIONS CHIEF									X	
POLICE/SAFETY									X	
MAINTENANCE										X
PLANNING CHIEF					X					
RESOURCES STATUS					X					
SITUATION STATUS & DAMAGE					X					
DEMOBILIZATION			X							
TRANSPORTATION PLAN										X
LOGISTICS CHIEF					X					
SUPPLY-EQUIPMENT										X
LIAISON			X							
TRANSPORTATION RESOURCES						X				
CARE AND SHELTER									X	
VOLUNTEERS									X	
COMMUNICATIONS									X	
TIME AND COSTS				X						
FINANCE/ADMINISTRATION SECTION CHIEF							X			
PERSONNEL			X							

DUTIES AND RESPONSIBILITIES

MANAGEMENT/COMMAND SECTION

ELECTED OFFICIALS

- Establish a legal authority and organization from which the city may operate in times of an emergency.
- Ratify any proclamations of **Local Emergency**, pass emergency ordinances and resolutions, and assist in managing recovery issues during reconstruction after an emergency.
- The City Council has the power to appoint alternate officials in order to achieve quorum in the event of an emergency to insure the continuance of government.
- Assist with the Continuity of Government following an emergency.

EMERGENCY SERVICES DIRECTOR

The City Manager is the Emergency Services Director and leads the city's Emergency Management Staff. The Director's staff consists of city staff and volunteers. As a group, they:

- Organize, staff and operate a City Emergency Operations Center (EOC).
- Activate and monitor communications and warning systems.
- Provide information and guidance to the public.
- Maintain information on the status of resources, services and operations.
- Monitor field operations, and provide policy and priority directions to the field.
- Obtain support for the city, and provide support to other jurisdictions as required.

- Analyze hazards and recommend appropriate countermeasures.
- Collect and evaluate damage and other essential information and report the data to the county.
- Gather status reports and other information from field units and report the appropriate data to the county.

EMERGENCY PUBLIC INFORMATION OFFICER

In Clayton the City Clerk has been designated as the Public Information Officer (PIO) and is a member of the Emergency Management Team.

The PIO is expected to:

- Talk with the Emergency Services Director (City Manager or alternate) about the content of all information prior to giving it to the media.
- Contact and work with other agencies (private, volunteer, government, special districts, etc.) within the affected area before releasing information about them to the media.
- Release detailed information and instructions to the public once approved by the EOC Director.
- Set up a rumor control system to respond to public inquiries.
- Notify county Joint Information Center (JIC) of information applicable to county wide news releases.
- Prepare for arriving dignitaries (for example, gubernatorial or presidential visit, etc.). Work with other agencies to obtain necessary support and/or resources.
- Request PIO Mutual Aid from the county if required.
- Coordinate with OES.

LIAISON

In Clayton the **Assistant to the City Manager** will serve as the **Liaison** and is a member of the Emergency Management Team. The Liaison is expected to:

- Notify the Operational Area of the opening and closing of the City Emergency Operations Center.
- Remind the Emergency Services Director to hold regular briefings in the EOC. Briefings are necessary for all EOC staff, City Council and any visiting dignitaries. These can be held together or separately at the discretion of the Director.
- Contact and work with other agencies (private, volunteer, government, special districts, etc.) to enhance working relationships and clarify any billing issues.
- As available, help the PIO prepare for arriving dignitaries. Work with other agencies to obtain necessary support and/or resources.

SAFETY OFFICER

In Clayton, a person from the Contra Costa County Fire Protection District will serve as the **EOC Safety Officer** and is a member of the Emergency Management Team. The Safety Officer is expected to:

- Attend briefings and give input on the potential hazards within the EOC.
- Identify what protective equipment is needed for the required job and halt work until the equipment is available.
- Work with Logistics, Planning and Operations Sections to identify the hazardous jobs and get the materials needed.
- Request the Emergency Services Director to get necessary Mutual Aid.

LEGAL ADVISOR

In the City of Clayton, the **City Attorney** will serve as the **Legal Advisor**. Clayton has established legal authority for the development and maintenance of an emergency

management program and organization by passing a Municipal Code. This ordinance defines emergency powers, authorities, and responsibilities of the Emergency Services Director, establishes a City Disaster Council and provides for the development of an emergency plan.

OPERATIONS SECTION

The Operations Section is the equivalent of the front lines during a war. Emergency functions in this section work to control the direct and immediate effects of a disaster, where the "action" is.

OPERATIONS CHIEF

The Police Chief will serve as the primary Operations Chief unless otherwise designated by the Emergency Services Director. An alternate (including but not limited to the Fire Chief, Public Utilities Director, or other designee depending on the nature of the emergency) will serve as the Operations Chief and is a member of the Emergency Management Team. The Operations Chief is expected to:

- Brief Operations Section staff on the priorities set by the Director and City Council.
- Brief the Emergency Services Director on actions or events developing in the field.
- Support the field response with the staff assigned to the Operations Section.
- Arbitrate conflicts between agencies as they occur and involve the Emergency Services Director as needed.
- Keep the Public Information Officer informed of evacuations or other public issues that the media will want.
- Be sure Operations Section staff keep Resource and Situation Status staff up to date on events.

CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT

The Contra Costa County Fire Protection Chief or alternate serves as a member of the Clayton Emergency Management Team. The designated fire representative will ensure the following occurs in each area of responsibility:

- **Fire**
 - Coordinate the activities of personnel engaged in fire operations.
 - Maintain communications with the Emergency Fire Operations Center(s) or field commands, including any established on-scene ICS.
 - Evaluate status reports and determine priorities for committing fire resources.
 - Coordinate and communicate with city staff as required to maintain smooth operations.
 - Determine the need for additional assistance and submit appropriate requests to the County Fire and Rescue Coordinator.
- **Field Medical**
 - Continue to provide triage and immediate medical care for casualties.
 - Coordinate with County EMS for transportation of injured.
 - City Public Health staff maintain contact with local hospitals on service status.
- **Heavy Rescue**
 - Work with the Operations Chief to identify an Incident Commander at heavy rescue sites and identify the responsibilities each responding agency assumes.
 - Work with City of Clayton Police and Public Services to gather personnel and equipment to effectively complete heavy rescue operations.
 - Deploy available rescue resources.
 - Request and/or gather Mutual Aid through the proper methods.
- **Evacuation**
 - As time, staff availability and resources permit, assist police with evacuation and warning.

POLICE SERVICES

The Clayton Police Chief serves as the Operations Chief who manages the five units in the Operations Section. The on-duty Shift Sergeant fills the Police role. In this capacity he will:

Law Enforcement

- Coordinate law enforcement and traffic control operations within the city and

support to other city functions.

- Evaluate status reports and determine priorities to commit law enforcement resources within the jurisdiction.
- Provide support to other jurisdictions as required.
- Determine the need for more assistance and submit appropriate requests to the County Law Enforcement Coordinator.

Search

- Take reports of missing persons.
- Work with fire and public works staff to locate missing persons and assist in rescue efforts.
- Secure rescue operations. Assist with crowd control.

Movement

- Work with Transport Resources, Transportation Planning and Shelter staff to manage the movement of people from hazardous or threatened areas to safer areas in the city.
- Movement operations will be conducted through the cooperative efforts of law enforcement agencies, highway/road/street departments, and public and private transportation providers.
- Procurement, regulation and allocation of resources will be done by the City Transport Resources person.
- Work with PIO to warn the area to evacuate. Include the following info:
 - Why they must evacuate.
 - Routes to take, including conditions of roads, bridges and freeway overpasses.
 - What to do if vehicle breaks down.
 - The locations of assembly points for those without access to automobiles.
 - Where to go for mass care until the emergency has passed.

Coroner

- Establish communications with County Sheriff/Coroner.
- Coordinate response and obtaining resources as needed.
- Secure remains of dead at a temporary morgue. Be sure belongings of person stays with body.
- Obtain resources to store bodies until county support can respond.
- Identify casualties as able.
- Notify kin.

Animal Services

- Respond to animal-related emergencies as available and related to priority of life saving. Coordinate with County Animal Services Department.

MAINTENANCE

A **Maintenance Supervisor** or designee is responsible for **Maintenance Operations** in Clayton, and is a member of the Emergency Management Organization. The director or alternate will staff the Maintenance staff position in the city EOC and:

- Coordinate maintenance operations in Clayton.
- Work with the other Emergency Management Staff to fill their needs for maintenance support.
- Determine and pass on requirements for maintenance operations Mutual Aid to the County Construction and Engineering Coordinator.

***NOTE:** Members of the Maintenance Department have been appointed to serve as city's public health staff

UTILITIES

A **Maintenance Supervisor**, or alternate, will serve as the **Utilities staff person**. If a disaster affects a large area of the county, the Utilities staff will work with the Utilities Coordinator at the County EOC. If it is a disaster only affecting the City of Clayton, immediately request liaison from the utilities serving the city.

PUBLIC HEALTH

The Contra Costa County Health Services Department provides Public Health Operations for the entire county. This includes the City of Clayton. To enhance response to and coordination with the County Public Health Emergency Management Staff, the city has appointed personnel from the **Maintenance Department** as the **City Public Health staff**.

The City Public Health staff will:

- Gather information about the public health needs within Clayton.
- Compile information on any hazardous materials incidents within the city, and relay that information to the County EOC.
- Coordinate with any field Incident Command within the city in a hazardous materials incident.
- Communicate the city's needs to the County Public Health or Environmental Health Coordinator, as appropriate.
- Take remedial action to prevent public health problems, if directed to do so by the County Public Health Coordinator.
- Take action necessary to protect the public from hazardous materials incidents, in coordination with the established field Incident Command.
- Contact the local hospital and request an assessment of the hospital; and relay all information to the County EOC.
- Provide necessary non-medical support to the local hospital (emergency water, power, personnel to move patients, etc.).
- Work with the Fire staff to keep abreast of incidents involving serious injuries.
- Contact the County Emergency Medical Services about the transportation of injured persons.
- Work with the city Care and Shelter staff to determine the city's medical needs in the shelters.
- Relay information to the County Emergency Medical Services staff about the medical needs of the city.

The Clayton Police Department is responsible for scene management, including Incident Command, at the site of any hazardous materials incident. The local fire district/agency in a jurisdiction is responsible for rescue, decontamination,

containment, fire control and hazard recognition activities at a hazardous materials incident.

COMMUNITY EMERGENCY RESPONSE TEAM (CERT)

The Clayton Community Emergency Response Team (CERT) is an organized group of volunteers who are trained to conduct basic response functions in their respective neighborhoods.

Because it is assumed that first responders may not be available for the first 72 hours, CERT can perform basic life safety functions until professional response agencies arrive. Potential roles for CERT after the earthquake are:

- Locate and extinguish small fires
- Clean up spills
- Inspect homes for damage and document according to CERT training
- Search for people and animals that require assistance
- Assist professional first responders prior to their arrival by triaging the injured
- Treat people with injuries according to CERT training
- Communicate situation status to City of Clayton EOC/DOC via CERT representative in the EOC

PRIORITIES FOR RESPONSE

The following overarching operational priorities govern resource allocation and response strategy for Clayton after an earthquake:

- **Save Lives.** The preservation of life will be the top priority of emergency managers and first responders and take precedence over any and all other considerations.

- **Diminish Suffering:** All possible efforts will be made to diminish suffering by providing basic human needs, including medical care, food, water, shelter, and security.
- **Protect Property:** All possible efforts will be made to protect public and private property from damage and/or theft.
- **Protect the Environment:** All possible efforts will be made to protect Clayton's environment from damage.
- **Restore Basic Services:** Power, sanitation, public transportation, law enforcement, fire, medical, and other basic services will be restored as quickly as possible to enable communities to resume their normal patterns of life.

PLANNING/INTELLIGENCE SECTION

The Planning Section attempts to answer the question, "What's the problem?" This Section provides the facts and projections that help others make informed decisions.

PLANNING SECTION CHIEF

The **Community Development Director**, or assistant, will serve as the Planning Chief and is a member of the Emergency Management Team. The Planning Chief is expected to:

- Collect and analyze all data regarding field operations.
- Collect and summarize data regarding disaster response in the city.
- Develop situation reports upon request.
- Identify potentially critical problems. Give information to Operations Section Chief and the Director.
- Develop the EOC Incident Action Plan with operational period and objectives.
- Assist the Emergency Public Information Team by maintaining updated information and producing regular situation summaries for the Emergency Operations Center (EOC) staff.
- Work with Damage Assessment staff to collect and consolidate damage information within the city. This information would be included with the regularly published situation reports.
- Assign staff to maintain files of the written documents generated in the EOC.
- Be sure staff maintain major incident boards and maps in the EOC.
- Brief Planning Section staff on the priorities set by the Director and City Council. Create a document that consolidates the priorities and decisions and distribute to all EOC staff.

- Work with the Operations Chief to be sure Operations Section staff keep Resource and Situation Status staff up to date on events.

RESOURCE STATUS

A member of the Planning Department, or alternate, will serve as the Resource Status staff and is a member of the Emergency Management Team. Resource Status staff are expected to:

- Maintain information on the status of city resources: personnel, equipment, etc.
- Collect and summarize data regarding location of resources in disaster response.
- Determine whether equipment is being used wisely.
- Help staff determine if and where mutual aid is necessary.
- Help locate and manage Staging Areas for incoming assistance.
- Maintain a resource status board in the EOC.

SITUATION STATUS AND DAMAGE ASSESSMENT

The Assistant Planner, or alternate, will serve as the Situation Status and Damage Assessment staff and is a member of the Emergency Management Team. The Situation Status and Damage Assessment staff is expected to:

- Collect and analyze all data regarding field operations.
- Poll Operations Section staff for damage information from field units.
- Collect and summarize data regarding disaster response in the city.
- Identify potentially critical problems. Coordinate with Planning Section Chief.

- With the Planning Section Chief, develop Situation Reports upon request and give copies to all EOC staff.
- Help the Emergency Public Information Team maintain updated information and produce regular situation summaries for the EOC Staff.
- Work with Damage Assessment staff to collect and consolidate damage information within the city. This information will be included with the regularly published Situation Reports. Maintain Incident Board in the EOC.

DEMOBILIZATION

The Assistant to the City Manager, or alternate, will serve as the Demobilization staff and is a member of the Emergency Management Team. The Demobilization staff is expected to:

- Identify lost, disabled or destroyed city resources and work with Logistics and Finance Staff to identify means to replace or repair them.
- Manage the closing and securing of EOC operations and the restoration of normal city operations.
- Review documents for information on resources lost, damaged or destroyed.
- Assist in setting up and conducting a post disaster briefing.
- Help manage the transitions between shifts and ensure complete Documentation is filed.
- Assist other Planning Section actions, as staff is available.

TRANSPORTATION PLANNING

A Maintenance Supervisor, or alternate, will serve as the Transportation Planning staff and is a member of the Emergency Management Team. The Transportation Planning staff is expected to:

- Collect and analyze all data regarding transportation systems.

- Work with Transport Resources in Logistics to identify routes for resources to use.
- Work with Police to determine best evacuation routes for the number of people.
- Identify potentially critical problems given Transportation System damages.
- Work with other Planning Section staff to develop accurate Situation Reports.
- Help the Emergency Public Information Team maintain updated information.
- Work with Damage Assessment staff to collect and consolidate damage information within the city. Include with the regular Situation Reports.
- Maintain information on the city map and status board in the EOC.

LOGISTICS SECTION

Provides for the procurement, distribution and use of essential resources and services (including equipment, supplies, water, food, fuel, electric power and transportation).

LOGISTICS SECTION CHIEF

A member of the Planning Department, or alternate will serve as the Logistics Chief and is a member of the Emergency Management Team. The Logistics Chief is expected to:

- Manage the procurement and allocation of resources within Clayton.
- Supervise staff that will complete and maintain accurate records of resource transactions.
- Request support and Mutual Aid from the Contra Costa County Mutual Aid Coordinator.

SUPPLY

The Maintenance Supervisor, or alternate will serve as the Supply staff and is a member of the Emergency Management Team. The Supply staff is expected to:

- Identify the type and quantity of resources needed, locate where to obtain them, send them to a site or Staging Area, and monitor their use.
- Maintain accurate records of resource transactions.
- Work with Resource Status on city resources available and track their use.
- Work with other Logistics Section staff and EOC staff.
- Support Time, Cost and Claims staff requests for information.
- Request security for Staging Areas and supplies from Police staff in the EOC.

COMMUNICATIONS

A **Police Sergeant** from the Police Department, or alternate, serves as the **Communications staff**. The Communications staff and other city staff as needed are to:

- Manage the communications system (Local Government Net) within the city.
- Identify agencies or contract agents to repair communications equipment as needed.
- Contact RACES personnel through OES to operate the City's amateur radio system.
- Identify local vendors that could supply emergency communications equipment in the event support is needed.

TRANSPORTATION RESOURCES

A member of the **Engineering Department**, or alternate, will serve as the **Transport Resources staff**. The Transport Resources staff is expected to:

- Work with other city EOC staff to determine the type and quantity of transportation resources needed and where they are to stage for use.
- Locate and obtain transportation resources within Clayton.
- Direct use and track location of these resources.
- Request support or Mutual Aid from the Transportation Coordinator at the Contra Costa County EOC.
- Work with Transportation Planning to communicate with the county EOC to obtain information from the transportation representatives there (CALTRANS, BART, County Connection, etc.).

VOLUNTEERS

The **Police Office Coordinator** from the Police Department, or alternate, will serve as the **Volunteer staff coordinator** in the City EOC. The Volunteer staff coordinator will:

- Answer calls from volunteers.
- Locate, organize and use volunteer resources within Clayton.
- Coordinate the call-out and use of existing registered volunteers, including CERT, within the city.
- Organize a registration system for volunteers being used in disaster operations in the city.
- Coordinate with local volunteer agencies, including the Volunteer Center of the East Bay, for organizing and using volunteers.
- Request support and/or Mutual Aid from the Personnel staff at the Contra Costa County EOC.

FACILITIES/EOC SUPPORT

A **Maintenance Worker**, or alternate, will serve as the **Facilities and EOC Support staff**. The Facilities and EOC Support staff is expected to:

- Manage the general health and welfare of the EOC staff and rest areas.
- Set up a feeding schedule and gather food for EOC staff and field workers.
- Obtain supplies, equipment and other resources to support rest area operations.
- Work with Planning staff to select a site for rest area operations and with other Logistics staff to gather supplies and staff to operate them.

- Manage the emergency generator for the EOC and obtain supplies to service it.
- Maintain accurate records of activity and resource transactions. Red Cross does not pay for housing or rest area supplies. They do pay for and will acquire meals.
- Monitor conditions of the EOC facility and rest area buildings for disaster. Manage problems that may arise, such as, lighting failure, air conditioning/heating problems, etc. Locate resources/services to correct.

DOCUMENTS/MESSAGE SUPPORT

The Assistant Planner, or alternate, will serve as the Documents / Messages staff and is a member of the Emergency Management Team. The Documents / Messages staff are expected to:

- Collect and review all Activity Logs and Message Forms.
- Look for completeness and accuracy of information on forms.
- Assist with creating documents.
- Be sure messages and information are routed to the proper EOC staff.
- Send reports or information over phone, local government radio, email or fax.
- Help the Emergency Public Information Team maintain updated information.
- Work with Damage Assessment staff to collect and consolidate damage information within the city. This information would be included with the regularly published Situation Reports.
- As staff are available, help maintain the EOC status boards.

CARE & SHELTER

In Clayton, the Code Enforcement Officer, or alternate, serves as the Care and Shelter staff in the City EOC. In order to manage shelter activity, Care and Shelter

staff must maintain contact with the American Red Cross. Red Cross staff will be at the Contra Costa County EOC in a large disaster which affects the county at large; otherwise, in a local emergency the Red Cross may staff the Clayton EOC.

By Federal Charter, the American Red Cross (ARC) is mandated to provide disaster relief in peacetime emergencies. In California, the American Red Cross, the State Office of Emergency Services (OES) and the Department of Social Services have created an operating relationship. The American Red Cross of the Bay Area created a similar operating relationship. The following references outline ARC responsibilities:

- Federal Law 36-USC-3;
- Public Law 93-288 (Federal Disaster Relief Act of 1974);
- Statement of Operational Relationships (ARC and OES);
- Memorandum of Understanding (ARC and Social Services).
- Operating Relationship Agreement (ARC and Contra Costa County)

The Red Cross agrees to provide:

- Emergency lodging for disaster victims in public or private buildings.
- Food and clothing for people in emergency mass care facilities.
- Food for disaster workers if normal commercial feeding facilities are not available.
- Registration and inquiry service.

The Red Cross acts cooperatively with state and local governments and other private relief organizations to provide emergency mass care to people affected by disasters in peacetime. There is no legal mandate for Red Cross involvement in a State of War Emergency, but, by decision of Chapter Boards of Directors, the Red Cross Chapter Disaster Committees in California may, if incorporated into the war emergency plans of political subdivisions, serve as a component of emergency management to assist with emergency mass care operations.

FINANCE SECTION

This section will be activated when an incident requires record maintenance for personnel and equipment time, providing payments to vendors for supplies and equipment use, and for determining the cost of alternate response strategies.

FINANCE SECTION CHIEF

In Clayton, the Finance Director, or alternate, will serve as the Finance Chief and is a member of the Emergency Management Team. The Finance Chief is expected to:

- Be sure the proper documentation begins.
- Ask the Emergency Services Director to require EOC staff to complete the necessary documents.
- Review the types of documents that are necessary for EOC staff to complete.
- Review documents filed in the Documents and Message Center files to be sure documents are thorough.

TIME/COSTS

In Clayton, the City Clerk from the Finance Department, or alternate, will serve as the Cost and Time staff. The Cost and Time staff is expected to:

- Be sure the proper documentation begins.
- Review the types of documents that are necessary for EOC staff to complete.
- Review documents filed in the Documents and Message Center files to be sure documents are thorough.
- Create incident and cumulative cost reports.
- Attend applicant briefings set up by the state after the immediate disaster response has occurred and some semblance of recovery has begun.

COMPENSATION/CLAIMS/PERSONNEL

In Clayton, personnel from the Finance Department, or alternate, will serve as the Compensation, Claims and Personnel staff. The Compensation, Claims and Personnel staff is expected to:

- Be sure the proper documentation begins.
- Review the types of documents that are necessary for EOC staff to complete.
- Review documents filed in the Documents and Message Center files to be sure documents are thorough.
- Maintain information on the reassignment of non-assigned city staff.
- Attend applicant briefings set up by the state after the immediate disaster response has occurred and some semblance of recovery has begun.

AUTHORITIES AND REFERENCES

The authority for the City of Clayton Emergency Operations Plan (EOP) is provided in the California Emergency Services Act (Chapter 7 of Division 1 of Title 2 of the Government Code). City of Clayton ordinance number provides for the authority of implementing the Clayton EOP. In the development of this EOP, references were used from many sources such as, Contra Costa County Operational Area EOP, the National Incident Management System (NIMS) and the State Emergency Plan.

TRAINING AND EXERCISING

The City of Clayton Police Department (OES) is responsible for developing and providing all training required under the National Incident Management System (NIMS) regulations. The departments are responsible for providing training for all department emergency responders, ensuring that all applicable laws are met, and employees are familiar with and knowledgeable of department Standard Operating Procedures (SOPs) and the city's emergency plan. OES is also responsible for developing and distributing an exercise schedule, covering the exercises to be conducted throughout a given calendar year. Each department is responsible for sending emergency responders to these scheduled events pursuant to the exercise schedule published by OES.

RECOVERY OPERATIONS

The City of Clayton and the special districts serving the City will be involved in recovery operations. In the aftermath of a disaster, many residents will have specific needs that must be met before they can pick up the thread of their pre-disaster lives. Typically there will be a need for such services as these:

- Assess the extent and severity of damages to homes and other property.
- Restoration of services generally available in communities - water, food, and medical assistance;
- Repair of damaged homes and property; and
- Professional counseling when the sudden changes resulting from the emergency have resulted in mental anguish and inability to cope.

The city will help individuals and families recover by ensuring that these services are available and by seeking additional resources if the community needs them.

Recovery occurs in two phases: short-term and long-term.

SHORT-TERM RECOVERY

Short-term recovery includes utility restoration, expanded social, medical, and mental health services, reconstitution of Clayton government operations, transportation route restoration, debris removal and clean up operations, and the abatement and demolition of hazardous structures. Clayton will coordinate with special district and private utility companies on all efforts to restore utility systems and services during recovery operations. Social, medical, and mental health services will be expanded throughout the city, as the result of a disaster/event. Medical services will continue in temporary facilities, as necessary. Contra Costa County Health Department will coordinate and conduct Critical Stress Debriefings for emergency response personnel and victims of the disaster/event. For federally-declared disasters, hotlines will be established by the Federal Emergency Management Agency (FEMA) to assist disaster victims and businesses in applying for individual assistance grants and Small Business Administration loans. In coordination with the American Red Cross, the City will provide temporary housing for disaster

victims until long term housing can be arranged. The city will ensure that debris removal and clean up operations are expedited during short-term recovery operations. Hazardous structures will be demolished and abated during short-term recovery operations.

LONG-TERM RECOVERY

Long-term recovery includes land use planning, zoning variance activities, hazard mitigation activities, restoration or reconstruction of public facilities and financial recovery. The city's zoning variances, building codes, plan reviews, seismic safety elements, and other land use planning techniques will be handled independently, on a case-by-case basis. Additionally, to ensure rapid recovery, normal city procedures and policies may be adjusted to streamline the recovery process. However, the city has decided that public safety will be the primary factor when considering to streamline procedures and policies. The city and special districts will identify hazard mitigation projects that will aid in reducing the city's vulnerability to future disasters. The city and special districts will strive to restore essential facilities to their pre-disaster condition by retrofitting, repairing or reconstructing them during long-term recovery operations. Application for financial recovery activities will be submitted, recouping the cost of responding to and recovering from the disaster. Relief programs will also be sought for individual citizens and private businesses. The city's redevelopment agencies will play a vital role in rebuilding commercial areas of Clayton.

RECOVERY OPERATIONS ORGANIZATION

For the City of Clayton, recovery operations will be managed and directed by the City Manager. Recovery issues involving other jurisdictions and/or special districts will be coordinated and managed between the City Manager and their designated representatives. On a regularly scheduled basis, the City Manager will convene meetings with Department Managers, key individuals, and representatives from affected jurisdictions and special districts. These meetings will be held to collectively make policy decisions and to collect and disseminate information regarding completed and ongoing recovery operations. The city Emergency Services Coordinator will assist the City Manager in facilitating and leading the recovery process. Clayton departments will also be represented and responsible for certain functions throughout the recovery process.

RECOVERY DAMAGE ASSESSMENT

Damage assessment is the basis for determining the type and amount of state and/or federal financial assistance necessary for recovery. Under the Clayton EOC SOP, an Initial Damage Estimate is developed during the emergency response phase to support a gubernatorial proclamation and for the state to request a presidential declaration. A detailed assessment of damage will be developed, during the recovery phase by the city and special districts. The detailed damage assessment will be used when applying for the various disaster financial assistance programs. The maintenance department, in conjunction with any other involved agencies (water, sewer, electric, etc) will complete the detailed damage assessment.

DOCUMENTATION

Documentation is the key to recovering emergency response and recovery costs. Damage assessment documentation will be critical in establishing the basis for eligibility of disaster assistance programs. Under the State Natural Disaster Assistance Act (NDAA), documentation is required for damage sustained to public buildings, levees, flood control works, irrigation works, county roads, city streets, bridges, and other public works, except those facilities used solely for recreational purposes. Under federal disaster assistance programs, documentation of damage sustained to roads, water control facilities, public buildings and related equipment, public utilities, facilities under construction, recreational and park facilities, educational institutions and certain private non-profit facilities must be obtained. Debris removal and emergency response costs incurred by the affected entities should also be documented for assistance purposes under the federal programs. It will be the responsibility of the city and special districts to collect documentation of these damages.

The documented information should include the location and extent of damage, and estimates of costs for: debris removal, emergency work and repairing or replacing damaged facilities to pre-disaster condition. The cost of compliance with building codes for new construction, repair, and restoration will also be documented. However, the cost of improving facilities will not be included. Documentation is key to recovering expenditures related to emergency response and recovery operations. For Clayton and their special districts, documentation must begin at the field response level and continue through the operation of their Emergency Operations Center continually as the disaster unfolds.

AFTER-ACTION REPORTING

National Incident Management System (NIMS) regulations require any city, city and county, or county declaring a local emergency for which the governor proclaims a state of emergency, to complete and transmit an after action report to OES within ninety (90) days of the close of the incident period. The after action report will provide, at a minimum, review of response actions taken, application of NIMS, suggested modifications to NIMS, necessary modifications to plans and procedures, identified training needs, and recovery activities to date. The after action report will serve as a source for documenting Clayton's emergency response activities, identifying areas of concern and successes. It will also be utilized to develop and describe a work plan for implementing improvements.

An after action report will be a composite document for all NIMS levels, providing a broad perspective of the incident, referencing more detailed documents, addressing all areas specified in regulations. It will include an overview of the incident, including enclosures and addressing specific areas if necessary. It will be coordinated with, but not encompass, hazard mitigation. The Clayton Police Department will be responsible for the completion and distribution of the Clayton after action report, including sending it to the Governor's Region Office of Emergency Services within the required ninety day period. They may coordinate with the operational area and special districts in the completion of the after action report, incorporating information from them for the report.

The Clayton after action report's primary audience will be management and city employees. As public documents, they are accessible to anyone who requests a copy and will be made available through the City Clerk. The after action reports will be written in simple language, well structured, brief and well presented, and geared to multiple audiences. Data for the after action report will be collected primarily from a questionnaire, other documents developed during the disaster response, and interviews of emergency responders.

DISASTER ASSISTANCE PROGRAMS

When requesting assistance under disaster assistance programs, some key areas of concern must be adequately addressed. These areas include the various disaster assistance programs designed for distinct groups, disaster assistance available at each level of declaration and the level of detail required on each request for disaster assistance. The disaster assistance programs have been developed around the needs of four distinct groups: individuals, businesses (including agriculture interests), governments, and non-profit organizations. Individuals may receive loans or grants for such things as real and personal property, dental, funeral, medical, transportation reconstruction crisis counseling, unemployment, sheltering and rental assistance may be provided depending on the extent of damage. Loans for many types of businesses are often made available through the US Small Business Administration, assisting with physical and economic losses as a result of a disaster or an emergency. Many programs exist for agricultural or other rural interests through the U.S. Department of Agriculture, including physical and production losses, livestock feeding, and other areas of assistance. Funds and grants are available to government and non-profit organizations to mitigate the risk of future damage. A state grant program is available to local governments to reimburse them for certain response and recovery costs. Federal grant programs are available to assist governments and certain non-profit organizations with such costs.

At each level of emergency declaration, various disaster assistance programs become available to individuals, businesses, governments, and non-profit organizations. Under a local, state, and federal emergency declaration, Clayton may be eligible for assistance under the Natural Disaster Assistance Act (with the Governor's OES Director's concurrence). Businesses and individuals may be eligible for local government tax relief, low interest loans from the US Small Business Administration, and relief programs under the US Department of Agriculture. Under a State of Emergency Proclamation by the Governor, the city, special districts, individuals, and businesses may be eligible, in addition to the assistance available under a local emergency declaration, for services from the following agencies:

Contractor's License Board
Department of Insurance
Department of Social Services
State Board of Equalization

Department of Aging
Department of Motor Vehicles
Franchise Tax Board Tax Relief
Department of Veteran's Affairs (CALVET)

Under a Presidential Declaration, the City, special districts, individuals, and businesses may be eligible for the following disaster programs and services:

- Cora Brown Fund;
- Crisis Counseling Program;
- Disaster Unemployment;
- Temporary Housing Program;
- Individual and Family Grant Program;
- Internal Revenue Service Tax Relief;
- Public Assistance;
- Hazard Mitigation;
- Veteran's Affairs Assistance; and
- Federal Financial Institutions.

PUBLIC ASSISTANCE PROGRAM RESPONSIBILITIES

The City, private agencies, and special districts have the responsibility for the completion and submission of the required documents for both state and federal public assistance programs for their jurisdiction, agency, or company.

Specifically, Emergency Preparedness/Police Services will complete the necessary public assistance program application and work with individual departments to obtain supporting materials. Additionally, Emergency Preparedness will be the primary contact for state and federal field representatives.

INDIVIDUAL ASSISTANCE PROGRAM RESPONSIBILITIES

Individuals are expected, whenever possible, to provide for themselves and direct their own personal recovery. However, many individuals will expect the City to deliver assistance to them well after the disaster.

The City will assist the individuals in any way possible, including providing them with the Federal Emergency Management Agency's (FEMA) hotline number for individual assistance.

A sequence of delivery guide has been developed by FEMA to assist individuals and local governments in determining the flow of individual assistance. Clayton's objective is to provide the citizens of their community with all the necessary

information to help themselves recover from the disaster. The sequence of delivery appears as follows:

- individual actions for assistance (family, friends, volunteer organizations, churches, etc.);
- recovery/assistance from private insurance carrier;
- FEMA disaster housing assistance;
- United States Small Business Administration assistance; and
- individual and Family Grant Program assistance

HAZARD MITIGATION GRANT PROGRAM RESPONSIBILITIES

Within declared areas, management of non-profit special districts and the City of Clayton are responsible for identifying projects that will substantially reduce the risk of further damage, hardship, loss, or suffering from a disaster.

These agencies must ensure that each identified project is cost effective and meets basic project eligibility. The City will be the primary contact and coordinator for each funded project until completion.

LETTER OF PROMULGATION

The preservation of life, property, and the environment is an inherent responsibility of local, state, and federal government. The City of Clayton has prepared this emergency operations plan to ensure the most effective and economical allocation of resources for the maximum benefit and protection of the community in the time of emergency.

While no plan can completely prevent death and destruction, good plans carried out by knowledgeable and well-trained personnel can and will minimize losses. This plan establishes the emergency organization, assigns tasks, specifies policies and general procedures, and provides for coordination of planning efforts of the various emergency staff and service elements utilizing the National Incident Management System (NIMS).

The objective of this plan is to incorporate and coordinate all the facilities and personnel of the city into an efficient organization capable of responding to any emergency.

This emergency operations plan is an extension of the California Emergency Plan. It will be reviewed, exercised periodically, and revised as necessary to meet changing conditions.

The City Council gives its full support to this plan and urges all officials, employees, and citizens, individually and collectively, to do their share in the total emergency effort of the City of Clayton.

Concurrence of this promulgation letter constitutes the adoption of the National Incident Management System by the City of Clayton. This emergency operations plan will become effective on approval by the City Council.

Howard Geller, Mayor
City of Clayton

The following list of signatures documents each department's concurrence with this emergency operations plan.

The City Manager concurs with the City of Clayton's Emergency Operations Plan. As needed, revisions will be submitted to the Police Department's Emergency Operations Sergeant.

Signed: _____
Gary A. Napper, City Manager

The City Attorney concurs with the City of Clayton's Emergency Operations Plan. As needed, revisions will be submitted to the Police Department's Emergency Operations Sergeant.

Signed: _____
Malathy Subramanian, City Attorney

The City Clerk concurs with the City of Clayton's Emergency Operations Plan. As needed, revisions will be submitted to the Police Department's Emergency Operations Sergeant.

Signed: _____
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Signed: _____
David Woltering, Community Development Director

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Mark Janney, Maintenance Director

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Signed:

Rick Angrisani, Engineering Services

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Signed:

Dan Lawrence, Police Chief

Publishing Chronology and Modification Register

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EXHIBIT C

LETTER OF PROMULGATION

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Signed: _____
Dan Lawrence, Police Chief



Agenda Date: 4/17/12

Agenda Item: 9c

Approved:

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

DATE: 17 APRIL 2012

SUBJECT: CONSIDER A RESOLUTION, AS THE CLAYTON SUCCESSOR AGENCY, TO APPROVE AND ADOPT A 2ND RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS), PURSUANT TO THE DISSOLUTION ACT

RECOMMENDATION

It is recommended the City Council, serving as the Successor Agency and Successor Housing Agency of the former Clayton Redevelopment Agency, adopt the prepared Resolution approving a "2nd Recognized Obligation Payment Schedule" (ROPS) in accordance with the California Supreme Court-ruled constitutionality of ABx1 26 (the "Dissolution Act").

BACKGROUND

On 11 August 2011, the California Supreme Court agreed to review a petition challenging the constitutionality of ABx1 26 (the "Dissolution Act") and ABx1 27 (the "Voluntary Redevelopment Program Act"). The Court's order also stayed specified portions of these Redevelopment Restructuring Acts, indefinitely postponing certain provisions' implementation and effectiveness. During that period of suspension, the Clayton Redevelopment Agency was still required to prepare a list of contractual and indebtedness obligations of the Agency and to adopt and submit the "schedule" by 28 August 2011. Our Agency complied with this requirement by adopting RDA Resolution No. 03-2011 at a regular public meeting on 16 August 2011. Pursuant to the regulations available at that time, the Agency's EOPS was only effective through 31 December 2011.

On 29 December 2011 the California Supreme Court ruled in its decision on this controversial subject that the State of California did indeed have the authority to terminate the existing redevelopment agencies in the state but did not have the constitutional authority (under Prop 22) to enact a voluntary redevelopment program (ABx1 27), which program instituted "pay to play" provisions for agencies to continue to operate if they each "paid" pre-designated amounts of money to the state in FY 2011-12 and each year thereafter.

Since the Court's decision shifted the termination date of all redevelopment agencies one additional month to 01 February 2012, the Board of Directors of the former Clayton Redevelopment Agency did, on 17 January 2012, amend and re-adopt its Enforceable Obligation Payment Schedule (EOPS) to add the additional full month of January 2012 to the table of current and future debts and obligations of the Clayton Redevelopment Agency. In this manner, reviewing regulatory and other public taxing entities were placed on notice of the Agency's continuing fiduciary responsibilities to be paid from January 2012 through June 2012.

Then again on 21 February 2012, the Clayton City Council, acting in its capacity as the governing body of the Successor Agency for the former Clayton Redevelopment Agency, did adopt Resolution No. 06-2012 approving its 1st Recognized Enforceable Obligation Payment Schedule (ROPS) to address the funding cycle for the remainder of the fiscal year, namely 01 February 2012 through 30 June 2012. This 1st ROPS was transmitted to the County Auditor-Controller, the State Department of Finance and the State Controller's Office in addition to its posting on the City's website. The 1st ROPS remains subject to approval by the Clayton Oversight Board at its inaugural meeting tentatively to be held during the week of April 23rd.

Under the law, "enforceable obligations" of a redevelopment agency include the following financial arrangements (the ROPS of a city or county):

- Bonds
- Loans
- Payments required by state or federal government
- Obligations to employees
- Judgments or settlements
- Binding and legally enforceable agreements entered into before AB1x 26
- Contracts for RDA administration, Successor Agency administration, and Oversight Board administration

RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS)

Attached hereto as Exhibit A is the 2nd Recognized Obligation Payment Schedule (ROPS) prepared by the City's Finance Manager. Essentially mirroring previously-adopted EOPS and the 1st ROPS, the 2nd ROPS is our 6-month fiscal template for continued receipt of tax increment revenues issued by the County to our City's newly-established "Redevelopment Obligation Retirement Fund." As its name implies, this newly-formed Fund replaces the former Redevelopment Agency's Funds (3) and functions as the repository for sufficient tax increment revenues in the amounts identified and approved in subsequent ROPS to effectively "retire" all former Clayton Redevelopment Agency debts and contractual obligations over a multi-year period. Once all identified and certified debts and obligations have been satisfied, the Successor Agency is dissolved having fulfilled its mandate to administer the final fiscal affairs of the Clayton Redevelopment Agency.

Conditioned on the Successor Agency receiving its full allocation of real property tax revenues (formerly "tax increment revenues") as approved for the entire fiscal year of 2011-12 to address its reported financial obligations, the Successor Agency's total debt and

enforceable obligations liability was reduced in its initial year by \$2,774,947 (from the \$16,290,248 1st ROPS amount to the 2nd ROPS amount \$13,515,301).

Subsequent six-month cycles of ROPS will now be generated by each successor agency and tendered for approval and certification by one's respective oversight board and the county auditor-controller's office. By law, the California Department of Finance also has overseer responsibilities to review each ROPS and to presumably question (arguably, override) local approvals and/or settle disagreements between the various bureaucratic layers examining the financial details. For Clayton's Successor Agency, the next ROPS after this 2nd one will cover the time period of 01 January 2013 through 30 June 2013, and each six-month interval thereafter.

AB1x 26 contemplated that multiple oversight boards would initially function for a time period of approximately four (4) years in overseeing local successor agency obligations to retire debt service and conclude other enforceable obligations. Presumably, the state legislature contemplated that after four (4) years matters of enforceable obligation payments would settle into routine and acceptable patterns of reduction and payment, thereby rendering local oversight boards unnecessary thereafter. Section 34179(10)(j) specifies that commencing on or after 01 July 2016, in each county where more than one oversight board was created (such is the case in Contra Costa County), the various oversight boards still existing at that time are automatically disbanded and there is constituted only one (1) oversight board appointed as follows to continue overseeing debt and obligation retirements approved by each former successor agency oversight board:

1. One member appointed by the county board of supervisors.
2. One member appointed by the city selection committee.
3. One member appointed by the independent special district selection committee.
4. One member appointed by the elected county superintendent of schools.
5. One member appointed by the Chancellor of the California Community Colleges.
6. One member of the public appointed by the county board of supervisors.
7. One member appointed by the recognized employee organization representing the largest number of successor agency employees in the county.

Direct Clayton representation on and input to this overarching oversight board in 2016 is thereby virtually lost, which places an urgent mission on each local successor agency to ensure its oversight board understands and concurs with the obligations noted for retirement and payment in the respective ROPS.

Attachment: 1. 2nd ROPS Resolution [4 pp.]

Exhibit A: 2nd Recognized Obligation Payment Schedule (ROPS) [1 pp.]

RESOLUTION NO. - 2012

**A RESOLUTION OF THE CITY OF CLAYTON, CALIFORNIA,
ACTING AS THE SUCCESSOR AGENCY TO THE FORMER
CLAYTON REDEVELOPMENT AGENCY, APPROVING AND
ADOPTING ITS 2ND RECOGNIZED OBLIGATION PAYMENT
SCHEDULE (ROPS) FOR THE TIME PERIOD OF JULY 1, 2012
THROUGH DECEMBER 31, 2012, PURSUANT TO SECTION 31471(h)
AND 34177(I)(1) OF THE CALIFORNIA REDEVELOPMENT LAW**

**THE CITY COUNCIL (AS SUCCESSOR AGENCY)
City of Clayton, California**

WHEREAS, pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.; the "Redevelopment Law"), the City Council (the "City Council") of the City of Clayton (the "City") adopted in accordance with the California Community Redevelopment Law, City Ordinance No. 243 on 20 July 1987 adopting the Redevelopment Plan for the Clayton Redevelopment Project Area (the "Redevelopment Plan"), as amended from time to time; and

WHEREAS, the Redevelopment Agency of the City of Clayton (the "Agency") is responsible for implementing the Redevelopment Plan pursuant to said Redevelopment Law; and

WHEREAS, Assembly Bill X1 26 (the "Dissolution Act") and Assembly Bill X1 27 (the "Alternative Redevelopment Program Act") were enacted by the State of California on June 28, 2011, to significantly modify the Community Redevelopment Law and to end the existence of or modify continued operation of redevelopment agencies throughout the state (Health & Safety Code §33000, et seq.; the "Redevelopment Law"); and

WHEREAS, on August 11, 2011, the California Supreme Court agreed to review the California Redevelopment Association and League of California Cities' petition challenging the constitutionality of these Redevelopment Restructuring Acts; and

WHEREAS, on December 29, 2011, the California Supreme Court ruled that the Dissolution Act is largely constitutional and the Alternative Redevelopment Program Act is unconstitutional; and

WHEREAS, the Court's decision means that all California redevelopment agencies, including the Clayton Redevelopment Agency, are now terminated and have been automatically dissolved on February 1, 2012 pursuant to the Dissolution Act; and

WHEREAS, on 17 January 2012 by Resolution No. 03-2012, the Clayton City Council did exercise its priority right and took action to become the Successor Agency and the Successor Housing Agency of the former Clayton Redevelopment Agency; and

WHEREAS, on 21 February 2012 by Resolution No. 06-2012, the Clayton City Council serving in its duly-authorized capacity as the Successor Agency of the former Clayton Redevelopment Agency, did at a regular public meeting approve the 1st Recognized Obligation Payment Schedule (ROPS) of the Successor Agency and Successor Housing Agency prior to the 01 March 2012 deadline, setting forth the minimum payment amounts and due dates of payments required by enforceable obligations with said 1st ROPS covering the time period from 01 February 2012 through 30 June 2012; and

WHEREAS, pursuant to Section 34177(l)(1) of the Redevelopment Law, each Successor Agency is further required to periodically prepare a six-month Recognized Obligation Payment Schedule (ROPS) covering the time increment from July-December of each year and then again for January-June of each year until such time the enforceable obligations of its former redevelopment agency have been fully retired or serviced; and

WHEREAS, in accordance with that requirement, Staff did prepare the 2nd ROPS for the Successor Agency for the City of Clayton to cover the fiscal time period from 01 July 2012 through 31 December 2012 and noting the recognized enforceable obligations accordingly; and

WHEREAS, under Title 14 of the California Code of Regulations, Section 15378(b)(4), the approval of the ROPS is exempt from the requirements of the California Environmental Quality Act ("CEQA") in that it is not a project, but instead consists of the continuation of an existing governmental funding mechanism for potential future projects and programs, and does not commit funds to any specific project or program because it merely lists enforceable obligations previously entered into and approved by the former Clayton Redevelopment Agency; and

WHEREAS, the Clayton City Council has reviewed and duly considered the Staff Report, the proposed 2nd Recognized Obligation Payment Schedule (ROPS), plus documents and other written evidence presented at the meeting.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby find the above Recitals are true and correct and have served, together with the supporting documents, as the basis for the findings and approvals set forth below.

BE IT FURTHER RESOLVED that the City Council finds, under Title 14 of the California Code of Regulations, Section 15378(b)(4), that this action and Resolution are exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project. The City Council therefore directs that a Notice of Exemption be filed with the County Clerk of the County of Contra Costa, California in accordance with the CEQA guidelines.

BE IT FURTHER RESOLVED that the City Council does hereby approve and adopt the 2nd Recognized Obligation Payment Schedule (ROPS), attached hereto as "Exhibit A" and incorporated herein as if fully set forth in this Resolution.

BE IT FURTHER RESOLVED that the City Council authorizes and directs its City Manager or the City Manager's designee to: (1) post the 2nd Recognized Obligation Payments Schedule (Exhibit A) on the City's website; (2) designate a City representative to whom all questions related to the 2nd Recognized Obligation Payment Schedule can be directed; (3) notify, by mail or electronic means, the County Auditor-Controller, the State Department of Finance, and the State Controller of the City's action to adopt the 2nd Recognized Obligation Payment Schedule (ROPS) and to provide those persons with the internet website location of the posted schedule and the contact information for the City's designated contact; and (4) to take such other actions and execute such other documents as are appropriate to effectuate the intent of this Resolution and to implement the Recognized Obligation Payment Schedule on behalf of the City.

BE IT FURTHER RESOLVED that if any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution or of Exhibit A, or any part thereof is for any reason held to be unconstitutional, invalid or ineffective, such decision shall not effect the validity or effectiveness of the remaining portions of this Resolution, Exhibit A or any part thereof. The City Council, acting as the Successor Agency, hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution or of Exhibit A irrespective of the fact that one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. To this end the provisions of this Resolution and of Exhibit A are declared to be severable.

AND BE IT FURTHER RESOLVED that this Resolution shall and does take immediate effect upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Clayton, California at a regular public meeting thereof held on the 17th day of April 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Howard Geller, Mayor

ATTEST:

Laci J. Jackson, Clerk

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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, Clerk

EXHIBIT A

2nd RECOGNIZED OBLIGATION PAYMENT SCHEDULE
Per ABX126 - Section 34167 and 34169

	Project Name / Debt Obligation	Payee	Description	Funding Source	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	7/1/2012						12/31/12	
							Payments by month						December	Total
							July	August	September	October	November			
												200,000.00	\$ 200,000.00	
1)	City Loan entered into on 12/1/1990	Diamond Terrace Investors	Loan - Final Anniversary disbursement	RDA Retirement Trust	200,000.00	200,000.00							\$ -	
2)	1996 Tax Allocation Bonds Series A	US Bank	Bonds issued to fund non-housing projects	RDA Retirement Trust	254,994.00	6,181.25		6,181.25					\$ 6,181.25	
3)	1999 Tax Allocation Bonds	US Bank	Bonds issued to fund non-housing projects	RDA Retirement Trust	6,655,883.00	516,140.00		401,360.00					\$ 401,360.00	
4)	City Loan entered into on 6/17/1999	City of Clayton	Loan P & I on CCCo Fire Station Land*	RDA Retirement Trust	475,000.00	78,375.00	78,375.00						\$ 78,375.00	
5)	City Loan entered into on 5/19/10	Clayton RDA LMI Housing	Loan for S.E.R.A.F. payment	RDA Retirement Trust	592,412.00	148,103.00	12,342.00	12,342.00	12,342.00	12,342.00	12,342.00	12,342.00	\$ 74,052.00	
6)	Contract for Consulting Services	Thales Consulting	RDA State Controller's Report 2010/11-2011/12	RDA Retirement Trust	5,400.00	1,800.00	1,800.00						\$ 1,800.00	
7)	Contract for Consulting Services	Cropper Accountancy	RDA Audit 2010-11-2011/12	RDA Retirement Trust	12,372.00	4,124.00	4,124.00						\$ 4,124.00	
8)	Contract for Consulting Services	NBS Local Gov't Solution	Arbitrage Reporting	RDA Retirement Trust	8,700.00	2,400.00		1,200.00			1,200.00		\$ 2,400.00	
9)	Contract for Consulting Services	US Bank	Paying Agent Fee	RDA Retirement Trust	16,095.00	5,365.00							\$ -	
10)	Contract for Consulting Services	Raney Planning	Housing Element Implementation	RDA Retirement Trust	154,744.00	147,350.00	37,350.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	\$ 87,350.00	
11)	Contract for Consulting Services	Goldfarb&Lipman/ Turner/ BB&K	Legal advice	RDA Retirement Trust	45,000.00	15,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	\$ 12,000.00	
12)	Successor Agency Functions	City of Clayton	Expenses for Successor Agency operations	RDA Retirement Trust	750,000.00	250,000.00	20,833.00	20,833.00	20,833.00	20,833.00	20,833.00	20,833.00	\$ 124,998.00	
13)	Section 33676 Payments	Comm College	Payments per former CRL 33676	RDA Retirement Trust	129,754.00	36,235.00	(19,094.00)	-	-	-	-	-	\$ (19,094.00)	
14)	Section 33676 Payments	County Supt Schools	Payments per former CRL 33676	RDA Retirement Trust	27,033.00	7,556.00	(3,974.00)	-	-	-	-	-	\$ (3,974.00)	
15)	Section 33676 Payments	County Res Consv	Payments per former CRL 33676	RDA Retirement Trust	455.52	194.00	-	-	-	-	-	-	\$ -	
16)	Section 33676 Payments	City of Clayton	Payments per former CRL 33676	RDA Retirement Trust	169,287.00	72,604.00	-	-	-	-	-	-	\$ -	
17)	Section 33676 Payments	County	Payments per former CRL 33676	RDA Retirement Trust	2,416,372.00	1,092,068.00	(232,236.00)	-	-	-	-	-	\$ (232,236.00)	
18)	Pass Through Agreement	Flood Control Dist	Payments per former CRL 33401	RDA Retirement Trust	5,200.00	2,193.00	-	-	-	-	-	-	\$ -	
19)	Pass Through Agreement	Library	Payments per former CRL 33401	RDA Retirement Trust	244,284.00	87,304.00	-	-	-	-	-	-	\$ -	
20)	Pass Through Agreement	County Fire	Payments per former CRL 33401	RDA Retirement Trust	373,707.00	157,609.00	-	-	-	-	-	-	\$ -	
21)	Pass Through Agreement	County	Payments per former CRL 33401/AB860	RDA Retirement Trust	496,184.00	(161,924.00)	(161,924.00)	-	-	-	-	-	\$ (161,924.00)	
22)	City Loan entered into on 2/16/2010	City of Clayton	2% Election payments per Section 33676	RDA Retirement Trust	376,423.98	125,475.00	10,456.00	10,456.00	10,456.00	10,456.00	10,456.00	10,459.00	\$ 62,739.00	
23)	Statutory Payments	County	Property Tax Administrative Cost	RDA Retirement Trust	106,000.00	0.00							\$ -	
													\$ -	
													\$ -	
	Totals				\$ 13,515,301	\$ 2,794,152	\$ (249,948)	\$ 464,372	\$ 55,631	\$ 55,631	\$ 56,831	\$ 255,634	638,151.25	

* P & I Debt Retirement Schedule