



# **AGENDA**

## **REGULAR MEETING**

\* \* \*

## **CLAYTON CITY COUNCIL**

\* \* \*

**Tuesday, December 5, 2023**

**7:00 p.m.**

### **\*\*\* NOTICE \*\*\***

*Members of the public will be able to participate either in-person at Hoyer Hall, Clayton Community Library 6125 Clayton Road, Clayton, CA 94517 or remotely via Zoom.*

**Jeff Wan, Mayor**  
**Jim Diaz, Vice Mayor**  
**Peter Cloven, Councilmember**  
**Holly Tillman, Councilmember**  
**Kim Trupiano, Councilmember**

- 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 and on the City's website at [www.claytonca.gov](http://www.claytonca.gov)
- 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.claytonca.gov](http://www.claytonca.gov)
- Any writings or documents provided to a majority of the City Council or GHAD Board 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 and is available for review on the City's website at [www.claytonca.gov](http://www.claytonca.gov)
- If you have a physical impairment that requires special accommodation to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7300.

## Instructions for Virtual City Council Meeting – December 5, 2023

The public may attend tonight's meeting in-person or remotely via livestream on the City's website and through Zoom. As a courtesy, and technology permitting, members of the public may continue to provide live remote oral comment via the Zoom video conferencing platform. However, the City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Brown Act, the meeting will continue despite technical difficulties for participants using the teleconferencing option.

To follow or participate in the meeting:

1. **Videoconference:** to follow the meeting on-line, click here to register: [https://us02web.zoom.us/webinar/register/WN\\_06q0GcosRnmvy4dNOutGlw](https://us02web.zoom.us/webinar/register/WN_06q0GcosRnmvy4dNOutGlw)  
After clicking on the URL, please take a few seconds to submit your first and last name, and e-mail address then click "Register", which will approve your registration, and a new URL to join the meeting will appear.
2. **Phone-in:** Register for the meeting using the URL in the paragraph above. Once registered, you will receive an e-mail with instructions to join the meeting telephonically, and then dial toll-free 877-853-5257 and use the Webinar ID and Password found in the e-mail.
3. **E-mail Public Comments:** If preferred, please e-mail public comments to the City Clerk at [cityclerk@claytonca.gov](mailto:cityclerk@claytonca.gov) by 5:00 p.m. on the day of the City Council meeting. All e-mailed public comments will be forwarded to the entire City Council.

Each person attending the meeting via video conferencing or telephone and who wishes to speak on an agendized or non-agendized matter shall have a set amount of time to speak as determined by the Mayor.

---

# CITY COUNCIL

December 5, 2023

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

2. **PLEDGE OF ALLEGIANCE** – Led by Mayor Wan.

3. **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 assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Mayor's discretion. 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.*

4. **CONSENT CALENDAR**

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

- a. Approve the Minutes of the City Council Regular Meeting of November 21, 2023 (Executive Assistant to the City Manager/HR Manager) ([View](#))
- b. Appoint a Representative to the Contra Costa Mosquito and Vector Control Board (Executive Assistant to the City Manager/HR Manager) ([View](#))
- c. Approval of the 2024 City Council Meeting Calendar (Executive Assistant to the City Manager/HR Manager) ([View](#))

5. **RECOGNITIONS AND PRESENTATIONS**

- a. Information Only – No action requested.
  - Human Rights Day – December 10

6. **REPORTS**

- a. City Manager / Staff
  - Link to ClearGov Transparency Portal:  
<https://cleargov.com/california/contra-costa/city/clayton/checkbook>

**7. PUBLIC HEARINGS**

None

**8. ACTION ITEMS**

- a. Nomination and Election of Mayor and Vice Mayor for the Term Commencing December 2023 and Ending December 2024 (City Manager) [\(View\)](#)
- b. Approve Standby Compensation and Policy for Maintenance Workers (Executive Assistant to the City Manager/HR Manager) [\(View\)](#)

**9. COUNCIL ITEMS – Limited to Council requests and directives for future meetings.**

**10. COUNCIL REPORTS**

- a. City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

**11. CLOSED SESSION**

- a. Conference with Labor Negotiators  
Government Code section 54957.6

Agency Designated Representatives: Bret Prebula, City Manager and Amy Walcker, Executive Assistant to the City Manager/HR Manager

Employee Organization: Clayton Police Officers Association

- b. Conference with Labor Negotiators  
Government Code section 54957.6

Agency Designated Representatives: Bret Prebula, City Manager and Amy Walcker, Executive Assistant to the City Manager/HR Manager

Unrepresented Employee: Police Chief

**12. ADJOURNMENT**

The next regularly scheduled meeting of the City Council will be December 19, 2023.

**MINUTES  
OF THE REGULAR MEETING  
CLAYTON CITY COUNCIL  
TUESDAY, November 21, 2023**

1. **CALL TO ORDER AND ROLL CALL** – The meeting was called to order at 7:00 p.m. by Vice Mayor Diaz, held via a hybrid meeting format live in-person and Zoom videoconference and broadcast from Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, California. Councilmembers present: Vice Mayor Diaz and Councilmembers Cloven, Tillman and Trupiano. Councilmembers absent: Mayor Wan. Staff present: City Manager Bret Prebula, City Attorney Mala Subramanian, and Community Development Director Dana Ayers.
2. **PLEDGE OF ALLEGIANCE** – Led by Vice Mayor Diaz.

3. **PUBLIC COMMENT ON NON - AGENDA ITEMS**

C. W. Wolfe, President of the Clayton Business & Community Association (CBCA), reported on recent grant awards; achieving goal of donating \$175,000 back to the Clayton Community in 2023:

- \$5,000 to Christmas for Everyone
- \$3,400 to Wreaths Across America
- \$6,000 Clayton Theatre Company
- Finalized \$50,000 to Mt. Diablo Interpretative Association for construction of Education Center & Pavilion at Mitchell Canyon Entrance to Mt. Diablo State Park
- \$1,500 Diablo View Middle School
- \$1,800 American Association of University Women (AAUW) Tech Trek.

He shared CBCA and the community decorated downtown Clayton in preparation for the Holidays in The Grove and Tree Lighting Event on Saturday, December 2, at 5:30 p.m.

Vice Mayor Diaz closed public comments.

4. **CONSENT CALENDAR**

There were no public comments on the Consent Calendar.

**It was moved by Councilmember Cloven and seconded by Councilmember Trupiano to approve Consent Calendar items 6(a) - 6(e) as submitted. (Passed 4-0, 1 Absent).**

- a. Approved the Minutes of the City Council Regular Meeting of November 7, 2023.
- b. Approved Appointment of Mike Wells to the Trails and Landscape Committee for a term beginning December 1, 2023, and ending December 30, 2025.
- c. Approved the City's Annual Report on Development Fees for the Fiscal Year Ending June 30, 2022, and June 30, 2023, in Compliance with the Reporting Requirements of Section 66006 of the California Government Code (AB 1600).
- d. Authorized Submittal of Application(s) for All CalRecycle Grants for which the City of Clayton is Eligible.
- e. Approved by Minute Order the City of Clayton Pre-Reviewed Accessory Dwelling Unit Plan Program and Authorized Staff to Implement the Program.

**5. RECOGNITIONS AND PRESENTATIONS**

- a. Certificate of Recognition of Clayton's Unsung Heroes

In acknowledgement of exemplary service to the Clayton Community, Councilmember Cloven and Councilmember Tillman presented a Certificate to Liz Abbot as an Unsung Hero.

Councilmember Cloven requested adjournment of the City Council meeting in memory of former Councilmember and Mayor Robert Kendall.

**6. REPORTS**

- a. City Manager / Staff

City Manager Bret Prebula announced the City has a new platform called "REPD" for questions and answers, which can be accessed on the City's website by clicking on ASK THE CITY. He also shared he is a potential presenter at the League of California Cities upcoming New Mayor and Councilmembers Academy. In addition, Mr. Prebula communicated he is Chair of the National Strategy Committee for City Managers relative to infrastructure funding.

**7. PUBLIC HEARINGS - None**

**8. ACTION ITEMS**

- a. Accept the Quarterly Financial Reports on the City's Investment Portfolio for the Period Ending September 30, 2023

In Finance Director Prapti Aryal's absence, City Manager Bret Prebula reported on the City's improved investment position and Budget & Audit Subcommittee decision to post the UBS investment report on the City's website. Councilmember Tillman inquired about UBS portfolio considerations. Councilmember Trupiano pointed out the Council will receive the audit report on December 19, 2023.

There were no public comments.

**It was moved by Councilmember Cloven and seconded by Councilmember Trupiano to accept the City Investment Portfolio Report for the first quarter of the fiscal year 2023-2024 ending September 30, 2023. (Passed 4-0, 1 Absent).**

**9. COUNCIL ITEMS**

Councilmember Tillman reiterated her request for discussion to direct the City Attorney to open an investigation on conduct of Councilmembers.

**10. COUNCIL REPORTS**

- a. City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Councilmember Cloven reported on the following attendance and meetings: TRANSPAC; CBCA; and Clayton Pride.

Councilmember Tillman reported on the following attendance and meetings: Virtual briefing of League of California Cities League Leaders; Historical Society; VFW Veterans Day in Concord; Fire Wise Informational Town Hall; CBCA; Mt. Diablo Elementary School Growing Healthy Kids; meetings with City Manager; and Clayton Pride.

Councilmember Trupiano reported on the following attendance and meetings: Veterans Day; Concerts in The Grove Committee; Clayton Community Library Foundation; Budget/Audit Committee; CBCA and Holiday decorating; City Manager; and announced Energy Services & Infrastructure Committee meeting on November 27th, Tree Lighting, and Menorah Lighting December 7-14.

Vice Mayor Diaz reported on the following attendance and meetings: Veterans Day; Concerts in The Grove Committee, County Connection Board meeting; Downtown Holiday decorating; and City Manager.

11. **ADJOURNMENT** - On call by Vice Mayor Diaz, Councilmember Cloven and the City Council adjourned its meeting in memory of former Mayor and Councilmember Robert Kendall at 7:34 p.m.

# # # # #

Respectfully submitted,

---

Amy Walcker, Executive Assistant to the  
City Manager/HR Manager

APPROVED BY THE CLAYTON CITY COUNCIL

---

Jim Diaz, Vice Mayor



# STAFF REPORT

**TO:** Honorable Mayor and Councilmembers

**FROM:** Amy Walcker, Executive Assistant to City Manager/HR Manager

**DATE:** December 5, 2023

**SUBJECT:** Appoint a Representative to the Contra Costa Mosquito and Vector Control Board

---

## **RECOMMENDATION**

Staff recommends the appointment of Eric Hinzel to the Contra Costa Mosquito and Vector Control Board for a term beginning January 2024 and ending December 2027.

## **BACKGROUND**

There is a vacancy on the Contra Costa Mosquito and Vector Control Board. The City of Clayton is allowed one (1) representative from the public on this Board. The vacancy has been for some time, and it is important that all the appointed positions on any of the boards are filled in order to allow for the greatest input from the community to support the City of Clayton.

## **DISCUSSION**

Mr. Hinzel has a background and desire for community involvement that would be a value to this Board seat.

## **FISCAL IMPACTS**

There is no financial impact from appointing Mr. Hinzel.

## **ATTACHMENTS**

1. Resume



# Eric J. Hinzl

## OVERVIEW

Over 44 years of experience in engineering/environmental consulting with over 30 years of that time in the state of California. Also have engineering/environmental consulting experience in the states of Colorado, Wyoming, Montana, Washington, Oregon, Nevada, Utah, Hawaii, and Texas.

## EXPERIENCE

### Kleinfelder, Inc

*Vice President, West Division Environmental Growth Strategy Leader. Integration Manager, Program Manager (August 2020 to January 2023 - retired)*

- Responsible for leading the growth of the environmental science and engineering service line for the West Division (California, Washington, Oregon, Hawaii, Guam)
- Manager for the integration of a 150-person environmental firm acquired by Kleinfelder in August 2020.
- Program Manager for PG&E. Annual revenue was \$20+ million.
- Program Manager for SFPUC. Established a Joint Venture to pursue and win work with San Francisco Public Utilities Commission. Was awarded a \$5.0 million contract.

*Vice President and San Francisco Bay Area Manager (March 2016 to August 2020)*

- Responsible for all operations in the San Francisco Bay area with offices in: San Jose, Pleasanton, Oakland, San Francisco, Hayward, Pittsburg, and Santa Rosa
- Responsible profit and loss, business development strategy and structure, contract review and negotiation, and staffing.
- Staff of approximately 80. Disciplines managed included engineers (civil, geotechnical, environmental), scientists (engineering geologists, geologists, chemists, general environmental); construction and materials technicians; administrative
- Work closely with Central Valley Area manager to pursue larger inter-Area pursuits (e.g. Delta Conveyance)
- Representative statistics: Sales \$18.2 million; Gross Revenue \$17.3 million; Labor Revenue \$14.3 million; profit (pre-allocation) \$3.5 million
- Clients include water agencies; municipalities, public utilities, high tech firms; school districts; refineries

### Amec Foster Wheeler Environment & Infrastructure (now Wood Plc)

*Vice President and Northern California Area Manager (April 2013 to February 2016)*

- Area covered Northern California with offices in: Sacramento, Oakland, San Francisco, and Petaluma
- Responsible for operations in Northern California including profit and loss, business development strategy and structure, contract review and negotiation, and staffing
- Staff of approximately 155 in the Northern California Area. Disciplines managed included engineers (chemical, environmental, water/wastewater, remediation); scientists (hydrogeologists, geologists, risk assessors, GIS analysts); administrative.
- Area statistics:
  - Representative annual statistics: Sales \$31.2 million; Gross Revenue \$30.3 million; Labor Revenue \$24.3 million; profit (pre-allocation) \$5.2 million
  - 2014 statistics: Sales \$27.7 million; Gross Revenue \$26.6 million; Labor Revenue \$21.7million; profit (pre-allocation) \$3.7 million.
- Established a Joint Venture to pursue and win work with San Francisco Public Utilities

- Commission.
- Clients include water agencies; public utilities, Department of Defense, mining companies, electronics companies

### **Kennedy/Jenks Consultants (May 1998 to April 2013).**

*Vice President and Corporate Business Development Manager, Industrial/Environmental Group (February 2012 to April 2013).*

Position involved developing a profitable practice for the treatment of produced water from fracking operations. Responsible for identifying and vetting small companies for acquisition.

*Vice President and Regional Manager (January 2006 to February 2012)*

- Region covered Northern California, Northern Nevada, and Hawaii with offices in: San Francisco, Santa Rosa, Sacramento, Chico, Reno, Palo Alto, and Honolulu.
- Responsible for all operations profit and loss, business development strategy and structure, contract review and negotiation, and staffing.
- Staff of approximately 175 in the Region. Disciplines managed included environmental scientists (hydrogeologists, geologists, risk assessors, GIS analysts); engineers (environmental, civil, mechanical, structural, electrical); administrative.
- Representative statistics for Region: Gross Revenue \$29.4 million; Labor Revenue \$27.4 million; Profit (pre-allocation): \$4.5 million.
- Implemented highly effective management training program (Full Performance Initiative).
- Clients include water agencies; wastewater agencies, food and beverage industries; State of California agencies; regional transportation agencies

*Group Manager and Client Service Manager (May 1998 to January 2006): Responsible for management of the Northern California Environmental Services Group.*

Disciplines managed included engineers (environmental, civil); scientists (hydrogeologists, geologists, general environmental); administrative.

## **PRIOR WORK EXPERIENCE**

*Radian Corporation* (acquired by URS/AECOM), Walnut Creek, California. December 1989 to May 1998. Operations Manager. Opened East Bay office for Radian in December 1989. Built office to approximately 40 staff. Was managing Principal (2015-2018) of Radian DTech, a 25-person company that worked in-plant for semiconductor and similar companies.

*Camp Dresser & McKee*, March 1980 to November 1989 (8 years in Denver; 1 ½ years in California). Various positions: Office Manager, EPA Contract Manager for EPA Remedial Contracts in Regions 8 and 9, Regional Marketing Manager; Senior Project Manager for interdisciplinary environmental projects.

*State of Wyoming, Cheyenne*. Land Quality Division. December 1978 to March 1980. Reclamation scientist for regulation of mine land permitting and reclamation.

## **EDUCATION**

M.S. Soil Science, Purdue University

B.S. Environmental Resource Management, Penn State University; B.S. Biology, Penn State University

## **ORGANIZATIONS (Before retirement):**

Western States Petroleum Association (WSPA) Associates: Board of Directors, Northern California Chapter; Bay Planning Coalition: Board of Directors; Industrial Association of Contra Costa County, Board of Directors.



# STAFF REPORT

**TO:** Honorable Mayor and Councilmembers  
**FROM:** Amy Walcker, Executive Assistant to City Manager/HR Manager  
**DATE:** December 5, 2023  
**SUBJECT:** Approval of the 2024 City Council Meeting Calendar

---

## **RECOMMENDATION**

Staff recommends the approval of the 2024 City Council meeting calendar.

## **BACKGROUND**

The City Council approves a schedule of its regular meetings for each calendar year.

## **DISCUSSION**

Attached is the proposed 2024 City Council meeting calendar.

## **FISCAL IMPACTS**

There is no financial impact in approving the attached 2024 City Council meeting calendar.

## **ATTACHMENTS**

1. 2024 City Council Regular Meeting Calendar

## 2024 City Council Calendar

### January

January 2, 2024- No Meeting

January 16, 2024

### February

February 6, 2024

February 20, 2024

### March

March 5, 2024

March 19, 2024

### April

April 2, 2024

April 16, 2024

### May

May 7, 2024

May 21, 2024

### June

June 4, 2024

June 18, 2024

### July

July 2, 2024- No Meeting

July 16, 2024

### August

August 6, 2024

August 20, 2024

### September

September 3, 2024

September 17, 2024

### October

October 1, 2024

October 15, 2024

### November

November 5, 2024- No Meeting

November 19, 2024

### December

December 3, 2024

December 17, 2024



# STAFF REPORT

**TO:** Honorable Mayor and Councilmembers  
**FROM:** Bret Prebula, City Manager  
**DATE:** December 5, 2023  
**SUBJECT:** Nomination and Election of Mayor and Vice Mayor for the Term Commencing December 2023 and Ending December 2024

---

## **RECOMMENDATION**

It is recommended the City Council elect its Mayor and Vice Mayor for the one-year term of office to commence the evening of December 5, 2023.

## **BACKGROUND**

Pursuant to Mayor Selection, of the *Council Guidelines and Practices*, the Mayorship and Vice Mayorship are one-year terms of office in the City of Clayton. The Clayton electorate does not directly elect its mayor or vice mayor. The election of its officers from within the membership of the City Council commences each year at the first regularly-scheduled Council meeting each December.

The following table lists those serving as Mayor over the last seventeen (17) years:

2023	Jeff Wan	2014	Hank Stratford
2022	Peter Cloven	2013	Julie Pierce
2021	Carl Wolfe	2012	Howard Geller
2020	Julie Pierce	2011	David Shuey
2019	Tuija Catalano	2010	Hank Stratford
2018	Keith Haydon	2009	Julie Pierce
2017	Jim Diaz	2008	Gregory Manning
2016	Howard Geller	2007	William Walcutt
2015	David Shuey	2006	David Shuey

## **DISCUSSION**

**Nomination and Election Procedures:** To assist in the procedure of nominating and selecting the next mayor and vice mayor at this meeting, the following rules have been summarized below:

1. The nomination/election of the next Mayor is to be conducted by Mayor Wan. Once the new Mayor is elected, that member of City Council immediately presides and conducts the remainder of the business items on the agenda, including the City Council's election of its Vice Mayor to serve a 1-year term of office commencing the evening of December 5, 2023.
2. The method of nomination in this respect is an "open nomination" solely by and from within the membership of the presently-seated Clayton City Council. Nomination cannot be accepted from members of the public.
3. No "second" is required for nomination, although sometimes one or more members will "second" a nomination to indicate endorsement.
4. In no event may any one member nominate more persons than there are offices to fill in the respective selection.
5. When it appears that no one else wishes to make a nomination, the chair of the meeting asks one (1) final time if there are additional nominations. If there is a no response, the chair then declares...*"the nomination for [Mayor or Vice Mayor, as applicable] is closed."*

It is unnecessary to have a motion to officially close the nomination; yet, if such a motion is made, that motion then requires an affirmative 2/3<sup>rd</sup> vote of the Council present [4 or 5]. After nominations are closed, a majority vote is required to re-open it.

6. Nominees are voted on in the order in which they are nominated. As soon as one of the nominees receives a majority vote [in this case, 3 or more votes], the chair then declares that person elected to that respective office, and no vote is taken on the remaining nominee(s).

## **FISCAL IMPACTS**

No financial impact. The offices of Mayor and Vice Mayor receive the same monthly stipend as other members of the City Council.

## **ATTACHMENTS**

None



# STAFF REPORT

**TO:** Honorable Mayor and Councilmembers  
**FROM:** Amy Walcker, Executive Assistant to the City Manager/HR Manager  
**DATE:** December 5, 2023  
**SUBJECT:** Approve Standby Compensation and Policy for Maintenance Workers

---

## **RECOMMENDATION**

Staff recommends the approval of the Standby Compensation Policy and compensation commonly known as 'Standby Pay' to non-exempt maintenance workers as a means to ensure availability of staff to respond to after-hours emergencies in a timely manner.

## **BACKGROUND**

The City does not currently have a defined procedure for after-hours emergencies that require attention from the Maintenance Department. Typically, a phone call is made to the Maintenance Superintendent who either responds personally or calls maintenance workers to find an available worker to respond to the emergency.

## **DISCUSSION**

A variety of after-hours emergencies and urgent maintenance matters occur throughout the year. Common issues requiring service from the Maintenance Department are water main breaks, public restroom malfunctions, fallen trees and tree limbs, mud and rockslides, road debris, fallen signage, and assisting the Police Department as needed with road hazards and vehicle accidents.

The objective in defining standby compensation and the Standby Compensation Policy is twofold:

1. To establish a routine protocol in which each Maintenance Worker is assigned scheduled periods of time to be on-call (standby) and must respond in a timely manner (call-out).

2. To ensure prompt and predictable response times on urgent after-hours issues in the community.

In conjunction with the Granicus 3-1-1 program previously approved by Council, the maintenance worker assigned to a standby shift will be able to receive service call requests on their City-assigned mobile phone, prioritize issues, respond to urgent concerns, and thoroughly document actions taken to resolve the matter reported by residents in the community.

The Maintenance Superintendent will be able to monitor each issue, the progress of a resolution, and assist with guidance in circumstances as needed. The current practice typically involves citizens and staff making multiple phone calls to gain clarity about the nature, urgency, and magnitude of a service call request.

An assigned Maintenance Worker who is expected to be available and nearby to respond to urgent matters and after-hours emergencies is entitled to additional compensation. From evaluation of neighboring agencies' policies and compensation of standby compensation, City staff recommend approval of standby compensation as follows:

- Standard standby compensation for a seven-day period of time equals \$440 (\$50 per day for scheduled workdays and \$80 for holidays and regularly scheduled days off).
- Upon initial call-out for an urgent service request, the assigned Maintenance Worker shall be entitled to the equivalent of two hours of overtime compensation based on the individual's base rate of pay.
- In the event the response requires additional staff time beyond the standard two hours for the initial call-out, the Maintenance Worker shall be compensated at the overtime rate based on the individual's base rate of pay.
- Staff may elect compensatory time off in lieu of overtime compensation.

### **FISCAL IMPACTS**

The standard standby compensation for one year equates to approximately \$22,880. For the remainder of the current fiscal year (December 11, 2023 to June 30, 2024), the fiscal impact is \$12,320. No additional overtime expenses are anticipated as a result of this policy.

### **ATTACHMENTS**

1. Draft Standby Compensation Policy



## **DRAFT MAINTENANCE STAFF STANDBY COMPENSATION POLICY**

### **City of Clayton**

#### STANDBY

The definition of standby as used in this section is intended to mean times the City requires an employee be available for work outside of the normal work hours and for emergencies. Standby does not apply to regularly scheduled meetings or work when the employee has prior knowledge of the time and date when the employee's presence is required, including scheduled overtime.

Whenever possible, the Standby lists shall be made up of qualified employees required for such duty. The selection of employees for Standby shall be for stated intervals and on a rotational basis to provide nearly equitable distribution of such duty. The Maintenance Superintendent will determine and maintain a list of those employees deemed qualified to perform Standby and the number of Standby personnel assigned.

Employees in the Maintenance Department assigned to Standby shall be paid Fifty Dollars (\$50.00) for each workday assigned to such duty. A day and night of such duty shall start at the close of the employee's workday and lasts until the time the employee is normally scheduled to report for work. Employees assigned to Standby on regular days off or observed holidays shall be paid Eighty Dollars (\$80.00) for each day assigned to such duty.

If the employee is required to report to work while on Standby, the provisions for Call-out below shall apply. Pay for such overtime work performed shall be in addition to Standby pay.

An employee who is assigned to Standby shall:

1. Keep their assigned work phone on during the assigned period; and
2. Respond to emergency calls and be available to report to work within 45 minutes and in uniform (defined generally as within the timeframe expected for the employee's normal commute time plus 15 minutes for prep time) in the event of a Call-out.
3. An employee assigned to Standby who fails to comply with the mobile phone and availability conditions shall not receive Standby pay for the entire Standby period, except where the employee has given the assigning supervisor advanced notice of an illness or compelling emergency.
4. The Standby period will normally be in a one-week increment starting at 6am on Monday morning and ending at 5:59 am the following Monday morning, unless substitute Standby personnel are approved for a shorter duration in advance. Standby periods shall not be in increments less than one full day's 24 hours.

## CALL-OUT

Employees called back to work or into work after the conclusion of their regular workday or on their scheduled day off, including observed holidays, shall be paid a minimum of two (2) hours of overtime. Phone calls received while on Standby, which are related to a Call-out but don't require a physical response to a worksite, will also be paid at the minimum of two (2) hours overtime. Hours of work shall commence at the time the employee is called to work.

Call-out includes 1) an employee's return to work upon the City's request after the conclusion of the employee's normal work shift, provided that more than 30 minutes has elapsed between the end of the normal work shift and the subsequent requested reporting time; 2) employees called to work on their regular scheduled day off, including scheduled off holidays observed; 3) employees called to work during an assigned standby shift.

This provision does not apply to instances in which the employee is called to report to the worksite less than two hours before their regular start time and is paid overtime from the time the employee begins work until their normal starting time.

If the employee is called out more than once during a single minimum two (2) hour period, or any subsequent time during an active Call-out, only one minimum two (2) hour overtime guarantee will be authorized. The employee will be paid additional compensation only for time actually worked beyond the minimum (2) hour guarantee and will be paid overtime consistent with this provision for such hours worked. This also applies to phone calls related to Call-outs service requests when physical response to a worksite is not required.

## TIME OFF AFTER OVERTIME WORK

Any employee, whether or not on Standby and called to perform overtime work after 10:00pm and by 2:00am, and such work exceeds two hours, shall, at their option be given up to ten (10) hours off before being required to report to work on their next regular shift. While it's preferred that time off for rest be flexed with a shift adjustment, it may also be accomplished using employee's applicable leave banks after consultation with the supervisor.

## USE OF CITY VEHICLE

Employees on standby or responding to a call-out may not drive a City vehicle beyond the City of Clayton city limits. Employees may not take a City vehicle to their residence.

## MILEAGE AND BRIDGE TOLLS

Employees who respond to a Call-out may submit reimbursement for round-trip mileage between their residence and the City corporation yard. Employees may also submit

reimbursement for bridge toll charges incurred between their residence and Clayton when physically responding to a Call-out.