



**CLAYTON CITY COUNCIL  
REGULAR MEETING AGENDA**

**Tuesday, February 6, 2024  
7:00 p.m.**

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

**Zoom Videoconference and Call-in:**

**Webinar:** <https://us02web.zoom.us/j/81342918951>

**Telephone:** 1 + (669) 900 - 9128 **Webinar ID:** 813 4291 8951

*Jim Diaz, Mayor*

*Kim Trupiano, Vice Mayor*

*Peter Cloven, Councilmember*

*Holly Tillman, Councilmember*

*Jeff Wan, Councilmember*

**1. CALL TO ORDER AND ROLL CALL**

**2. PLEDGE OF ALLEGIANCE**

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

*Members of the public may address the City Council on non-agendized items within the Council's jurisdiction. To ensure an orderly meeting and an equal opportunity for everyone, each speaker is limited to three (3) minutes, or the time established by the Mayor. 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 other agenda items will be allowed when each item is considered by the Council.*

#### **4. CONSENT CALENDAR**

*Consent Calendar items are typically routine in nature and are considered for approval by one single motion. 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. Approval of the January 16, 2024, meeting Minutes.  
(City Clerk)  
[\(View\)](#)
- b. Adopt a Resolution establishing a revised Purchasing Policy to provide staff with guidance and clarity around authorized procurement practices, in compliance with Senate Bill 1383 (SB1383), for the procurement of goods, services, supplies, and equipment. (Executive Assistant to the City Manager/HR Manager)  
[\(View\)](#)
- c. Adopt a Resolution awarding a contract for \$105,980, with Specified Play Equipment Company (SPEC) for replacement of the rubberized mat below the play structures at The Grove Park (Capital Improvement Project No. 10455); authorizing the City Manager to execute the contract on behalf of the City; and finding the project to be exempt from the California Environmental Quality Act. (Community Development)  
[\(View\)](#)

#### **5. RECOGNITIONS AND PRESENTATIONS**

- a. 2024 Election Updates. (Contra Costa County-Clerk-Recorder-Registrar)  
[\(View\)](#)
- b. Contra Costa Mosquito and Vector Control District Presentation  
[\(View\)](#)
- c. Recognition of Marathon Petroleum for Grant Funding (Clayton Police Department)

#### **6. REPORTS**

- a. City Manager / Staff
  - [Link to ClearGov Transparency Portal: https://cleargov.com/california/contra-costa/city/clayton/checkbook](https://cleargov.com/california/contra-costa/city/clayton/checkbook)

#### **7. PUBLIC HEARINGS**

(There are no Public Hearings scheduled for this meeting.)

**8. ACTION ITEMS**

- a. Approve the terms of a collective bargaining agreement between the City of Clayton and the Clayton Police Officers Association (CPOA); and authorize the City Manager to execute a Memorandum of Understanding (MOU) with a term of July 1, 2024 through June 30, 2027, for an increased amount of \$308,243. (Executive Assistant to the City Manager/HR Manger)  
[\(View\)](#)
- b. Receive update on the Community Survey presented by the market research team who conducted the survey. (City Manager)  
[\(View\)](#)
- c. Provide direction to staff on their initial ten (10) strategic goals and identify a variety of 2-person Ad Hoc committees to add strategic objectives to each goal. (City Manager)  
[\(View\)](#)

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

**10. COUNCIL REPORTS**

**11. CLOSED SESSION**

(There is no Closed Session scheduled for this meeting.)

**12. ADJOURNMENT**

The next regularly scheduled meeting of the City Council will be on February 20, 2024.

## Meeting Information and Access

- 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 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 requiring special accommodation to participate, please call the City Clerk's office at least 72 hours (about 3 days) before the meeting at (925) 673-7300.

## Remote Access

The public may attend City Council meetings 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.

1. **Videoconference:** Click or visit the link on the front page of the meeting agenda. To access the webinar, you may download the Zoom client application or connect to the meeting in the web browser. You will be asked to enter your email address and name.

When the Mayor calls your item of interest, click the "raise hand" icon to be added to the speaker queue. The Clerk will identify you by name and you will hear "you have been unmuted" when it is your turn to provide public comment.

2. **Phone-in:** Dial the telephone number provided on the front page of the agenda. When prompted, enter the meeting ID. Once connected you will hear the meeting discussions but will remain muted. When your item of interest is called, please dial \*9 to "raise hand" and be added to the speaker queue. The Clerk will identify you by the last 4-digits of your phone number and you will hear "you have been unmuted" when it is your turn to provide public comment. To toggle between mute/unmute on your device, please dial \*6.

3. **E-mail Public Comments:** Public comment may also be sent to the City Clerk at [cityclerk@claytonca.gov](mailto:cityclerk@claytonca.gov) by 5:00 p.m. on the day of the meeting. All e-mailed public comments will be forwarded to the entire City Council and made part of the official meeting file.

Each person attending the meeting in-person, via videoconference, or call-in and who wishes to speak on an agendized or non-agendized matter (within the council's jurisdiction), shall have a set amount of time to speak as determined by the Mayor.

**MINUTES  
OF THE  
REGULAR JOINT MEETING  
CLAYTON CITY COUNCIL AND CLAYTON SUCCESSOR AGENCY**

**TUESDAY, January 16, 2024**

1. **CALL TO ORDER AND ROLL CALL** – The meeting was called to order at 7:00 p.m. by 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: Mayor Diaz, Vice Mayor Trupiano, and Councilmembers Cloven, Tillman, and Wan. Staff present: City Manager, Bret Prebula; Executive Assistant to the City Manager/Human Resources Manager Amy Walcker; Police Chief Richard McEachin; City Engineer Larry Theis; Finance Manager Prapti Aryal; Community Development Director Dana Ayers; City Attorney Mala Subramanian; and City Clerk Stephanie Cabrera-Brown.

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

Mayor Diaz announced that he would be re-ordering the agenda to move Item 5, Recognitions and Presentations, ahead of Item 3, Public Comment.

5. **RECOGNITIONS AND PRESENTATIONS**

Certificates of Recognition to Public School Students for Exemplifying the “Do the Right Thing” Character Trait of “Kindness” during the Month of December 2023 were presented by Councilmember Cloven.

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

*Bill Walcott* – Spoke regarding public comment logistics and local organizing efforts to form a political action committee.

*Mayor Diaz closed public comment.*

4. **CONSENT CALENDAR**

**It was moved by Councilmember Wan, seconded by Vice Mayor Trupiano, to approve the Consent Calendar items 4(a) – 4(e) as submitted. (Passed; 5- 0).**

- a. Approved the minutes of the City Council’s regular meeting of December 19, 2023.

- b. Second reading and adoption of an Ordinance Amending Clayton Municipal Code Title 17 to Implement Adopted General Plan Housing Element Policy, Rezone Properties in Conformance with the Housing and Land Use Elements, Clarify Administrative Procedures, and Align with State Law (CEQA Status: Certified EIR, SCH No. 2022030086) (Community Development Director)

**Ordinance No. 501-2024**

- c. Update Job Description for City Clerk Position  
Accept the updated City Clerk job description to accurately reflect current duties and best practices (Executive Assistant to the City Manager/HR Manager)
  
- d. Adopt a Resolution approving the Grant Application for the Mitchell Canyon Road Pedestrian Path Improvement Project to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2024-2025 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle funding, authorizing staff to submit the grant application, finding the project is categorically exempt from CEQA, pursuant to California Code of Regulations Section 15301(c), and filing with County Clerk Recorder (City Engineer)

**Resolution No. 01-2024**

- e. AS THE SUCCESSOR AGENCY BOARD: Adopt a Resolution to Approve and Adopt the Recognized Obligation Payment Schedule for the Year Ending June 30, 2025 (ROPS 2024-2025), Pursuant to The Dissolution Act (Finance Director)

**Resolution No. SA01-2024**

## 6. REPORTS

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

## 7. PUBLIC HEARINGS

(There are no Public Hearings scheduled for this meeting.)

## 8. ACTION ITEMS

- a. Employment Agreement with Chief of Police  
Approve a three-year employment agreement with Richard McEachin, City of Clayton Police Chief, for the term of June 30, 2024 through June 30, 2027 (Executive Assistant to the City Manager/HR Manager)

*Executive Assistant to the City Manager/HR Manager Amy Walcker provided an overview of the agreement.*

*Following discussion by the City Council, Mayor Diaz opened the item to public comment, but there was no one wishing to speak.*

**It was moved by Vice Mayor Trupiano, seconded by Councilmember Wan, to Approve a three-year employment agreement with Richard McEachin, City of Clayton Police Chief. (Passed; 5- 0).**

- b. Discussion related to parking impacts from the Olivia Project.  
Receive update on street parking in the surrounding neighborhood related to the Olivia Project and provide staff with direction (City Manager)

*City Manager Bret Prebula provided an overview of the staff's recommendations.*

*Following discussion by the City Council, Mayor Diaz opened the item to public comment:*

*Gary Hood; Keith Haydon; Dane Horton; Doug Rogers; Pamela Rogers; David Miller; Wendy; Bill Walcott; Randall Waterhouse; Frank Gavidia; Spoke regarding The Olivia Project and parking concerns*

**No Action:** Direction provided to staff.



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

*Councilmember Tillman requested a future agenda item to discuss the censure of councilmembers and requested the City Attorney review concerns regarding treatment of staff by councilmembers.*

*Vice Mayor Diaz shared that he would contact the Contra Costa Mosquito and Vector Control District for additional information on how to address rodent concerns.*

10. **COUNCIL REPORTS**

*Councilmember Cloven spoke with residents regarding various topics including the Community Survey and the annual budget.*

*Councilmember Tillman attended: Memorial Services for Allison McCaulay; League of California Cities Policies committee orientation; Mayors' Conference in Antioch; Campaign event for supervisorial candidate Shanelle Scales-Preston. Participated in: Holiday Decoration removal; Brunch at Skylar Bistro; Mt. Diablo Education Foundation; Clayton Pride Board; Rossmoor Democratic Club.*

*Councilmember Wan spoke with residents and Cub Scout Pack 262.*

*Vice Major Trupiano attended: Clayton Community Library Foundation meeting; meeting with City Manager; Mayors' Conference in Antioch; Supervisor Ken Carlson event – Coffee with Ken. Participated in: Holiday Decoration removal; Brunch at Skylar Bistro.*

*Mayor Diaz attended: County Connection Board meeting; Mayors' Conference in Antioch; Art & Wine Committee meeting. Participated in: Holiday Decoration removal; Brunch at Skylar Bistro.*

11. **CLOSED SESSION**

At 9:04 p.m., the Council adjourned to Closed Session.

- a. Conference with Labor Negotiators  
Government Code section 54957.6

Agency Designated Representatives:

Bret Prebula, City Manager,  
Amy Walcker, Executive Assistant to  
the City Manager/HR Manager, and  
Richard McEachin, Police Chief

Employee Organization:

Clayton Police Officers Association

*There were no reportable actions taken.*

12. **ADJOURNMENT** - on a call by Mayor Diaz, the City Council adjourned its meeting at 10:20 p.m.

Respectfully submitted,

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Stephanie Cabrera-Brown, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

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Jim Diaz, Mayor



# STAFF REPORT

**TO:** Honorable Mayor and Councilmembers

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

**DATE:** February 6, 2024

**SUBJECT:** Adopt a Resolution Establishing a Revised Purchasing Policy

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## **RECOMMENDATION**

Adopt a Resolution establishing a revised Purchasing Policy to provide staff with guidance and clarity around authorized procurement practices, in compliance with Senate Bill 1383 (SB1383), for the procurement of goods, services, supplies, and equipment.

## **BACKGROUND**

The City of Clayton's current Purchasing Policy took effect in January 2022. Since the adoption of the current Purchasing Policy, changes in California State legislation necessitate updates for compliance with Senate Bill 1383 (SB1383).

## **DISCUSSION**

The objective in updating the City of Clayton's Purchasing Policy is to provide staff with guidance and clarity around authorized procurement practices. Specifically, the proposed policy updates ensure staff are informed of compliance standards with California legislation SB1383.

As California communities continue to prioritize environmental sustainability, it is vital that the City of Clayton adopts a purchasing policy that outlines guidelines for making Environmentally Preferable Purchasing (EPP) decisions. EPP is the procurement of goods and services that have less impact than competing products serving the same purpose.

The City is currently in the concluding phase of addressing all facets of a Corrective Action Plan mandated by the State through the California Department of Resources Recycling and Recovery (CalRecycle). The final step entails the implementation of a purchasing policy duly authorized by City Council.

One pivotal aspect of a compliant purchasing policy is the emphasis on buying products made from recycled content as set forth in SB1383. Common products identified in sustainable procurement are paper products (copy paper, file folders, toilet paper, paper towels), appliances with an Energy Star rating, and pest control agents utilizing Integrated Pest Management materials.

In the Purchasing Policy proposed by staff, the standards for sustainable procurement are specified as Environmentally Preferable Purchasing (EPP). By prioritizing recycled materials, the City will actively participate in the circular economy, reducing the demand for new resources and minimizing the environmental footprint. Utilizing recycled content not only conserves valuable raw materials but also helps decrease energy consumption and greenhouse gas emissions associated with the production of new goods.

### **FISCAL IMPACT**

No fiscal impact.

### **CEQA IMPACT**

None.

### **ATTACHMENTS**

1. Resolution Adopting a Purchasing Policy for the Procurement of Goods, Services, Supplies, and Equipment
2. Purchasing Policy - Redline
3. Revised Purchasing Policy

**RESOLUTION NO. XX-2024****A RESOLUTION OF THE CLAYTON CITY COUNCIL  
ADOPTING A PURCHASING POLICY FOR THE PROCUREMENT OF GOODS,  
SERVICES, SUPPLIES AND EQUIPMENT****THE CITY COUNCIL  
City of Clayton, California**

**WHEREAS**, on May 4, 2004 the City Council of the City of Clayton adopted Ordinance No. 376 establishing Clayton Municipal Code Chapter 3.10.020 that defines procedures and guidelines for the purchasing of goods, services, supplies and equipment shall be by City Council Resolution; and

**WHEREAS**, the goal of establishing a Purchasing Guidelines Policy was to set and maintain appropriate fiscal controls and procedures on expenditures of public funds; to maximize the City's purchasing dollar by encouraging competitive prices; and to provide a timely, effective method of procurement for city departments; and

**WHEREAS**, on January 18, 2022 the City Council updated the Purchasing Policy to increase the effectiveness, efficiency and understandability of City procurement to include the threshold for competitive procurement and provide exceptions to the competitive procurement procedures in specified circumstances; and

**WHEREAS**, California SB1383 requires municipalities to update their purchasing policies to align procurement practices with the State's environmental and climate objectives, particularly in the reduction of short-lived climate pollutants; and

**WHEREAS**, updating purchasing policies in accordance with SB1383 reflects a commitment to environmental stewardship, sustainable practices, and the development and use of products made from recycled or organic materials, and

**WHEREAS**, the City of Clayton seeks to align with the state's goals to promote sustainable procurement practices, support the circular economy, and contribute to statewide efforts to mitigate climate change by reducing methane emissions from organic waste.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of Clayton, California, does hereby amend and replace in its entirety the Purchasing Policy, as attached hereto as Exhibit A.

**PASSED, APPROVED AND ADOPTED** by the City Council of Clayton, California, at a regular public meeting thereof held on the 6th day of February 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

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Jim Diaz, Mayor

ATTEST:

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Stephanie Cabrera-Brown, City Clerk

**EXHIBIT A**  
**PURCHASING GUIDELINES POLICY**  
**AS ESTABLISHED BY RESOLUTION ~~05-2022-XXXXX~~ AND**  
**PURSUANT TO CLAYTON MUNICIPAL CODE CHAPTER 3.10.020**

**PURPOSE**

The purpose of this Purchasing Guidelines Policy is to establish internal controls, responsibilities and authorization levels and other requirements related to purchasing goods and services for the City. This policy:

- establishes controls that identify clear authority and responsibility for purchasing activities;
- secures goods and services at the lowest cost commensurate with quality and other qualitative factors; ~~and~~
- ensures appropriate levels of competition and provides equal opportunity for all qualified vendors; ~~and-~~
- outlines the guidelines and principles that the City will follow to make environmentally preferable purchasing decisions.

This policy is adopted in accordance with Section 3.10.020 of the Clayton Municipal Code, as it may be amended from time to time.

**PURCHASING OFFICER**

The City Manager, or the City Manager's designee, is the City's purchasing officer, with the authority and the responsibility to:

- 1) Carry out the purchasing policies of the City,
- 2) Prepare or revise, in cooperation with each department, written standard specifications for purchases of goods, supplies, equipment, and services,
- 3) Purchase or contract for goods, supplies, equipment, and services required by City departments according to these purchasing procedures and such administrative regulations as the City Manager shall prescribe,
- 4) Obtain full and open a competition where required herein when purchasing or contracting for goods, supplies, equipment, and services,
- 5) Keep informed of current developments in the field of purchasing, prices, contracting for goods, supplies, equipment, and services,

- 6) Ensure the inspection of all supplies and equipment purchases to guarantee quality and conformance with City specifications,
- 7) Recommend the transfer of unused supplies and equipment between departments as needed,
- 8) Sell supplies and equipment that cannot be used by any department or that have become unsuitable for City use
- 9) Maintain a contractor list in accordance with the procedures specified for Public Projects
- 10) Maintain any and all necessary records for the efficient operation of the purchasing function.

### PURCHASING AUTHORITY

There are three (3) levels of authority applicable for the purchase of goods, supplies, equipment, materials, professional and non-professional services, and public projects, which shall be delegated as follows:

- The City Manager is authorized to award or reject professional services agreements in an amount not to exceed thirty thousand dollars (\$30,000.00). The City Manager may approve amendments or change orders to existing professional services agreements so long as the cumulative total of the agreement does not exceed thirty thousand dollars (\$30,000.00).
- Other than for Professional Services, the City Manager is authorized to award or reject purchases, agreements, contracts, bids, proposals, statements of qualifications, purchase orders, and public projects, in an amount not to exceed sixty thousand dollars (\$60,000.00). The City Manager may approve amendments or change orders to existing purchases, agreements, contracts, purchase orders, other than for professional services agreements and public projects, so long as the cumulative total of the contract (change order(s)/amendment(s) plus original contract amount) does not exceed sixty thousand dollars (\$60,000.00). The City Manager is authorized to award or reject change orders to contracts for public projects in an amount up to ten (10) percent of the original contract amount subject to City Council appropriation of funds.
- The City Council must award or reject purchases, agreements, contracts, bids, proposals, statements of qualifications, purchase orders, and public projects, in any amount that exceeds the City Manager's approval authority specified above.

### MAINTENANCE AND GENERAL SERVICES

Maintenance services are routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.



Maintenance services also includes the types of work set forth in Public Contract Code section 22002(d), as it may be amended from time to time.

General services are any services that are typically physical or manual in nature and do not ordinarily require specialized higher education or equivalent credentials to perform.

Contracts for maintenance services and general services shall be procured pursuant to the following processes.

- Price checking is encouraged and should be documented: \$10,000.00 or less.
- Informal quote: \$10,000.01—\$60,000.00.
- Formal RFP/RFQ or Formal Bid: Over \$60,000.00.

### GOODS, MATERIALS, SUPPLIES AND EQUIPMENT

Contracts for goods, materials, supplies and equipment shall be procured pursuant to the following processes:

- Price checking is encouraged and should be documented: \$10,000.00 or less.
- Informal quote: \$10,000.01—\$60,000.00.
- Formal RFP/RFQ or Formal Bid: Over \$60,000.00.

### PROFESSIONAL SERVICES

Professional services include services provided to the City by specially trained and experienced individuals related to economic, financial, engineering, planning, architectural, environmental, legal, administrative, or other similar services. Contracts for professional services shall be procured pursuant to the following processes:

- Assess best value/qualifications: \$10,000.00 or less.
- Informal quote: \$10,000.01—\$60,000.00.
- Formal RFP/RFQ: Over \$60,000.00.

### PUBLIC PROJECTS

Public Projects shall be procured in accordance with Section 3.10.060 of the Clayton Municipal Code, as it may be amended from time to time. For ease of reference, those procedures are restated herein, but will be superseded by any future update of the Clayton Municipal Code that creates a conflict with the provisions specified hereunder.

A. Definitions. For the purposes of this section, the following words and phrases shall have the following meanings:

1. 1. "Act" means the Uniform Public Construction Cost Accounting Act (California Public Contracts Code Section 22000 *et seq.*).
2. "City" means the City of Clayton.
3. "Commission" means the California Uniform Construction Cost Accounting Commission. "Public project" has the meaning assigned to it under Public Contract Code Section 22002, as it may be amended from time to time.

B. Public Project Contracting Procedures. The City shall follow the contracting procedures set forth in Article 3 of the Act (Public Contract Code Section 22030 *et seq.*).

C. Contractors List. The City Manager, or his or her designee, shall compile and maintain a list of qualified contractors identified according to categories of work. This list shall comply with the requirements of the Act and the criteria promulgated, from time to time, by the Commission.

D. Informal Bidding.

1. When a public project is to be performed which qualifies for informal bidding, notice of such project shall be given as follows except where the product or service is proprietary:
  - a. Notice shall be sent to all contractors on the contractors list for the category of work being bid or notice shall be given to all construction trade journals specified by the Commission for the receipt of such notice for Contra Costa County; and
  - b. Additional notice to other contractors and/or trade journals may, in the discretion of the City, be given.
2. If the product or service to be acquired is proprietary in nature such that it can only be obtained from a certain contractor or contractors, notice inviting bids may be sent only to such contractor or contractors in accordance with Public Contract Code section 3400 *et seq.*
3. All mailing of notices to contractors and/or construction trade journals shall be completed not less than ten days before bids are due.
4. The notice shall describe the project in general terms, how to obtain more detailed information about the project and shall state the time and place for submission of bids.

E. Formal Bidding.

1. When a public project is to be performed which qualifies for formal bidding, notice of such project shall be given as follows except where the product or service is proprietary:
  - a. Notice shall be given to all construction trade journals specified by the Commission for the receipt of such notice for Contra Costa County and notice shall be published in a newspaper of general circulation printed and published or circulated in the City; and
  - b. Additional notice to other contractors and/or trade journals may, in the discretion of the City, be given.
2. If the product or service to be acquired is proprietary in nature such that it can only be obtained from a certain contractor or contractors, notice inviting bids may be sent only to such contractor or contractors in accordance with Public Contract Code section 3400 *et seq.*
3. All notices to construction trade journals shall be completed not less than fifteen days before bids are due. All notices shall be published in a newspaper of general circulation not less than fourteen days before bids are due.
4. The notice shall describe the project in general terms, how to obtain more detailed information about the project and shall state the time and place for submission of bids.

F. Award of Contracts. The City Manager is authorized to award contracts for public projects up to the amount specified in this policy. The City Council shall award all contracts in excess of the foregoing amount.

G. Rejection of Bids. The City Manager or the City Council, as the case may be, may, in the City Manager's or City Council's discretion, reject all bids and proceed as authorized by the Act.

H. Emergencies. Emergency work shall be contracted for in accordance with Public Contract Code Sections 22035 and 22050.

### INFORMAL QUOTE PROCESS

The informal quote process shall follow, at a minimum, the following guidelines.

A. Minimum Number of Quotes. Selection of a vendor based on the informal quote process shall, whenever possible, be based on at least three (3) quotes.

B. **Soliciting Quotes.** The originating department shall solicit quotes from prospective vendors by written or verbal requests.

C. **Award of Contract.** Informal quote-based purchases shall be awarded to the vendor presenting a quote that is in the City's best interests as determined by the purchasing officer. Contracts for professional services shall be awarded on the basis of demonstrated competence and professional qualifications. The purchasing officer may reject all quotes received in its discretion.

D. **Additional Procurement Requirements.** In circumstances where more restrictive requirements apply (e.g., grant funding requirements), the City will follow the more restrictive requirements to the extent required by the external source of procurement requirements.

### FORMAL REQUEST FOR PROPOSAL OR REQUEST FOR QUALIFICATIONS PROCESS

The formal RFP or RFQ process shall follow, at a minimum, the following guidelines.

A. **Preparing RFP or RFQ.** The originating department shall prepare the RFP or RFQ, which shall contain, among other details, scope of the problem or objective, a general description of the goods or services to be purchased, anticipated schedule, proposal or SOQ evaluation factors, City expectations, limitations, contractual requirements, types of experience and qualifications considered in the evaluation, and other requirements specific to the procurement scope.

B. **Solicitation Requirements.** In issuing the RFP or RFQ, the originating department shall prepare a list of at least three (3) potential vendors to receive the RFP or RFQ, and where deemed appropriate by the purchasing officer, advertise the RFP or RFQ in a local newspaper of general circulation or other forums. The City shall allow a reasonable length of time, based on the complexity and size of the project, between solicitation and closing dates to provide potential respondents time to respond.

C. **Distribution of Responses.** All proposals or SOQs received by the City in response to an RFP or RFQ shall be time stamped either manually or electronically and submitted to the originating department for review.

D. **Evaluation.** Proposals or SOQs shall be evaluated by a selection committee, appointed by the department head of the originating department, subject to the approval of the purchasing officer, based upon the evaluation criteria specified in the RFP or RFQ.

E. **Award of Contract.** Contract award, if made, shall be made based upon the terms of the RFP or RFQ. The City Council, or its designee, may award a contract and reject all or any proposals or SOQs in its discretion.

E. **Specified Professional Services.** If the RFP or RFQ is for the procurement of professional services of an architectural, landscape architectural, engineering, environmental, or land surveying nature, the evaluation factors must address the

demonstrated competence and professional qualifications of the respondents and ensure the cost is reasonable.

F. Additional Procurement Requirements. In circumstances where more restrictive requirements apply (e.g., grant funding requirements), the City will follow the more restrictive requirements to the extent required by the external source of procurement requirements.

## FORMAL BIDDING PROCESS

The formal bidding process shall follow, at a minimum, the following guidelines.

A. Notice Inviting Bids. Notice inviting bids shall include: (i) a general description of the goods or services to be procured; (ii) where bid forms and specifications may be obtained; and (iii) the date, time, and place for opening of the bids. The publication or posting of the notice inviting bids either electronically or in hard copy shall be conducted at least ten (10) days before the date of opening bids unless the purchasing officer deems a shorter or longer period of solicitation is necessary based on applicable circumstances.

B. Bid Security. When deemed necessary by the purchasing officer, bid security may be prescribed in the notice inviting bids. Bidders shall be entitled to the return of bid security; provided, however, a successful bidder shall forfeit his or her bid security upon his refusal or failure to execute the contract within the time specified in the bid documents following award of the contract, unless the City is solely responsible for the delay in executing the contract. The Purchasing Officer or originating department, on the refusal or failure of the successful bidder to execute the contract, may award it to the next lowest responsible bidder submitting a responsive bid.

C. Bid Opening. Sealed bids shall be submitted in accordance with the requirements of the notice inviting bids and shall be clearly identified as a response to a particular bid solicitation. Upon receipt, the City shall date and time stamp the bid package either electronically or manually. Bids shall be opened in public either in a physical or electronic setting at the time and place stated in the notice inviting bids.

D. Rejection of Bids. In its discretion, the City Council, or its designee, may reject any and all bids, accept or reject any one or more items of a bid, or waive any irregularities or informalities in the bids or the bidding process if to do so is deemed to best serve the interests of the City. If, after the first invitation of bids, all bids are rejected, the City may elect to re-advertise for bids pursuant to the procedure prescribed in this section or have the project done by any alternative means.

E. Award of Contract. Contract award, if made, shall be made by the City Council to the lowest responsible bidder submitting a responsive bid.

F. Tie Bids. If two (2) or more bids received are for the same total amount, with quality being equal, the City Council may accept the bid it chooses or accept the lowest bid made after negotiation with the tied bidders.

G. Additional Procurement Requirements. In circumstances where more restrictive requirements apply (e.g., grant funding requirements), the City will follow the more restrictive requirements to the extent required by the external source of procurement requirements.

## EXCEPTIONS TO COMPETITIVE PROCUREMENT REQUIREMENTS

As an exception to the procurement procedures in these guidelines, purchases may be made without engaging in the competitive procurement procedures set forth herein, except for Public Projects, when the City Manager or City Council (subject to the dollar limits in these guidelines) approve of such non-competitive procurement under any of the following circumstances:

- A. Where the procurement of goods, supplies, equipment, materials, or services is necessitated by reason of emergency circumstances where the procurement is required to prevent the immediate interruption or cessation of necessary City services or to safeguard life, property, or the public health and welfare.
- B. Where (1) it is in the City's best interests to rely upon a contract procured by another public agency; (2) a competitive procurement procedure has been conducted for that contract by the public agency (i.e., another local agency, the State through the California Multiple Award Schedule (CMAS), the federal government through the General Services Administration (GSA), or a joint powers agency, authority or alliance that procures competitive contracts); and (3) the price and terms to the City are equal to or better than the price and terms to that public agency.
- C. When only one known source of the goods, supplies, equipment, materials, or services is available. For example, where a particular piece of equipment is of a specialized nature and may only be obtained from one known vendor.
- D. When the procurement is for (1) utility services; (2) services necessary to conduct City meetings or events; (3) IT related services; (4) banking services; (5) the acquisition, lease or rental of real property; (6) services and equipment necessary to maintain standardization with existing services or equipment utilized by the City or 7) services that are paid through a developer deposit on private development projects or other pass-through services.
- E. If competitive procurement would not produce an advantage, or it is impracticable to obtain what is required because of the unique nature of the procurement.
- F. Where it is in the best interests of the City to do so as otherwise permitted by applicable law.

Prior to award of a contract under any of the foregoing exceptions, the City Manager shall certify that the contract is exempt from competitive procurement and shall set forth in the certification reasons for that determination.

### ENVIRONMENTALLY PREFERRED PURCHASING (EPP) POLICY

A. Definitions. For the purposes of this section, the following words and phrases shall have the following meanings:

1. "Agricultural Bio-Based Products" means commercial or industrial products (other than food or feed) that utilize agricultural crops or residues but does not include products made from forestry materials.
2. "Annual Recovered Organic Waste Product Procurement Target" means the amount of Organic Waste in the form of a Recovered Organic Waste Product that the City is required to procure annually, based on population.
3. "Buyer" means anyone authorized to purchase or contract for purchases on behalf of this jurisdiction or its subdivisions.
4. "Chlorine free" means products processed without chlorine or chlorine derivatives.
5. "Compost (SB 1383 Eligible)" means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream or which are separated at a centralized facility or as otherwise defined in 14 CCR Section 17896.2(a)(4).
6. "Compostable" means material that is biodegradable during composting to yield carbon dioxide, water and inorganic compounds, and biomass at a rate consistent with other known compostable materials and leaves no visually distinguishable or toxic residues.
7. "Contractor" means any person, group of persons, business, consultant, designing architect, association, partnership, corporation, supplier, vendor, or other entity that has a contract with the City or serves in a subcontracting capacity with an entity having a contract with the City for the provision of goods or services.
8. "Direct Service Provider" means a person, company, agency, contractor, or other entity that provides a service or services to the City through a contractual or other written agreement or as otherwise defined in 14 CCR Section 18982(a)(17).
9. "Dioxins and furans" are a group of chemical compounds that are classified as persistent, bioaccumulative, and toxic by the Environmental Protection Agency.

10. "Electricity Procured from Biomass Conversion" means electricity generated from biomass facilities that convert recovered Organic Waste, such as landscaping waste from the municipal stream, into electricity, and is therefore eligible to meet the City's Annual Recovered Organic Waste Product Procurement Target.
11. "Energy Star" means the U.S. EPA's energy efficiency product labeling program.
12. "Energy Efficient Product" means a product that is in the upper 25% of energy efficiency for all similar products, or that is at least 10% more efficient than the minimum level that meets Federal standards.
13. "Federal Energy Management Program" is a program of the Department of Energy that issues a series of Product Energy Efficiency Recommendations that identify recommended efficiency levels for energy-using products.
14. The "Forest Stewardship Council" is a global organization that certifies responsible, on- the-ground forest management according to rigorous standards developed by a broad variety of stakeholder groups.
15. "Integrated Pest Management (IPM)" is an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and nontarget organisms, and the environment.
16. "LEED™ Rating System" means the most recent version of the Leadership in Energy and Environmental Design (LEED) Rating System, approved by the U.S. Green Building Council, and designed for rating new and existing commercial, institutional, and residential buildings.
17. "Organic Pest Management" prohibits the use and application of toxic chemical pesticides and strives to prevent pest problems through the application of natural, organic horticultural and maintenance practices. All pest control products shall be in keeping with, but not limited to, those products on the approved list of California Certified Organic Foods (CCOF).
18. "Organic Waste" means solid waste containing material originated from living organisms and their metabolic waste products including, but not limited to, food, yard trimmings, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges, or as



- otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined in 14 CCR Section 18982(a)(4) and 14 CCR Section 18982(a)(16.5), respectively.
19. "Paper Products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling; or as otherwise defined in 14 CCR Section 18982(a)(51).
20. "Postconsumer Material" means a finished material which would normally be disposed of as a solid waste, having reached its intended end-use and completed its life cycle as a consumer item, and does not include manufacturing or converting wastes.
21. "Practical" and "Practicable" mean whenever possible and compatible with local, state, and federal law, without reducing safety, quality, or effectiveness and where the product or service is available at a reasonable cost in a reasonable period of time.
22. "Preconsumer Material" means material or by-products generated after manufacture of a product is completed but before the product reaches the end-use consumer. Preconsumer material does not include mill and manufacturing trim, scrap, or broke which is generated at a manufacturing site and commonly reused on-site in the same or another manufacturing process.
23. "Printing and Writing Papers" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, reports, magazines, and publications; or as otherwise defined in 14 CCR Section 18982(a)(54).
24. "Procurement of Recovered Organic Waste Products" shall mean purchase or acquisition of (e.g., free delivery or free distribution from a hauler or other entity via a written agreement or contract) Organic Waste Products and end use by the City. The City's Annual Recovered Organic Waste Product Procurement Target can be fulfilled directly by the City or by Direct Service Providers through written contracts or agreements for Procurement of Recovered Organic Waste Products at the City's behest.
25. "Proposition 65" means a list of chemicals that are known to the State of California to cause cancer, birth defects or other reproductive harm.
26. "Recordkeeping" means the system established by this policy and the General Services and Administrative Services departments used to track procurement and maintain records that includes Recovered Organic Waste Product procurement efforts by the City.

27. "Recovered Material" means fragments of products or finished products of a manufacturing process, which has converted a resource into a commodity of real economic value and includes preconsumer and postconsumer material but does not include excess resources of the manufacturing process.
28. "Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper" means such products that consist of at least thirty percent (30%) recycled materials, by fiber weight, post-consumer fiber, or as-much as one hundred percent (100%) post-consumer fiber by fiber weight, consistent with the requirements of Sections 22150 to 22154 and Sections 12200 and 12209 of the Public Contract Code, as they may be amended from time to time; and:
- a. Printing and writing paper shall consist of at least 30 percent, by fiber weight, postconsumer fiber
  - b. Other paper products shall consist of at least 30 percent, by fiber weight, of postconsumer recycled content fiber, except as specified below:
  - c. Toilet paper shall consist of at least 45 percent, by fiber weight, postconsumer recycled content fiber
  - d. Paper towels shall consist of at least 40 percent, by fiber weight, postconsumer recycled content fiber
  - e. Facial tissue shall consist of at least 10 percent, by fiber weight, postconsumer recycled content fiber
  - f. Toilet seat covers shall consist of at least 20 percent, by fiber weight, postconsumer recycled content fiber
  - g. General purpose paper wipers shall consist of at least 40 percent, by fiber weight, postconsumer recycled content fiber
  - h. Food serviceware, including but not limited to, napkins, plates, bowls, food trays, takeout boxes, placemats, etc. shall consist of at least 40 percent, by fiber weight, postconsumer recycled content fiber.
29. "Recycled Content" means the percentage of recovered material, including preconsumer and postconsumer materials, in a product.
30. "Recycled Content Standard" means the minimum level of recovered material and/or postconsumer material necessary for products to qualify as "recycled products."
31. "Recycled Material" means material and byproducts that have been recovered or diverted from solid waste and have been utilized in place of raw or virgin material in manufacturing a product. It is derived from post-consumer recycled material, manufacturing waste, industrial scrap, agricultural waste, and other waste material, but does not include material or byproducts generated from, and commonly reused within, an original manufacturing process.
32. "Recycled Product" means a product that meets the City's recycled content policy objectives for postconsumer and recovered material.

33. "Remanufactured Product" means any product diverted from the supply of discarded materials by refurbishing and marketing said product without substantial change to its original form.
34. "Renewable Gas" means gas derived from Organic Waste that has been diverted from a landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by the State, or as otherwise defined in 14 CCR Section 18982(a)(62).
35. "Reused Product" means any product designed to be used many times for the same or other purposes without additional processing except for specific requirements such as cleaning, painting or minor repairs.
36. "SB 1383" means Senate Bill 1383 approved by the Governor on September 19, 2016, which establishes methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants, as amended, supplemented, superseded, and replaced.
37. "SB 1383 Eligible Compost" means the product resulting from the controlled biological decomposition of organic solid wastes that is produced at an approved facility and in such a way that makes it eligible to meet the Annual Recovered Organic Waste Product Procurement Target, as defined by CalRecycle.
38. "SB 1383 Eligible Mulch" means mulch eligible to meet the Annual Recovered Organic Waste Product Procurement Target, pursuant to 14 CCR Chapter 12 of Division 7. This SB 1383 Eligible Mulch shall meet the following conditions for the duration of the applicable procurement compliance year, as specified by 14 CCR Section 18993.1(f)(4): Must meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR 17852(a)(24.5)(A) 1 through 3 and must be produced at one of the following facilities:
- a. A compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12), that is permitted or authorized under 14 CCR Division 7, other than a chipping and grinding operation or facility as defined in 14 CCR 17852(a)(10);
  - b. A transfer/processing facility or transfer/processing operation as defined in 14 CCR 17402(a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or,
  - c. A solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under 27 CCR Division 2.
39. "SB 1383 Regulations" or "SB 1383 Regulatory" means or refers to the Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions regulations

developed by CalRecycle and adopted in 2020 that created Chapter 12 of 14 CCR, Division 7 and amended portions of regulations of 14 CCR and 27 CCR.

40. "Source Reduction" refers to products that result in a net reduction in the generation of waste compared to their previous or alternate version and includes durable, reusable, and remanufactured products; products with no, or reduced, toxic constituents; and products marketed with no, or reduced, packaging.
41. The "Toxics Release Inventory" (TRI) is a publicly available U.S. EPA database that contains information on toxic chemical releases and other waste management activities reported annually by certain covered industry groups as well as federal facilities.
42. "U.S. EPA Guidelines" means the Comprehensive Procurement Guidelines established by the U.S. Environmental Protection Agency for federal agency purchases as of May 2002 and any subsequent versions adopted.
43. "Vendor" means a person or company who provides goods or services. A vendor can also be referred to as a supplier or direct service provider.
44. "Water-Saving Products" are those that are in the upper 25% of water conservation for all similar products, or at least 10% more water-conserving than the minimum level that meets the Federal standards.

## EPP POLICY ELEMENTS

The City of Clayton is committed to responsible and sustainable procurement practices. This provision of the Purchasing Guidelines Policy is established to ensure that all procurement activities undertaken by the City are conducted in accordance with the guidelines provided by CalRecycle and the California Department of General Services (DGS) Environmental Purchasing Program (EPP) and comply with State requirements as contained in 14 CCR Division 7, Chapter 12, Article 12 (SB 1383 procurement regulations (14 CCR § 18992 et seq.)) to procure a specified amount of Recovered Organic Waste Products, to purchase Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper.

The City's goal is to create a model for successfully purchasing environmentally preferable products that encourages other purchasers in our community to adopt similar goals. This policy aims to promote environmentally preferable purchasing (EPP) of goods and services while maintaining cost-effectiveness, transparency, and compliance with all applicable laws and regulations.

## SCOPE

This policy applies to all City of Clayton departments, employees, and contractors involved in procurement activities, including the acquisition of goods and services.

### EPP PRINCIPLES

The City of Clayton shall adhere to the following EPP principles as outlined by the DGS:

A. Sustainable Sourcing: The city shall prioritize the procurement of goods and services that are produced, manufactured, and sourced in a sustainable and environmentally responsible manner.

B. Energy Efficiency: The city shall give preference to products and services that are energy-efficient and contribute to the reduction of greenhouse gas emissions.

C. Resource Conservation: The city shall seek products and services that promote resource conservation, including the use of recycled, reused, or remanufactured materials whenever possible.

D. Pollution Prevention: The city shall prioritize goods and services that minimize or eliminate the release of hazardous substances and pollutants into the environment.

E. Local Sourcing: Whenever feasible and cost-effective, the City shall support local businesses and communities by procuring goods and services from local suppliers.

### PROCUREMENT PROCESS

A. Needs Assessment: Prior to initiating any procurement, departments shall assess their needs and consider if environmentally preferable options are available.

B. Vendor Selection: Departments shall evaluate potential vendors based on their commitment to EPP principles and their ability to provide environmentally preferable products and services.

C. Cost-Effectiveness: While promoting EPP, departments must ensure that the selected goods and services remain cost-effective and meet the City's budgetary constraints.

D. Documentation: All procurement decisions and justifications for selecting vendors and products based on EPP principles shall be documented and maintained for auditing purposes and will follow the Record Keeping practices as outlined in this Policy.

### COMPLIANCE AND MONITORING

A. Reporting and Record Keeping: Departments shall report their EPP efforts regularly to the City Manager's Office.

B. Auditing: The City shall periodically conduct audits to ensure compliance with this policy and make improvements where necessary.

### EDUCATION AND TRAINING

The City of Clayton shall provide education and training opportunities to employees involved in the procurement process to ensure a comprehensive understanding of EPP principles and their application.

### EXCEPTIONS

Exceptions to this policy may be granted on a case-by-case basis by the City Manager, or his or her designee, when compliance is not feasible due to specific circumstances.

### REVIEW AND REVISION

This Purchasing Policy shall be reviewed periodically to assess its effectiveness and ~~relevance, and~~relevance. The policy shall be revised as necessary to align with evolving EPP guidelines and best practices.

### IMPLEMENTATION

This policy shall take effect immediately upon approval and shall be communicated to all staff of the City of Clayton.

### SPECIFICATIONS

#### A. Source Reduction

1. The City of Clayton shall institute practices that reduce waste and result in the purchase of fewer products whenever practicable and cost-effective, but without reducing safety or workplace quality;
2. The City of Clayton shall purchase remanufactured products such as laser toner cartridges, tires, furniture, equipment and automotive parts whenever practicable, but without reducing safety, quality or effectiveness;
- ~~b-3.~~ The City of Clayton shall require all equipment bought after the adoption of this policy to be compatible with source reduction goals as referred to in this section, when practicable.

~~e-~~

~~3.4.~~ All purchasers shall consider short-term and long-term costs in comparing product alternatives, when feasible. This includes evaluation of total costs expected during the time a product is owned, including, but not limited to, acquisition, extended warranties, operation, supplies, maintenance, disposal costs and expected lifetime compared to other alternatives.

~~4.5.~~ Products that are durable, long lasting, reusable or refillable are preferred whenever feasible.

~~5.~~

6. The City requests vendors to eliminate packaging or use the minimum amount necessary for product protection, to the greatest extent practicable.

~~7.~~

~~8.7.~~ Packaging that is reusable, recyclable or compostable is preferred, when suitable uses and programs exist.

~~9.~~

~~10.8.~~ Vendors shall be encouraged to take back and reuse pallets and packaging materials.

~~11.~~

9. Suppliers of electronic equipment, including but not limited to computers, monitors, printers, and copiers, shall be required to take back equipment for reuse or environmentally safe recycling when the City discards or replaces such equipment, whenever possible.

## B. Recycled Content Products

~~1.~~

~~2.1.~~ All products for which the United States Environmental Protection Agency (U.S. EPA) has established minimum recycled content standard guidelines, such as those for printing paper, office paper, janitorial paper, construction, landscaping, parks and recreation, transportation, vehicles, miscellaneous, and non-paper office products, shall contain the highest postconsumer content practicable, but no less than the minimum recycled content standards established by the U.S. EPA Guidelines.

~~3.~~

~~4.2.~~ Consistent with Public Contracting Code 22150, if fitness, ~~and quality, and~~ price of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, all departments and divisions of the City shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper, as defined in the Definitions section of this Policy, whenever available at the same or a lesser total cost than non-recycled items, consistent with the requirements of the Public Contracts Code, Sections 22150 through 22154 and Sections 12200 and 12209, as they may be amended from time to time.

~~5.~~

~~6.3.~~ All Paper Products and Printing and Writing Paper shall be eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

~~7.~~

~~8.4.~~ Records must be maintained by the City of all Paper Products and Printing and Writing Paper purchases on a schedule to be determined by the City Manager, or his or her designee, and not less than annually (both recycled-content and non-recycled content, if any is purchased) for all purchases made by a division or department or employee of the City.

~~9.~~

~~10.5.~~ All vendors that provide Paper Products (including janitorial Paper Products) and Printing and Writing Paper to the City shall:

~~11.~~

- a. Provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper, as defined in the Definitions section of this Policy, if fitness and quality are equal to that of non-recycled item, and the product is available at equal or lesser price.
- b. Certify in writing the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the City. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products and/or Printing and Writing Paper can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.

~~e.~~

~~d.c.~~ Only provide Paper Products and Printing and Writing Papers that meet Federal Trade Commission Recyclability standard as defined in Title 16 Code of Federal Regulations Section 260.12 (2013) (relating to correct labeling and marketing of products).

~~e.~~

~~f.d.~~ Provide records to the Purchaser for all Paper Products and Printing and Writing Paper on a schedule to be determined by the City Manager, or his or her designee.

~~e.~~ All vendors providing printing services to the City via a printing contract or written agreement, shall use Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, if fitness and quality are equal to that of non-recycled item, and the product is available at equal or lesser price, or as amended by Public Contract Code Section 12209.

~~12.~~



6. Copiers and printers bought shall be compatible with the use of recycled content products.

~~13.~~

7. When specifying asphalt concrete, aggregate base or portland cement concrete for road construction projects, the City shall use recycled, reusable, or reground materials when practicable.

~~14.~~

8. The City shall specify and purchase recycled content transportation products, including signs, cones, parking stops, delineators, and barricades when practicable.

~~B.~~

#### C. Gas and Oil Procurement

~~15.~~

1. For Renewable Gas procurement (used for fuel for transportation, electricity, or heating applications), the City shall:

a. Procure Renewable Gas made from recovered Organic Waste for transportation fuel, electricity, and heating applications to the degree that it is appropriate and available for the City.

b. Keep records in the same manner indicated in the Record Keeping section of this Policy for the amount of Renewable Gas procured and used by the City, including the general procurement record information specified in the Record Keeping section of this Policy, and ensure documentation is on file in the central filing location and on a schedule as determined by the City Manager, or his or her designee, and not less than annually.

~~2.~~

2. Per California Public Contract Code, Section. 10409, the City shall purchase re-refined lubricating and industrial oil for use in its vehicles and other equipment, as long as it is certified by the American Petroleum Institute (API) as appropriate for use in such equipment.

#### C-D. Energy and Water Savings

1. Where applicable and practicable, energy-efficient equipment shall be purchased with the most up-to-date energy efficiency functions. This includes, but is not limited to, high efficiency space heating systems and high efficiency space cooling equipment.

2. When practicable, the City shall replace inefficient lighting with energy-efficient equipment.

~~3.~~

4-3. All products purchased by the City and for which the U. S. EPA Energy Star certification is available shall meet Energy Star certification, when practicable. When Energy Star labels are not available, purchasing agents shall

choose energy-efficient products that are in the upper 25% of energy efficiency as designated by the Federal Energy Management Program (FEMA).

- ~~5.~~  
~~4.~~ The City shall purchase water-saving products whenever practicable.

~~D.~~  
E. Green Building - Construction and Renovations

- ~~6.~~  
~~1.~~ All building and renovations undertaken by the City shall follow Green Building Practices for design, construction, and operation, where appropriate, as described in the LEED™ Rating System, meet California Green Building Standards Code, Part 11, Title 24, California Code of Regulations (CalGreen) and California's Model Water Efficient Landscape Ordinance (MWELo) requirements. Building and landscaping products, purchases, and use by the City shall be consistent with CalGreen and MWELo requirements.

~~E.~~  
F. Landscaping

- ~~4.~~  
~~1.~~ All landscape renovations, construction and maintenance by the City, including workers and contractors providing landscaping services for the City, shall employ sustainable landscape management techniques for design, construction, and maintenance whenever possible, including, but not limited to, integrated pest management, grasscycling, drip irrigation, composting, and procurement and use of mulch and compost.

- ~~4.~~  
~~2.~~ The City, including through its Direct Service Providers, will make every effort to meet its annual procurement target for Recovered Organic Waste Products as determined by the State. Periodically, the City shall distribute information to City Staff on the Procurement target and specific products that meet SB 1383 procurement requirements. Divisions and departments responsible for landscaping maintenance, compost giveaways or other types of compost distribution shall:

- ~~3.~~  
~~a.~~ Use SB 1383 Eligible Compost and SB 1383 Eligible Mulch produced from recovered Organic Waste, as defined in the Definitions section of this Policy, for landscaping maintenance as practicable, whenever available, and capable of meeting quality standards and criteria specified.

- ~~a.~~  
~~b.~~ Ensure that SB 1383 Eligible Mulch producers annually certify that the mulch meets the definition contained in the Definitions section of this Policy through the following:

- ~~e.~~  
~~i.~~ Copy of operation or facility permit or authorization; and  
~~ii.~~ Copy of laboratory results confirming the mulch meets or exceeds the physical contamination, maximum metal concentration, and

pathogen density standards for land application specified in 14 CCR Section 17852(a)(24.5)(A) 1 through 3.

Failure to provide the applicable certification documents on an annual basis or at the request of the City will result in the mulch no longer being eligible as a recovered organic waste product under this procurement policy.

- ~~4.3.~~ Keep records, including invoices or proof of Recovered Organic Waste Product procurement (either through purchase or acquisition), and submit records to the City Manager, or his or her designee, either directly or via a centralized file location on a schedule to be determined by City Manager, or his or her designee, and not less than annually. General Procurement Records shall include:
- ~~5.~~
    - a. General description of how and where the product was used and applied, if applicable;
    - b. Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;
    - c. Type of product;
    - d. Quantity of each product; and,
    - e. Invoice or other record demonstrating purchase or procurement.
  - ~~6.~~
  - 4. For Compost and SB 1383 Eligible Mulch provided to residents through giveaway events or other types of distribution methods, keep records of the Compost and SB 1383 Eligible Mulch provided to residents. Records shall be maintained and submitted to the City Manager, or his or her designee, either directly or via a centralized file location in accordance with the requirements specified in the Record Keeping section of this Policy.
  - ~~7.~~
  - 5. When a Direct Service Provider for the City procures compost or mulch, the City will enter into a written contract or agreement, or execute a purchase order between the City and Direct Service Provider with enforceable provisions that include:
    - ~~a.~~
      - a. Definitions and specifications for SB 1383 Eligible Mulch, Compost, Renewable Gas, and/or Electricity Procured from Biomass Conversion; and,
      - b. An enforcement mechanism (e.g., termination, liquidated damages) in the event the Direct Service Provider is not compliant with the requirements.
    - ~~8.~~
  - 6. Ensure that projects subject to California's MWELO that will be used to meet the annual recovered organic waste product procurement target comply with

CCR Title 23, Division 2, Chapter 2.7, Sections 492.6 (a)(3)(B), (C), (D), and (G).

~~9.~~

7. Plants should be selected to minimize waste by choosing species for purchase that are appropriate to the microclimate, species that can grow to their natural size in the space allotted them, and perennials rather than annuals for color when practicable. Native and drought-tolerant plants that require no or minimal watering once established are preferred.

~~10.~~

8. Hardscapes and landscape structures constructed of recycled content materials are encouraged. The City shall limit the amount of impervious surfaces in the landscape, wherever practicable. Permeable substitutes, such as permeable asphalt or pavers, are encouraged for walkways, patios, and driveways.

~~F.~~

#### G. Toxics and Pollution

~~11.~~

1. To the extent practicable, no cleaning or disinfecting products (i.e., for janitorial or automotive use) shall contain ingredients that are carcinogens, mutagens, or teratogens. These include chemicals listed by the U.S. E.P.A. or the National Institute for Occupational Safety and Health on the Toxics Release Inventory and those listed under Proposition 65 by the California Office of Environmental Health Hazard Assessment.

~~1.~~

2. The use of chlorofluorocarbon-containing refrigerants, solvents and other products shall be phased out and new purchases shall not contain them.

~~2.~~

3. All surfactants and detergents shall be readily biodegradable and, where practicable, shall not contain phosphates.

~~3.~~

4. When maintaining buildings and landscapes, the City shall manage pest problems through prevention and physical, mechanical and biological controls where practicable. The City may implement pest management practices using the least toxic pest control as a last resort.

~~4.~~

5. When maintaining buildings, the City shall use products with the lowest amount of volatile organic compounds (VOCs), highest recycled content, and low or no formaldehyde when purchasing materials such as paint, carpeting, adhesives, furniture and casework as practicable.

~~5.~~

6. The City shall reduce or eliminate its use of products that contribute to the formation of dioxins and furans. This includes, but is not limited to:

~~a.~~

- a. Purchasing paper, paper products, and janitorial paper products that are unbleached or that are processed without chlorine or chlorine derivatives, whenever possible.

b. Prohibiting purchase of products that use polyvinyl chloride (PVC) such as, but not limited to, office binders, furniture, flooring, and medical supplies whenever practicable.

~~6.~~

7. The City shall purchase products and equipment with no lead or mercury whenever possible. For products that contain lead or mercury, the City shall give preference to those products with lower quantities of these metals and to vendors with established lead and mercury recovery programs.

~~7.~~

8. When replacing vehicles, the City shall consider less-polluting alternatives to diesel such as compressed natural gas, renewable natural gas (RNG), biobased fuels, hybrids, electric batteries, and fuel cells, as available.

~~G.~~

H. Forest Conservation

1. To the greatest extent practicable, the City shall not procure wood products such as lumber and paper that originate from forests harvested in an environmentally unsustainable manner. When possible, the City shall give preference to wood products that are certified to be sustainably harvested by a comprehensive, performance-based certification system.

~~I.~~

I. Agricultural Bio-Based Products

~~1.~~

1. Vehicle fuels made from non-wood, plant-based contents such as vegetable oils are encouraged whenever practicable.

~~1.~~

2. Paper, paper products and construction products made from non-wood, plant-based contents such as agricultural crops and residues are encouraged whenever practicable.

~~J.~~

J. Record Keeping

~~1.~~

1. Each purchasing agent is responsible to provide documentation required by SB 1383 directly to the City Manager, or his or her designee, or to file required documentation of purchases subject to SB 1383 in the centralized file location as designated by the City Manager, or his or her designee. The City Manager, or his or her designee, will be responsible for monitoring and reporting functions related to record-keeping pertaining to Procurement of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper. The City Manager, or his or her designee, will do the following to track Procurement of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper:

~~2.~~

- a. Ensure the centralized file location designated by the City Manager, or his or her designee, includes electronic copies of invoices or receipts (paper copies shall be scanned to the designated file location) or other proof of purchase that describe the procurement of Printing and Writing Paper and Paper Products, including the volume and type of all paper purchases; and, copies of certifications and other required verifications from all departments and/or divisions procuring Paper Products and Printing and Writing Paper (whether or not they contain recycled content) and/or from the vendors providing Printing and Writing Paper and Paper Products. These records must be kept as part of the City's documentation of its compliance with 14 CCR Section 18993.3.

~~b.~~

- i. If non-Recycled-Content Paper Products and/or non-Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not purchased.

~~3.~~

- b. Collect and collate copies of invoices or receipts or documentation evidencing procurement from all departments and divisions procuring Recovered Organic Waste Products and invoices or similar records from vendors/contractors/others procuring Recovered Organic Waste Products on behalf of the City to develop evidence of the City meeting its Annual Recovered Organic Waste Product Procurement Target. These

records must be kept as part of the City's documentation of its compliance with 14 CCR Section 18993.1.

~~4.~~

c. Collect, collate, and maintain documentation submitted by the City's Direct Service Providers, and/or vendors.

~~5.~~

d. As required, compile data and report on the City's direct procurement, and vendor/other procurement on behalf of the City, of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper, consistent with the requirements for Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper procurement.

**EXHIBIT A**  
**PURCHASING GUIDELINES POLICY**  
**AS ESTABLISHED BY RESOLUTION XX-2024 AND**  
**PURSUANT TO CLAYTON MUNICIPAL CODE CHAPTER 3.10.020**

**PURPOSE**

The purpose of this Purchasing Guidelines Policy is to establish internal controls, responsibilities and authorization levels and other requirements related to purchasing goods and services for the City. This policy:

- establishes controls that identify clear authority and responsibility for purchasing activities;
- secures goods and services at the lowest cost commensurate with quality and other qualitative factors;
- ensures appropriate levels of competition and provides equal opportunity for all qualified vendors; and
- outlines the guidelines and principles that the City will follow to make environmentally preferable purchasing decisions.

This policy is adopted in accordance with Section 3.10.020 of the Clayton Municipal Code, as it may be amended from time to time.

**PURCHASING OFFICER**

The City Manager, or the City Manager's designee, is the City's purchasing officer, with the authority and the responsibility to:

1. Carry out the purchasing policies of the City,
2. Prepare or revise, in cooperation with each department, written standard specifications for purchases of goods, supplies, equipment, and services,
3. Purchase or contract for goods, supplies, equipment, and services required by City departments according to these purchasing procedures and such administrative regulations as the City Manager shall prescribe,
4. Obtain full and open a competition where required herein when purchasing or contracting for goods, supplies, equipment, and services,
5. Keep informed of current developments in the field of purchasing, prices, contracting for goods, supplies, equipment, and services,



6. Ensure the inspection of all supplies and equipment purchases to guarantee quality and conformance with City specifications,
7. Recommend the transfer of unused supplies and equipment between departments as needed,
8. Sell supplies and equipment that cannot be used by any department or that have become unsuitable for City use,
9. Maintain a contractor list in accordance with the procedures specified for Public Projects,
10. Maintain any and all necessary records for the efficient operation of the purchasing function.

### PURCHASING AUTHORITY

There are three (3) levels of authority applicable for the purchase of goods, supplies, equipment, materials, professional and non-professional services, and public projects, which shall be delegated as follows:

- The City Manager is authorized to award or reject professional services agreements in an amount not to exceed thirty thousand dollars (\$30,000.00). The City Manager may approve amendments or change orders to existing professional services agreements so long as the cumulative total of the agreement does not exceed thirty thousand dollars (\$30,000.00).
- Other than for Professional Services, the City Manager is authorized to award or reject purchases, agreements, contracts, bids, proposals, statements of qualifications, purchase orders, and public projects, in an amount not to exceed sixty thousand dollars (\$60,000.00). The City Manager may approve amendments or change orders to existing purchases, agreements, contracts, purchase orders, other than for professional services agreements and public projects, so long as the cumulative total of the contract (change order(s)/amendment(s) plus original contract amount) does not exceed sixty thousand dollars (\$60,000.00). The City Manager is authorized to award or reject change orders to contracts for public projects in an amount up to ten (10) percent of the original contract amount subject to City Council appropriation of funds.
- The City Council must award or reject purchases, agreements, contracts, bids, proposals, statements of qualifications, purchase orders, and public projects, in any amount that exceeds the City Manager's approval authority specified above.

### MAINTENANCE AND GENERAL SERVICES

Maintenance services are routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.

Maintenance services also includes the types of work set forth in Public Contract Code section 22002(d), as it may be amended from time to time.

General services are any services that are typically physical or manual in nature and do not ordinarily require specialized higher education or equivalent credentials to perform.

Contracts for maintenance services and general services shall be procured pursuant to the following processes.

- Price checking is encouraged and should be documented: \$10,000.00 or less.
- Informal quote: \$10,000.01—\$60,000.00.
- Formal RFP/RFQ or Formal Bid: Over \$60,000.00.

### GOODS, MATERIALS, SUPPLIES AND EQUIPMENT

Contracts for goods, materials, supplies and equipment shall be procured pursuant to the following processes:

- Price checking is encouraged and should be documented: \$10,000.00 or less.
- Informal quote: \$10,000.01—\$60,000.00.
- Formal RFP/RFQ or Formal Bid: Over \$60,000.00.

### PROFESSIONAL SERVICES

Professional services include services provided to the City by specially trained and experienced individuals related to economic, financial, engineering, planning, architectural, environmental, legal, administrative, or other similar services. Contracts for professional services shall be procured pursuant to the following processes:

- Assess best value/qualifications: \$10,000.00 or less.
- Informal quote: \$10,000.01—\$60,000.00.
- Formal RFP/RFQ: Over \$60,000.00.

### PUBLIC PROJECTS

Public Projects shall be procured in accordance with Section 3.10.060 of the Clayton Municipal Code, as it may be amended from time to time. For ease of reference, those procedures are restated herein, but will be superseded by any future update of the Clayton Municipal Code that creates a conflict with the provisions specified hereunder.

- A. Definitions. For the purposes of this section, the following words and phrases shall have the following meanings:

1. "Act" means the Uniform Public Construction Cost Accounting Act (California Public Contracts Code Section 22000 *et seq.*).
  2. "City" means the City of Clayton.
  3. "Commission" means the California Uniform Construction Cost Accounting Commission. "Public project" has the meaning assigned to it under Public Contract Code Section 22002, as it may be amended from time to time.
- B. Public Project Contracting Procedures. The City shall follow the contracting procedures set forth in Article 3 of the Act (Public Contract Code Section 22030 *et seq.*).
- C. Contractors List. The City Manager, or his or her designee, shall compile and maintain a list of qualified contractors identified according to categories of work. This list shall comply with the requirements of the Act and the criteria promulgated, from time to time, by the Commission.
- D. Informal Bidding.
1. When a public project is to be performed which qualifies for informal bidding, notice of such project shall be given as follows except where the product or service is proprietary:
    - a. Notice shall be sent to all contractors on the contractors list for the category of work being bid or notice shall be given to all construction trade journals specified by the Commission for the receipt of such notice for Contra Costa County; and
    - b. Additional notice to other contractors and/or trade journals may, in the discretion of the City, be given.
  2. If the product or service to be acquired is proprietary in nature such that it can only be obtained from a certain contractor or contractors, notice inviting bids may be sent only to such contractor or contractors in accordance with Public Contract Code section 3400 *et seq.*
  3. All mailing of notices to contractors and/or construction trade journals shall be completed not less than ten days before bids are due.
  4. The notice shall describe the project in general terms, how to obtain more detailed information about the project and shall state the time and place for submission of bids.

E. Formal Bidding.

1. When a public project is to be performed which qualifies for formal bidding, notice of such project shall be given as follows except where the product or service is proprietary:
  - a. Notice shall be given to all construction trade journals specified by the Commission for the receipt of such notice for Contra Costa County and notice shall be published in a newspaper of general circulation printed and published or circulated in the City; and
  - b. Additional notice to other contractors and/or trade journals may, in the discretion of the City, be given.
2. If the product or service to be acquired is proprietary in nature such that it can only be obtained from a certain contractor or contractors, notice inviting bids may be sent only to such contractor or contractors in accordance with Public Contract Code section 3400 *et seq.*
3. All notices to construction trade journals shall be completed not less than fifteen days before bids are due. All notices shall be published in a newspaper of general circulation not less than fourteen days before bids are due.
4. The notice shall describe the project in general terms, how to obtain more detailed information about the project and shall state the time and place for submission of bids.

F. Award of Contracts. The City Manager is authorized to award contracts for public projects up to the amount specified in this policy. The City Council shall award all contracts in excess of the foregoing amount.

G. Rejection of Bids. The City Manager or the City Council, as the case may be, may, in the City Manager's or City Council's discretion, reject all bids and proceed as authorized by the Act.

H. Emergencies. Emergency work shall be contracted for in accordance with Public Contract Code Sections 22035 and 22050.

INFORMAL QUOTE PROCESS

The informal quote process shall follow, at a minimum, the following guidelines.

- A. Minimum Number of Quotes. Selection of a vendor based on the informal quote process shall, whenever possible, be based on at least three (3) quotes.

- B. **Soliciting Quotes.** The originating department shall solicit quotes from prospective vendors by written or verbal requests.
- C. **Award of Contract.** Informal quote-based purchases shall be awarded to the vendor presenting a quote that is in the City's best interests as determined by the purchasing officer. Contracts for professional services shall be awarded on the basis of demonstrated competence and professional qualifications. The purchasing officer may reject all quotes received in its discretion.
- D. **Additional Procurement Requirements.** In circumstances where more restrictive requirements apply (e.g., grant funding requirements), the City will follow the more restrictive requirements to the extent required by the external source of procurement requirements.

### FORMAL REQUEST FOR PROPOSAL OR REQUEST FOR QUALIFICATIONS PROCESS

The formal RFP or RFQ process shall follow, at a minimum, the following guidelines.

- A. **Preparing RFP or RFQ.** The originating department shall prepare the RFP or RFQ, which shall contain, among other details, scope of the problem or objective, a general description of the goods or services to be purchased, anticipated schedule, proposal or SOQ evaluation factors, City expectations, limitations, contractual requirements, types of experience and qualifications considered in the evaluation, and other requirements specific to the procurement scope.
- B. **Solicitation Requirements.** In issuing the RFP or RFQ, the originating department shall prepare a list of at least three (3) potential vendors to receive the RFP or RFQ, and where deemed appropriate by the purchasing officer, advertise the RFP or RFQ in a local newspaper of general circulation or other forums. The City shall allow a reasonable length of time, based on the complexity and size of the project, between solicitation and closing dates to provide potential respondents time to respond.
- C. **Distribution of Responses.** All proposals or SOQs received by the City in response to an RFP or RFQ shall be time stamped either manually or electronically and submitted to the originating department for review.
- D. **Evaluation.** Proposals or SOQs shall be evaluated by a selection committee, appointed by the department head of the originating department, subject to the approval of the purchasing officer, based upon the evaluation criteria specified in the RFP or RFQ.
- E. **Award of Contract.** Contract award, if made, shall be made based upon the terms of the RFP or RFQ. The City Council, or its designee, may award a contract and reject all or any proposals or SOQs in its discretion.

- F. Specified Professional Services. If the RFP or RFQ is for the procurement of professional services of an architectural, landscape architectural, engineering, environmental, or land surveying nature, the evaluation factors must address the demonstrated competence and professional qualifications of the respondents and ensure the cost is reasonable.
- G. Additional Procurement Requirements. In circumstances where more restrictive requirements apply (e.g., grant funding requirements), the City will follow the more restrictive requirements to the extent required by the external source of procurement requirements.

### FORMAL BIDDING PROCESS

The formal bidding process shall follow, at a minimum, the following guidelines.

- A. Notice Inviting Bids. Notice inviting bids shall include: (i) a general description of the goods or services to be procured; (ii) where bid forms and specifications may be obtained; and (iii) the date, time, and place for opening of the bids. The publication or posting of the notice inviting bids either electronically or in hard copy shall be conducted at least ten (10) days before the date of opening bids unless the purchasing officer deems a shorter or longer period of solicitation is necessary based on applicable circumstances.
- B. Bid Security. When deemed necessary by the purchasing officer, bid security may be prescribed in the notice inviting bids. Bidders shall be entitled to the return of bid security; provided, however, a successful bidder shall forfeit his or her bid security upon his refusal or failure to execute the contract within the time specified in the bid documents following award of the contract, unless the City is solely responsible for the delay in executing the contract. The Purchasing Officer or originating department, on the refusal or failure of the successful bidder to execute the contract, may award it to the next lowest responsible bidder submitting a responsive bid.
- C. Bid Opening. Sealed bids shall be submitted in accordance with the requirements of the notice inviting bids and shall be clearly identified as a response to a particular bid solicitation. Upon receipt, the City shall date and time stamp the bid package either electronically or manually. Bids shall be opened in public either in a physical or electronic setting at the time and place stated in the notice inviting bids.
- D. Rejection of Bids. In its discretion, the City Council, or its designee, may reject any and all bids, accept or reject any one or more items of a bid, or waive any irregularities or informalities in the bids or the bidding process if to do so is deemed to best serve the interests of the City. If, after the first invitation of bids, all bids are rejected, the City may elect to re-advertise for bids pursuant to the procedure prescribed in this section or have the project done by any alternative means.
- E. Award of Contract. Contract award, if made, shall be made by the City Council to the lowest responsible bidder submitting a responsive bid.

- F. Tie Bids. If two (2) or more bids received are for the same total amount, with quality being equal, the City Council may accept the bid it chooses or accept the lowest bid made after negotiation with the tied bidders.
- G. Additional Procurement Requirements. In circumstances where more restrictive requirements apply (e.g., grant funding requirements), the City will follow the more restrictive requirements to the extent required by the external source of procurement requirements.

### EXCEPTIONS TO COMPETITIVE PROCUREMENT REQUIREMENTS

As an exception to the procurement procedures in these guidelines, purchases may be made without engaging in the competitive procurement procedures set forth herein, except for Public Projects, when the City Manager or City Council (subject to the dollar limits in these guidelines) approve of such non-competitive procurement under any of the following circumstances:

- A. Where the procurement of goods, supplies, equipment, materials, or services is necessitated by reason of emergency circumstances where the procurement is required to prevent the immediate interruption or cessation of necessary City services or to safeguard life, property, or the public health and welfare.
- B. Where (1) it is in the City's best interests to rely upon a contract procured by another public agency; (2) a competitive procurement procedure has been conducted for that contract by the public agency (i.e., another local agency, the State through the California Multiple Award Schedule (CMAS), the federal government through the General Services Administration (GSA), or a joint powers agency, authority or alliance that procures competitive contracts); and (3) the price and terms to the City are equal to or better than the price and terms to that public agency.
- C. When only one known source of the goods, supplies, equipment, materials, or services is available. For example, where a particular piece of equipment is of a specialized nature and may only be obtained from one known vendor.
- D. When the procurement is for (1) utility services; (2) services necessary to conduct City meetings or events; (3) IT related services; (4) banking services; (5) the acquisition, lease or rental of real property; (6) services and equipment necessary to maintain standardization with existing services or equipment utilized by the City or 7) services that are paid through a developer deposit on private development projects or other pass-through services.
- E. If competitive procurement would not produce an advantage, or it is impracticable to obtain what is required because of the unique nature of the procurement.
- F. Where it is in the best interests of the City to do so as otherwise permitted by applicable law.

Prior to award of a contract under any of the foregoing exceptions, the City Manager shall certify that the contract is exempt from competitive procurement and shall set forth in the certification reasons for that determination.

### ENVIRONMENTALLY PREFERRED PURCHASING (EPP) POLICY

- A. Definitions. For the purposes of this section, the following words and phrases shall have the following meanings:
1. "Agricultural Bio-Based Products" means commercial or industrial products (other than food or feed) that utilize agricultural crops or residues but does not include products made from forestry materials.
  2. "Annual Recovered Organic Waste Product Procurement Target" means the amount of Organic Waste in the form of a Recovered Organic Waste Product that the City is required to procure annually, based on population.
  3. "Buyer" means anyone authorized to purchase or contract for purchases on behalf of this jurisdiction or its subdivisions.
  4. "Chlorine free" means products processed without chlorine or chlorine derivatives.
  5. "Compost (SB 1383 Eligible)" means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream or which are separated at a centralized facility or as otherwise defined in 14 CCR Section 17896.2(a)(4).
  6. "Compostable" means material that is biodegradable during composting to yield carbon dioxide, water and inorganic compounds, and biomass at a rate consistent with other known compostable materials and leaves no visually distinguishable or toxic residues.
  7. "Contractor" means any person, group of persons, business, consultant, designing architect, association, partnership, corporation, supplier, vendor, or other entity that has a contract with the City or serves in a subcontracting capacity with an entity having a contract with the City for the provision of goods or services.
  8. "Direct Service Provider" means a person, company, agency, contractor, or other entity that provides a service or services to the City through a contractual or other written agreement or as otherwise defined in 14 CCR Section 18982(a)(17).
  9. "Dioxins and furans" are a group of chemical compounds that are classified as persistent, bioaccumulative, and toxic by the Environmental Protection Agency.



10. "Electricity Procured from Biomass Conversion" means electricity generated from biomass facilities that convert recovered Organic Waste, such as landscaping waste from the municipal stream, into electricity, and is therefore eligible to meet the City's Annual Recovered Organic Waste Product Procurement Target.
11. "Energy Star" means the U.S. EPA's energy efficiency product labeling program.
12. "Energy Efficient Product" means a product that is in the upper 25% of energy efficiency for all similar products, or that is at least 10% more efficient than the minimum level that meets Federal standards.
13. "Federal Energy Management Program" is a program of the Department of Energy that issues a series of Product Energy Efficiency Recommendations that identify recommended efficiency levels for energy-using products.
14. The "Forest Stewardship Council" is a global organization that certifies responsible, on- the-ground forest management according to rigorous standards developed by a broad variety of stakeholder groups.
15. "Integrated Pest Management (IPM)" is an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and nontarget organisms, and the environment.
16. "LEED™ Rating System" means the most recent version of the Leadership in Energy and Environmental Design (LEED) Rating System, approved by the U.S. Green Building Council, and designed for rating new and existing commercial, institutional, and residential buildings.
17. "Organic Pest Management" prohibits the use and application of toxic chemical pesticides and strives to prevent pest problems through the application of natural, organic horticultural and maintenance practices. All pest control products shall be in keeping with, but not limited to, those products on the approved list of California Certified Organic Foods (CCOF).
18. "Organic Waste" means solid waste containing material originated from living organisms and their metabolic waste products including, but not limited to, food, yard trimmings, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges, or as

- otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined in 14 CCR Section 18982(a)(4) and 14 CCR Section 18982(a)(16.5), respectively.
19. "Paper Products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling; or as otherwise defined in 14 CCR Section 18982(a)(51).
  20. "Postconsumer Material" means a finished material which would normally be disposed of as a solid waste, having reached its intended end-use and completed its life cycle as a consumer item, and does not include manufacturing or converting wastes.
  21. "Practical" and "Practicable" mean whenever possible and compatible with local, state, and federal law, without reducing safety, quality, or effectiveness and where the product or service is available at a reasonable cost in a reasonable period of time.
  22. "Preconsumer Material" means material or by-products generated after manufacture of a product is completed but before the product reaches the end-use consumer. Preconsumer material does not include mill and manufacturing trim, scrap, or broke which is generated at a manufacturing site and commonly reused on-site in the same or another manufacturing process.
  23. "Printing and Writing Papers" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, reports, magazines, and publications; or as otherwise defined in 14 CCR Section 18982(a)(54).
  24. "Procurement of Recovered Organic Waste Products" shall mean purchase or acquisition of (e.g., free delivery or free distribution from a hauler or other entity via a written agreement or contract) Organic Waste Products and end use by the City. The City's Annual Recovered Organic Waste Product Procurement Target can be fulfilled directly by the City or by Direct Service Providers through written contracts or agreements for Procurement of Recovered Organic Waste Products at the City's behest.
  25. "Proposition 65" means a list of chemicals that are known to the State of California to cause cancer, birth defects or other reproductive harm.
  26. "Recordkeeping" means the system established by this policy and the General Services and Administrative Services departments used to track procurement and maintain records that includes Recovered Organic Waste Product procurement efforts by the City.

27. "Recovered Material" means fragments of products or finished products of a manufacturing process, which has converted a resource into a commodity of real economic value and includes preconsumer and postconsumer material but does not include excess resources of the manufacturing process.
28. "Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper" means such products that consist of at least thirty percent (30%) recycled materials, by fiber weight, post-consumer fiber, or as-much as one hundred percent (100%) post-consumer fiber by fiber weight, consistent with the requirements of Sections 22150 to 22154 and Sections 12200 and 12209 of the Public Contract Code, as they may be amended from time to time; and:
- a. Printing and writing paper shall consist of at least 30 percent, by fiber weight, postconsumer fiber
  - b. Other paper products shall consist of at least 30 percent, by fiber weight, of postconsumer recycled content fiber, except as specified below:
  - c. Toilet paper shall consist of at least 45 percent, by fiber weight, postconsumer recycled content fiber
  - d. Paper towels shall consist of at least 40 percent, by fiber weight, postconsumer recycled content fiber
  - e. Facial tissue shall consist of at least 10 percent, by fiber weight, postconsumer recycled content fiber
  - f. Toilet seat covers shall consist of at least 20 percent, by fiber weight, postconsumer recycled content fiber
  - g. General purpose paper wipers shall consist of at least 40 percent, by fiber weight, postconsumer recycled content fiber
  - h. Food serviceware, including but not limited to, napkins, plates, bowls, food trays, takeout boxes, placemats, etc. shall consist of at least 40 percent, by fiber weight, postconsumer recycled content fiber.
29. "Recycled Content" means the percentage of recovered material, including preconsumer and postconsumer materials, in a product.
30. "Recycled Content Standard" means the minimum level of recovered material and/or postconsumer material necessary for products to qualify as "recycled products."
31. "Recycled Material" means material and byproducts that have been recovered or diverted from solid waste and have been utilized in place of raw or virgin material in manufacturing a product. It is derived from post-consumer recycled material, manufacturing waste, industrial scrap, agricultural waste, and other waste material, but does not include material or byproducts generated from, and commonly reused within, an original manufacturing process.
32. "Recycled Product" means a product that meets the City's recycled content policy objectives for postconsumer and recovered material.

33. "Remanufactured Product" means any product diverted from the supply of discarded materials by refurbishing and marketing said product without substantial change to its original form.
34. "Renewable Gas" means gas derived from Organic Waste that has been diverted from a landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by the State, or as otherwise defined in 14 CCR Section 18982(a)(62).
35. "Reused Product" means any product designed to be used many times for the same or other purposes without additional processing except for specific requirements such as cleaning, painting or minor repairs.
36. "SB 1383" means Senate Bill 1383 approved by the Governor on September 19, 2016, which establishes methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants, as amended, supplemented, superseded, and replaced.
37. "SB 1383 Eligible Compost" means the product resulting from the controlled biological decomposition of organic solid wastes that is produced at an approved facility and in such a way that makes it eligible to meet the Annual Recovered Organic Waste Product Procurement Target, as defined by CalRecycle.
38. "SB 1383 Eligible Mulch" means mulch eligible to meet the Annual Recovered Organic Waste Product Procurement Target, pursuant to 14 CCR Chapter 12 of Division 7. This SB 1383 Eligible Mulch shall meet the following conditions for the duration of the applicable procurement compliance year, as specified by 14 CCR Section 18993.1(f)(4): Must meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR 17852(a)(24.5)(A) 1 through 3 and must be produced at one of the following facilities:
- a. A compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12), that is permitted or authorized under 14 CCR Division 7, other than a chipping and grinding operation or facility as defined in 14 CCR 17852(a)(10);
  - b. A transfer/processing facility or transfer/processing operation as defined in 14 CCR 17402(a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or,
  - c. A solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under 27 CCR Division 2.
39. "SB 1383 Regulations" or "SB 1383 Regulatory" means or refers to the Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions regulations

- developed by CalRecycle and adopted in 2020 that created Chapter 12 of 14 CCR, Division 7 and amended portions of regulations of 14 CCR and 27 CCR.
40. "Source Reduction" refers to products that result in a net reduction in the generation of waste compared to their previous or alternate version and includes durable, reusable, and remanufactured products; products with no, or reduced, toxic constituents; and products marketed with no, or reduced, packaging.
  41. The "Toxics Release Inventory" (TRI) is a publicly available U.S. EPA database that contains information on toxic chemical releases and other waste management activities reported annually by certain covered industry groups as well as federal facilities.
  42. "U.S. EPA Guidelines" means the Comprehensive Procurement Guidelines established by the U.S. Environmental Protection Agency for federal agency purchases as of May 2002 and any subsequent versions adopted.
  43. "Vendor" means a person or company who provides goods or services. A vendor can also be referred to as a supplier or direct service provider.
  44. "Water-Saving Products" are those that are in the upper 25% of water conservation for all similar products, or at least 10% more water-conserving than the minimum level that meets the Federal standards.

### EPP POLICY ELEMENTS

The City of Clayton is committed to responsible and sustainable procurement practices. This provision of the Purchasing Guidelines Policy is established to ensure that all procurement activities undertaken by the City are conducted in accordance with the guidelines provided by CalRecycle and the California Department of General Services (DGS) Environmental Purchasing Program (EPP) and comply with State requirements as contained in 14 CCR Division 7, Chapter 12, Article 12 (SB 1383 procurement regulations (14 CCR § 18992 et seq.)) to procure a specified amount of Recovered Organic Waste Products, to purchase Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper.

The City's goal is to create a model for successfully purchasing environmentally preferable products that encourages other purchasers in our community to adopt similar goals. This policy aims to promote environmentally preferable purchasing (EPP) of goods and services while maintaining cost-effectiveness, transparency, and compliance with all applicable laws and regulations.

## SCOPE

This policy applies to all City of Clayton departments, employees, and contractors involved in procurement activities, including the acquisition of goods and services.

## EPP PRINCIPLES

The City of Clayton shall adhere to the following EPP principles as outlined by the DGS:

- A. **Sustainable Sourcing:** The city shall prioritize the procurement of goods and services that are produced, manufactured, and sourced in a sustainable and environmentally responsible manner.
- B. **Energy Efficiency:** The city shall give preference to products and services that are energy-efficient and contribute to the reduction of greenhouse gas emissions.
- C. **Resource Conservation:** The city shall seek products and services that promote resource conservation, including the use of recycled, reused, or remanufactured materials whenever possible.
- D. **Pollution Prevention:** The city shall prioritize goods and services that minimize or eliminate the release of hazardous substances and pollutants into the environment.
- E. **Local Sourcing:** Whenever feasible and cost-effective, the City shall support local businesses and communities by procuring goods and services from local suppliers.

## PROCUREMENT PROCESS

- A. **Needs Assessment:** Prior to initiating any procurement, departments shall assess their needs and consider if environmentally preferable options are available.
- B. **Vendor Selection:** Departments shall evaluate potential vendors based on their commitment to EPP principles and their ability to provide environmentally preferable products and services.
- C. **Cost-Effectiveness:** While promoting EPP, departments must ensure that the selected goods and services remain cost-effective and meet the City's budgetary constraints.
- D. **Documentation:** All procurement decisions and justifications for selecting vendors and products based on EPP principles shall be documented and maintained for auditing purposes and will follow the Record Keeping practices as outlined in this Policy.

## COMPLIANCE AND MONITORING

- A. Reporting and Record Keeping: Departments shall report their EPP efforts regularly to the City Manager's Office.
- B. Auditing: The City shall periodically conduct audits to ensure compliance with this policy and make improvements where necessary.

## EDUCATION AND TRAINING

The City of Clayton shall provide education and training opportunities to employees involved in the procurement process to ensure a comprehensive understanding of EPP principles and their application.

## EXCEPTIONS

Exceptions to this policy may be granted on a case-by-case basis by the City Manager, or his or her designee, when compliance is not feasible due to specific circumstances.

## REVIEW AND REVISION

This Purchasing Policy shall be reviewed periodically to assess its effectiveness and relevance. The policy shall be revised as necessary to align with evolving EPP guidelines and best practices.

## IMPLEMENTATION

This policy shall take effect immediately upon approval and shall be communicated to all staff of the City of Clayton.

## SPECIFICATIONS

### A. Source Reduction

1. The City of Clayton shall institute practices that reduce waste and result in the purchase of fewer products whenever practicable and cost-effective, but without reducing safety or workplace quality.
2. The City of Clayton shall purchase remanufactured products such as laser toner cartridges, tires, furniture, equipment and automotive parts whenever practicable, but without reducing safety, quality or effectiveness.
3. The City of Clayton shall require all equipment bought after the adoption of this policy to be compatible with source reduction goals as referred to in this section, when practicable.

4. All purchasers shall consider short-term and long-term costs in comparing product alternatives, when feasible. This includes evaluation of total costs expected during the time a product is owned, including, but not limited to, acquisition, extended warranties, operation, supplies, maintenance, disposal costs and expected lifetime compared to other alternatives.
5. Products that are durable, long lasting, reusable or refillable are preferred whenever feasible.
6. The City requests vendors to eliminate packaging or use the minimum amount necessary for product protection, to the greatest extent practicable.
7. Packaging that is reusable, recyclable or compostable is preferred, when suitable uses and programs exist.
8. Vendors shall be encouraged to take back and reuse pallets and packaging materials.
9. Suppliers of electronic equipment, including but not limited to computers, monitors, printers, and copiers, shall be required to take back equipment for reuse or environmentally safe recycling when the City discards or replaces such equipment, whenever possible.

B. Recycled Content Products

1. All products for which the United States Environmental Protection Agency (U.S. EPA) has established minimum recycled content standard guidelines, such as those for printing paper, office paper, janitorial paper, construction, landscaping, parks and recreation, transportation, vehicles, miscellaneous, and non-paper office products, shall contain the highest postconsumer content practicable, but no less than the minimum recycled content standards established by the U.S. EPA Guidelines.
2. Consistent with Public Contracting Code 22150, if fitness, quality, and price of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, all departments and divisions of the City shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper, as defined in the Definitions section of this Policy, whenever available at the same or a lesser total cost than non-recycled items, consistent with the requirements of the Public Contracts Code, Sections 22150 through 22154 and Sections 12200 and 12209, as they may be amended from time to time.



3. All Paper Products and Printing and Writing Paper shall be eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).
4. Records must be maintained by the City of all Paper Products and Printing and Writing Paper purchases on a schedule to be determined by the City Manager, or his or her designee, and not less than annually (both recycled-content and non-recycled content, if any is purchased) for all purchases made by a division or department or employee of the City.
5. All vendors that provide Paper Products (including janitorial Paper Products) and Printing and Writing Paper to the City shall:
  - a. Provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper, as defined in the Definitions section of this Policy, if fitness and quality are equal to that of non-recycled item, and the product is available at equal or lesser price.
  - b. Certify in writing the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the City. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products and/or Printing and Writing Paper can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.
  - c. Only provide Paper Products and Printing and Writing Papers that meet Federal Trade Commission Recyclability standard as defined in Title 16 Code of Federal Regulations Section 260.12 (2013) (relating to correct labeling and marketing of products).
  - d. Provide records to the Purchaser for all Paper Products and Printing and Writing Paper on a schedule to be determined by the City Manager, or his or her designee.
  - e. All vendors providing printing services to the City via a printing contract or written agreement, shall use Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, if fitness and quality are equal to that of non-recycled item, and the product is available at equal or lesser price, or as amended by Public Contract Code Section 12209.
6. Copiers and printers bought shall be compatible with the use of recycled content products.

7. When specifying asphalt concrete, aggregate base or portland cement concrete for road construction projects, the City shall use recycled, reusable, or reground materials when practicable.
8. The City shall specify and purchase recycled content transportation products, including signs, cones, parking stops, delineators, and barricades when practicable.

C. Gas and Oil Procurement

1. For Renewable Gas procurement (used for fuel for transportation, electricity, or heating applications), the City shall:
  - a. Procure Renewable Gas made from recovered Organic Waste for transportation fuel, electricity, and heating applications to the degree that it is appropriate and available for the City.
  - b. Keep records in the same manner indicated in the Record Keeping section of this Policy for the amount of Renewable Gas procured and used by the City, including the general procurement record information specified in the Record Keeping section of this Policy, and ensure documentation is on file in the central filing location and on a schedule as determined by the City Manager, or his or her designee, and not less than annually.
2. Per California Public Contract Code, Section. 10409, the City shall purchase re-refined lubricating and industrial oil for use in its vehicles and other equipment, as long as it is certified by the American Petroleum Institute (API) as appropriate for use in such equipment.

D. Energy and Water Savings

1. Where applicable and practicable, energy-efficient equipment shall be purchased with the most up-to-date energy efficiency functions. This includes, but is not limited to, high efficiency space heating systems and high efficiency space cooling equipment.
2. When practicable, the City shall replace inefficient lighting with energy- efficient equipment.
3. All products purchased by the City and for which the U. S. EPA Energy Star certification is available shall meet Energy Star certification, when practicable. When Energy Star labels are not available, purchasing agents shall choose energy-efficient products that are in the upper 25% of energy efficiency as designated by the Federal Energy Management Program (FEMA).

4. The City shall purchase water-saving products whenever practicable.

E. Green Building - Construction and Renovations

1. All building and renovations undertaken by the City shall follow Green Building Practices for design, construction, and operation, where appropriate, as described in the LEED™ Rating System, meet California Green Building Standards Code, Part 11, Title 24, California Code of Regulations (CalGreen) and California's Model Water Efficient Landscape Ordinance (MWELo) requirements. Building and landscaping products, purchases, and use by the City shall be consistent with CalGreen and MWELo requirements.

F. Landscaping

1. All landscape renovations, construction and maintenance by the City, including workers and contractors providing landscaping services for the City, shall employ sustainable landscape management techniques for design, construction, and maintenance whenever possible, including, but not limited to, integrated pest management, grasscycling, drip irrigation, composting, and procurement and use of mulch and compost.

2. The City, including through its Direct Service Providers, will make every effort to meet its annual procurement target for Recovered Organic Waste Products as determined by the State. Periodically, the City shall distribute information to City Staff on the Procurement target and specific products that meet SB 1383 procurement requirements. Divisions and departments responsible for landscaping maintenance, compost giveaways or other types of compost distribution shall:

a. Use SB 1383 Eligible Compost and SB 1383 Eligible Mulch produced from recovered Organic Waste, as defined in the Definitions section of this Policy, for landscaping maintenance as practicable, whenever available, and capable of meeting quality standards and criteria specified.

b. Ensure that SB 1383 Eligible Mulch producers annually certify that the mulch meets the definition contained in the Definitions section of this Policy through the following:

- i. Copy of operation or facility permit or authorization; and
- ii. Copy of laboratory results confirming the mulch meets or exceeds the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR Section 17852(a)(24.5)(A) 1 through 3.

Failure to provide the applicable certification documents on an annual basis or at the request of the City will result in the mulch no longer being eligible as a recovered organic waste product under this procurement policy.

3. Keep records, including invoices or proof of Recovered Organic Waste Product procurement (either through purchase or acquisition), and submit records to the City Manager, or his or her designee, either directly or via a centralized file location on a schedule to be determined by City Manager, or his or her designee, and not less than annually. General Procurement Records shall include:
  - a. General description of how and where the product was used and applied, if applicable;
  - b. Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;
  - c. Type of product;
  - d. Quantity of each product; and,
  - e. Invoice or other record demonstrating purchase or procurement.
4. For Compost and SB 1383 Eligible Mulch provided to residents through giveaway events or other types of distribution methods, keep records of the Compost and SB 1383 Eligible Mulch provided to residents. Records shall be maintained and submitted to the City Manager, or his or her designee, either directly or via a centralized file location in accordance with the requirements specified in the Record Keeping section of this Policy.
5. When a Direct Service Provider for the City procures compost or mulch, the City will enter into a written contract or agreement, or execute a purchase order between the City and Direct Service Provider with enforceable provisions that include:
  - a. Definitions and specifications for SB 1383 Eligible Mulch, Compost, Renewable Gas, and/or Electricity Procured from Biomass Conversion; and,
  - b. An enforcement mechanism (e.g., termination, liquidated damages) in the event the Direct Service Provider is not compliant with the requirements.
6. Ensure that projects subject to California's MWELO that will be used to meet the annual recovered organic waste product procurement target comply with CCR Title 23, Division 2, Chapter 2.7, Sections 492.6 (a)(3)(B), (C), (D), and (G).
7. Plants should be selected to minimize waste by choosing species for purchase that are appropriate to the microclimate, species that can grow to their natural

size in the space allotted them, and perennials rather than annuals for color when practicable. Native and drought-tolerant plants that require no or minimal watering once established are preferred.

8. Hardscapes and landscape structures constructed of recycled content materials are encouraged. The City shall limit the amount of impervious surfaces in the landscape, wherever practicable. Permeable substitutes, such as permeable asphalt or pavers, are encouraged for walkways, patios, and driveways.

#### G. Toxics and Pollution

1. To the extent practicable, no cleaning or disinfecting products (i.e., for janitorial or automotive use) shall contain ingredients that are carcinogens, mutagens, or teratogens. These include chemicals listed by the U.S. E.P.A. or the National Institute for Occupational Safety and Health on the Toxics Release Inventory and those listed under Proposition 65 by the California Office of Environmental Health Hazard Assessment.
2. The use of chlorofluorocarbon-containing refrigerants, solvents and other products shall be phased out and new purchases shall not contain them.
3. All surfactants and detergents shall be readily biodegradable and, where practicable, shall not contain phosphates.
4. When maintaining buildings and landscapes, the City shall manage pest problems through prevention and physical, mechanical and biological controls where practicable. The City may implement pest management practices using the least toxic pest control as a last resort.
5. When maintaining buildings, the City shall use products with the lowest amount of volatile organic compounds (VOCs), highest recycled content, and low or no formaldehyde when purchasing materials such as paint, carpeting, adhesives, furniture and casework as practicable.
6. The City shall reduce or eliminate its use of products that contribute to the formation of dioxins and furans. This includes, but is not limited to:
  - a. Purchasing paper, paper products, and janitorial paper products that are unbleached or that are processed without chlorine or chlorine derivatives, whenever possible.
  - b. Prohibiting purchase of products that use polyvinyl chloride (PVC) such as, but not limited to, office binders, furniture, flooring, and medical supplies whenever practicable.
7. The City shall purchase products and equipment with no lead or mercury whenever possible. For products that contain lead or mercury, the City shall

give preference to those products with lower quantities of these metals and to vendors with established lead and mercury recovery programs.

8. When replacing vehicles, the City shall consider less-polluting alternatives to diesel such as compressed natural gas, renewable natural gas (RNG), biobased fuels, hybrids, electric batteries, and fuel cells, as available.

#### H. Forest Conservation

1. To the greatest extent practicable, the City shall not procure wood products such as lumber and paper that originate from forests harvested in an environmentally unsustainable manner. When possible, the City shall give preference to wood products that are certified to be sustainably harvested by a comprehensive, performance-based certification system.

#### I. Agricultural Bio-Based Products

1. Vehicle fuels made from non-wood, plant-based contents such as vegetable oils are encouraged whenever practicable.
2. Paper, paper products and construction products made from non-wood, plant-based contents such as agricultural crops and residues are encouraged whenever practicable.

#### J. Record Keeping

1. Each purchasing agent is responsible to provide documentation required by SB 1383 directly to the City Manager, or his or her designee, or to file required documentation of purchases subject to SB 1383 in the centralized file location as designated by the City Manager, or his or her designee. The City Manager, or his or her designee, will be responsible for monitoring and reporting functions related to record-keeping pertaining to Procurement of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper. The City Manager, or his or her designee, will do the following to track Procurement of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper:
  - a. Ensure the centralized file location designated by the City Manager, or his or her designee, includes electronic copies of invoices or receipts (paper copies shall be scanned to the designated file location) or other proof of purchase that describe the procurement of Printing and Writing Paper and Paper Products, including the volume and type of all paper purchases; and, copies of certifications and other required verifications from all departments and/or divisions procuring Paper Products and Printing and Writing Paper (whether or not they contain recycled content)

and/or from the vendors providing Printing and Writing Paper and Paper Products. These records must be kept as part of the City's documentation of its compliance with 14 CCR Section 18993.3.

- i. If non-Recycled-Content Paper Products and/or non-Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not purchased.
- b. Collect and collate copies of invoices or receipts or documentation evidencing procurement from all departments and divisions procuring Recovered Organic Waste Products and invoices or similar records from vendors/contractors/others procuring Recovered Organic Waste Products on behalf of the City to develop evidence of the City meeting its Annual Recovered Organic Waste Product Procurement Target. These records must be kept as part of the City's documentation of its compliance with 14 CCR Section 18993.1.
- c. Collect, collate, and maintain documentation submitted by the City's Direct Service Providers, and/or vendors.
- d. As required, compile data and report on the City's direct procurement, and vendor/other procurement on behalf of the City, of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper, consistent with the requirements for Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper procurement.



# STAFF REPORT

**TO:** Honorable Mayor and Councilmembers

**FROM:** Dana Ayers, AICP, Community Development Director

**DATE:** February 6, 2024

**SUBJECT:** Adoption of a Resolution Awarding a Contract to Specified Play Equipment Company for Replacement of the Rubberized Mat Play Surface at The Grove Park (Capital Improvement Plan Project No. 10455); Authorizing the City Manager to Execute the Contract; and Finding the Project to be Exempt from the California Environmental Quality Act

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## **RECOMMENDATION**

Adopt a Resolution awarding a contract for \$105,980 with Specified Play Equipment Company (SPEC) for replacement of the rubberized mat below the play structures at The Grove (Capital Improvement Project No. 10455); authorizing the City Manager to execute the contract on behalf of the City; and finding the project to be exempt from the California Environmental Quality Act.

## **BACKGROUND**

The Recreational Infrastructure Revenue Enhancement (RIRE) grant funding program originates from Proposition 68, placed on the ballot via Senate Bill 5 (DeLeon, Chapter 852, statutes of 2017), and approved by California voters on June 5, 2018. Codified in part in Public Resources Code (PRC), Division 46, Senate Bill 5 authorized "issuance of bonds in the amount of \$4 billion pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program." Funds are provided through various programs, including the RIRE Grant Program.

Through the RIRE Program (PRC Section 80066), funds are available for a local agency that has obtained voter approval between November 1, 2012, through November 30, 2018, for revenue enhancement measures aimed at improving and enhancing local or regional



park and recreational infrastructure. Funds are awarded proportionally based on the population of the voting area. A recipient of grant funds through the RIRE program is eligible to receive funds based on a per person basis, with a minimum allocation of \$250,000. No local match is required. Eligible projects exclude maintenance efforts but can include new and replacement recreational facilities, equipment and amenities installed within the grant performance period of July 1, 2019, through June 30, 2028.

On December 15, 2020, the City Council adopted Resolution No. 60-2020 authorizing the City Manager to file an application and to execute the grant agreement and other documents necessary to secure the Proposition 68 RIRE Program funds in the amount of \$250,000. Because the recreational facility ballot measure passed by Clayton voters was for The Grove (City of Clayton Special Parcel Tax, Measure P, passed November 2014), improvements funded by the RIRE grant program must be located within that park. On March 15, 2022, the City Council adopted Resolution No. 21-2022 identifying various facilities and equipment replacement and installations at The Grove to which the grant funds would be allocated and establishing a Capital Improvement Program (No. 10455) for the overall project.

## **DISCUSSION**

Staff requests authorization from the City Council to award a contract to SPEC to replace the poured-in-place rubberized surface below the children's play structures at The Grove. The existing mat has been patched in places where the surface has been worn down or damaged, and it is buckling where root systems of the nearby trees have broken ground surface. The work associated with this replacement exceeds \$60,000, and in accordance with the City's Purchasing Policy (Resolution No. 05-2022), the City Council holds the authority to award or reject contracts for projects with a cost in excess of \$60,000.

The \$105,980 estimated cost for the replacement mat was obtained through an informal bidding process extended to two potential vendors, only one of which (SPEC) submitted an estimate. In the case of the proposed contract award to SPEC, staff believes that it is in the City's best interests to utilize SPEC, who has a recent record of performance of projects in the City with the installation of the new play structures and mats at Clayton Community Park in spring 2023, and new play structures and mats at North Valley Park in summer 2020. SPEC is a vendor qualified under the cooperative procurement procedure conducted through the state CMAS (California Multiple Award Schedule). In addition to having established a reputation with the City and a working relationship with City staff, award of a contract to SPEC as the sole bidder in an informal process reduces performance timelines with which the City must comply under the RIRE Program parameters.

Environmental: Replacement of the existing rubberized mat below the play structures at The Grove is exempt from the California Environmental Quality Act (CEQA) under Categorical Exemption Class 2 (Replacement or Reconstruction), section 15302 of the State CEQA Guidelines.

## **FISCAL IMPACTS**

Under the RIRE grant program, the City can be reimbursed for up to \$250,000 of the costs of new and replacement amenities at The Grove. To date, the City has expended approximately \$60,000 to install new security cameras and new synthetic turf below the Children's Statue in the park. The bid from SPEC to replace the rubberized play surface is less than the remaining funds eligible for reimbursement under the RIRE grant parameters.

## **ATTACHMENT(S)**

1. Resolution Awarding a Contract to Specified Play Equipment Company for Replacement of the Rubberized Mat Play Surface at The Grove Park (Capital Improvement Plan Project No. 10455)

**RESOLUTION NO. XX-2024**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON: 1) AWARDING A CONTRACT TO SPECIFIED PLAY EQUIPMENT COMPANY IN THE AMOUNT OF \$105,980 FOR REPLACEMENT OF THE RUBBERIZED MAT PLAY SURFACE AT THE GROVE PARK (CAPITAL IMPROVEMENT PLAN PROJECT NO. 10455); 2) AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT; AND 3) FINDING THE PROJECT TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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

**WHEREAS**, the California Department of Parks and Recreation’s Office of Grants and Local Services (OGAL) Recreational Infrastructure Revenue Enhancement (RIRE) grant funding program originates from Proposition 68, placed on the ballot via Senate Bill 5 (DeLeon, Chapter 852, statutes of 2017), and approved by California voters on June 5, 2018, and authorized “issuance of bonds in the amount of \$4 billion pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program;” and

**WHEREAS**, recipients of RIRE grant funds are to use the awarded grant funds to improve, enhance and rehabilitate local or regional park and recreational infrastructure and to address deficiencies in neighborhoods lacking access to the outdoors; and

**WHEREAS**, on December 15, 2020, the City Council adopted Resolution No. 60-2020 authorizing the City Manager to file an application and to execute the grant agreement and other documents necessary to secure the Proposition 68 RIRE Program funds in the amount of \$250,000, and on March 15, 2022, the Council identified a list of facilities and equipment installations in The Grove Park toward which the grant funds would be applied; and

**WHEREAS**, the City received a bid for \$105,980 from Specified Play Equipment Company (SPEC) for replacement of the rubberized mat below the play structures at The Grove park in the Town Center; and

**WHEREAS**, Public Contract Code section 3400(c)(2) authorizes the sole source of equipment for public works projects to match other equipment on completed public works projects; and

**WHEREAS**, pursuant to Public Contract Code section 3400(c)(2), the City is authorized to sole source the rubberized mat surface below the playground equipment at The Grove to match the rubberized mat surface that SPEC procured and installed at the City’s Clayton Community Park in May 2023; and

**WHEREAS**, California case law further excuses compliance with competitive bidding requirements in exceptional circumstances such as where requests for competitive bids would be futile, unavailing or would not produce an advantage (*Los Angeles Dredging Co. v. Long Beach* (1930) 210 Cal. 348; *Graydon v. Pasadena Redevelopment Agency* (1980) 104 Cal.App.3d 631); and

**WHEREAS**, further supporting that this purchase is in the City's best interest and competitive bidding would be unavailing, the underlying purchasing contract for the project was already competitively bid through the California Multiple Award Schedule (CMAS), another public agency; and

**WHEREAS**, this project is exempt from the California Environmental Quality Act (CEQA, Public Resources Code section 21000 *et seq.*) pursuant to CEQA Guidelines section 15302, Categorical Exemption Class 2 (Replacement or Reconstruction); and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Clayton, California, does hereby award a contract in the amount of \$105,980 to Specified Play Equipment Company (SPEC) for replacement of the rubberized mat below the children's play structure at The Grove park, pursuant to Capital Improvement Program (CIP) Project No. 10454.

**PASSED, APPROVED AND ADOPTED** by the City Council of Clayton, California, at a regular public meeting thereof held on the 6<sup>th</sup> day of February 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

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Jim Diaz, Mayor

ATTEST:

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Stephanie Cabrera-Brown, City Clerk

# Contra Costa County

Clerk-Recorder-Elections

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**Kristin B. Connelly**



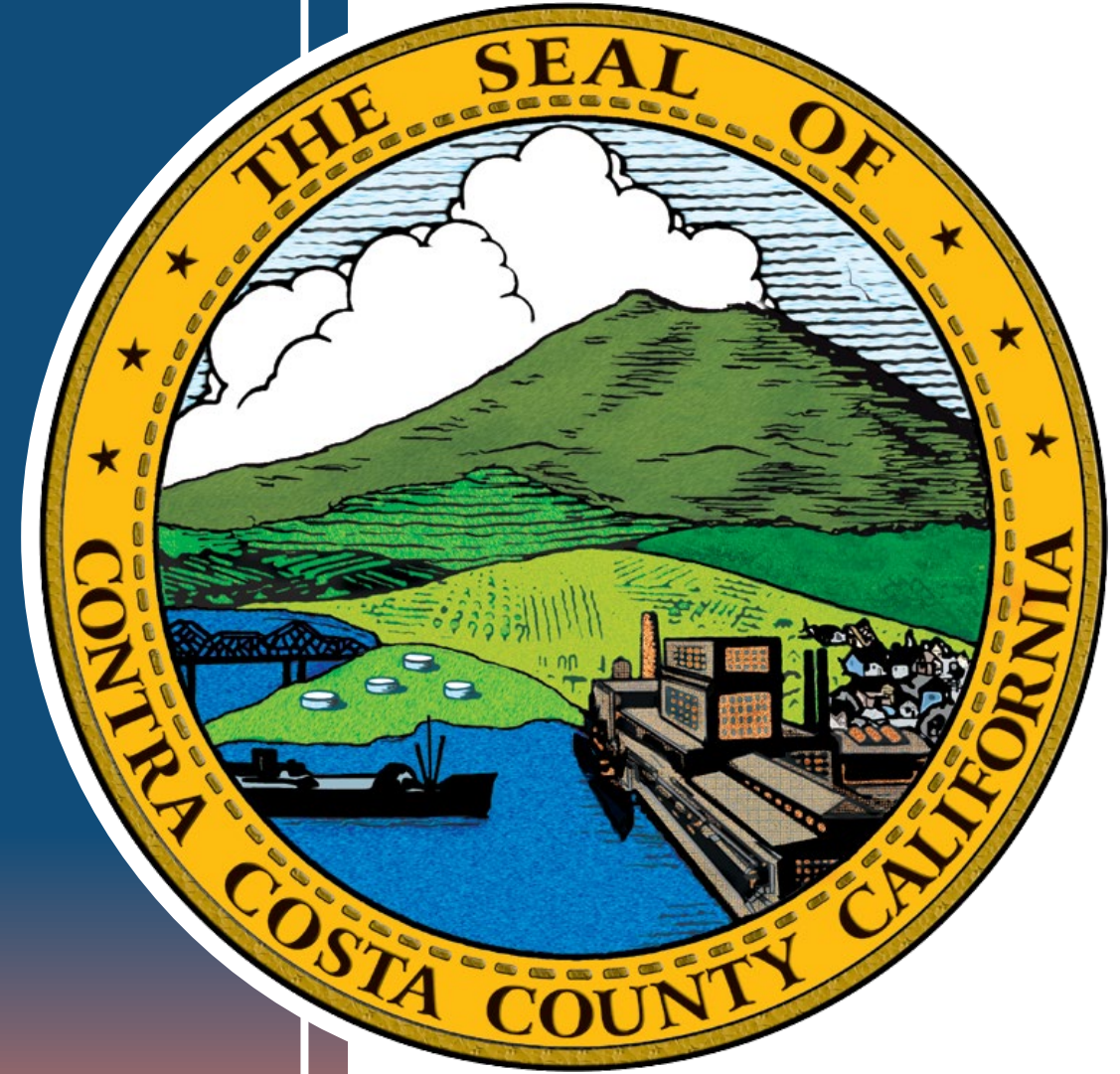
County Clerk-Recorder-Registrar



[Kristin.Connelly@vote.cccounty.us](mailto:Kristin.Connelly@vote.cccounty.us)



925.335.7899



# ELECTIONS

## Registrar of Voters



## *Primary Statutory Responsibilities Include:*

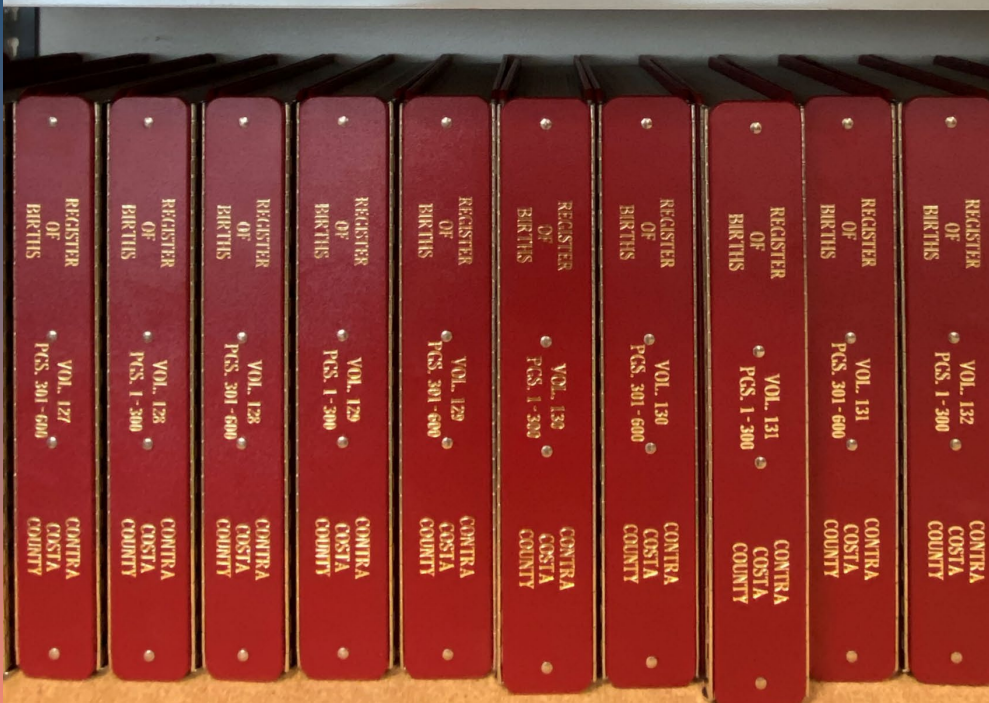
- Conduct elections in a fair, efficient, accurate, and timely manner;
- Provide services to maintain a high level of voter registration and to ensure that all eligible citizens can register to vote and are able to exercise their right to vote, according to Federal and State statutory laws and regulations;

# CLERK-RECORDER

## Primary Statutory Responsibilities Include:



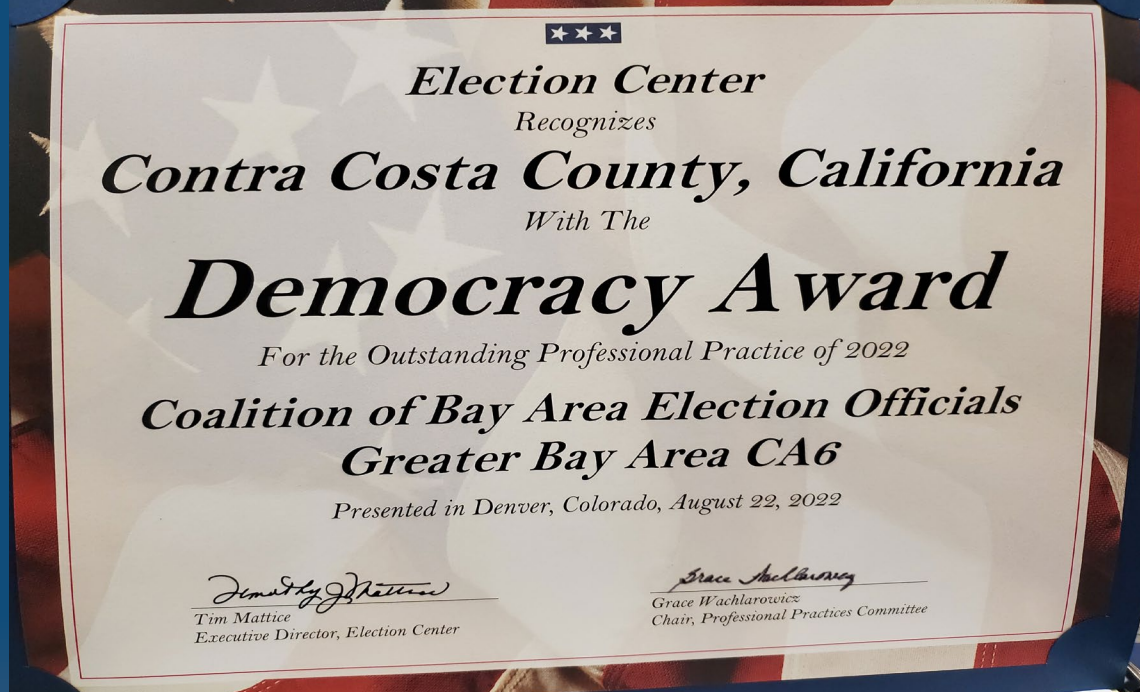
- Accurately maintain, protect, and preserve official records and indices relating to real property and vital records in Contra Costa County and provide the public with easy, convenient, and reliable access to public documents;
- Provide micrographic capability and equipment to digitize, maintain, and archive our public records.



# CLERK-RECORDER- ELECTIONS DEPARTMENT

## Recognized for Excellence

- The Election Division was selected as 1 of just 16 jurisdictions nationwide to be a Center for Election Excellence.
  - The award is bringing nearly \$2 million in grant revenue through the end of 2024.
- Contra Costa Elections also received the Democracy Award from the National Association of Election Officials in 2022 for leading the 11-county Coalition of Bay Area Elections Officials ([bayareavotes.org](http://bayareavotes.org)) for collaborating to fight mis- and dis-information about elections in our shared media market.
- We continue to collaborate on new collateral.



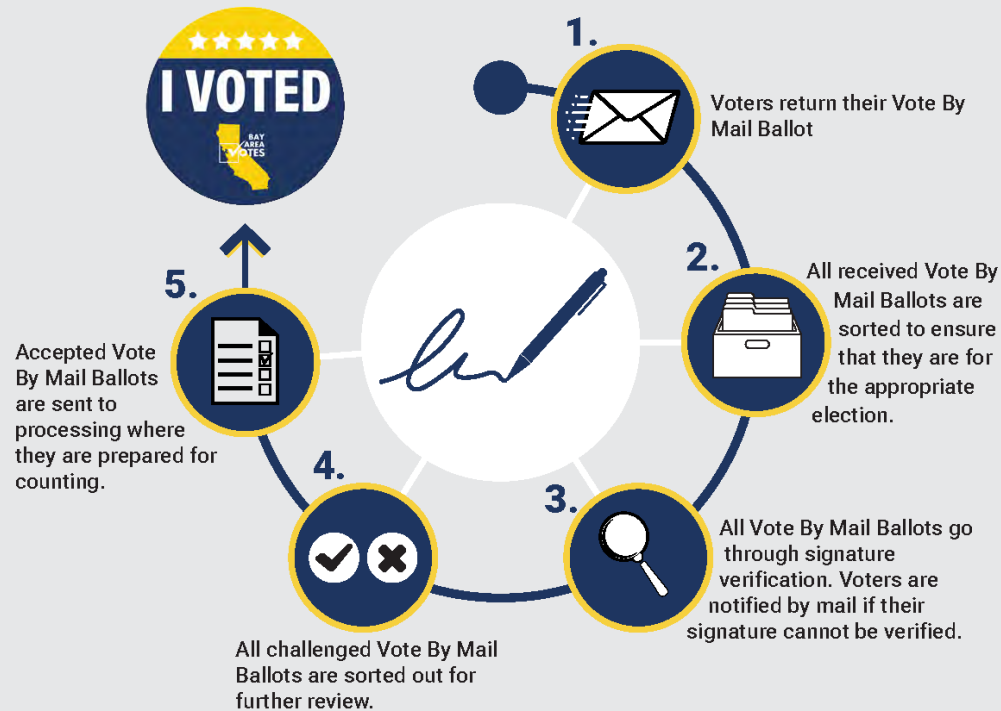


# HOW DO I KNOW MY VOTE WAS COUNTED?

## Registered voters can drop off their voted ballots:

- In the mail
- In a drop box
- In person
  - At a vote center
  - At a polling place
  - At the Elections Office

Vote by mail return envelopes contain a unique ID to help with signature verification and ensure voters only vote once.



## Did you know?

Voters can track their Vote By Mail Ballots through the entire process with BallotTrax?



To learn more, scan this QR code or visit [california.ballottrax.net/voter](https://california.ballottrax.net/voter)



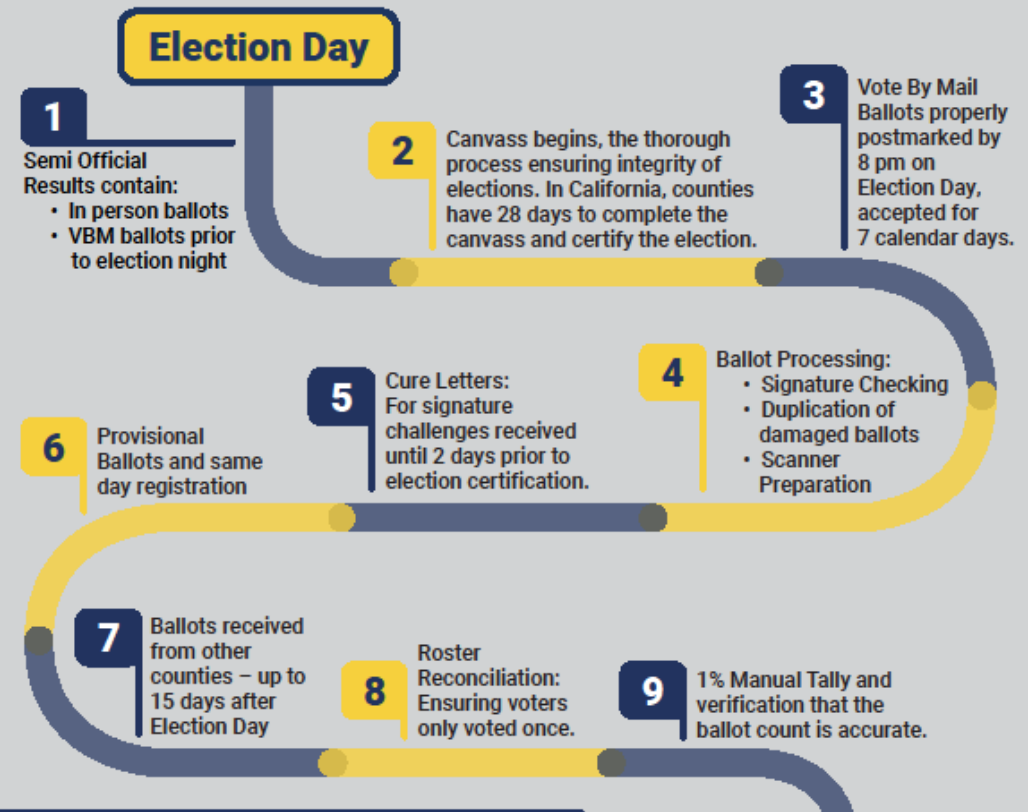
Coalition of Bay Area Election Officials  
[bayareavotes.org](https://bayareavotes.org)

# WHY DOES IT TAKE SO LONG TO COUNT THE VOTES?



Coalition of Bay Area Election Officials  
[bayareavotes.org](https://bayareavotes.org)

Counting votes includes more than just scanning ballots and tallying results. The roadmap below shows what happens from the time polls close until the election is certified in the Bay Area.



## Did you know?

All processes are open to the public for observation



**Certification of Election**

# CONTRA COSTA ELECTIONS BY THE NUMBERS

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## 9<sup>th</sup> Largest County in California

- 704,567 registered voters
  - 90%-95% of ballots are cast as Vote-By-Mail (VBM) ballots.
  - These get returned split about evenly between secure drop boxes and USPS.
- We moved to a central count model in 2022.
- We are authorized for just 32 permanent FTEs.
- By contrast, Santa Clara has only 400,000 more registered voters and they have 90 permanent FTEs.
- The Presidential Primary on March 5, 2024, is first time in the history of California where we will mail every voter a ballot in a partisan presidential primary.



## CLAYTON BY THE NUMBERS

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- 8,527 registered voters (1.2% of county)
  - 5 precincts serving city voters
- Partisan breakdown of registered voters:
  - 43.3% Democratic Party
  - 29.6% Republican Party
  - 4.9% American Independent Party
  - 0.3% Green Party
  - 1.3% Libertarian Party
  - 0.2% Peace & Freedom Party
  - 19.9% No Party Preference
  - 0.5% Misc.
- 7 volunteers from Clayton have committed to help with the Presidential Primary.
- In November 2022, the highest turnout for in-person voting was at Clayton Endeavor Hall with 605 voters on Election Day.



VOTE  
投票  
VOTAR



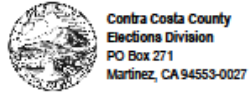
**Contra Costa County Elections Division**  
mailed all NPP voters a postcard in December that gave instructions on how to request a cross-over ballot for American Independent Party, the Democratic Party or the Libertarian Party.

Voters wanting to participate in the Republican, Green Party or Peace & Freedom Party Presidential Primary need to re-register with that party by February 20,2024.

### How to get back to us?

Voters can send us their No Party Preference Cross-Over Ballot Notice and Application in person or by mail. It can also be sent by email or fax.

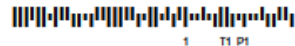
- Email: [Voter.Services@vote.cccounty.us](mailto:Voter.Services@vote.cccounty.us)
- Fax: (925) 335-7836



Contra Costa County  
Elections Division  
PO Box 271  
Martinez, CA 94553-0027

NON PROFIT ORG.  
U.S. POSTAGE  
PAID  
CONTRA COSTA  
COUNTY CLERK  
PERMIT NO. 633

ELECTRONIC SERVICE REQUESTED



1 T1 P1  
FirstName MiddleName LastName  
MailingAddress1  
MailingAddress2

First Name MiddleName LastName Mailing  
Address1  
Mailing Address2

Voter ID

**No Party Preference Cross-Over Ballot Notice and Application - March 5, 2024 Presidential Primary Election**  
*Aviso y Solicitud para una Boleta Electoral de Votación Cruzada Sin Preferencia de Partido - Elecciones Primarias Presidenciales del 5 de marzo de 2024*

**NOTICE:** Any voter that has declined to disclose a political party preference on their voter registration may request a one-time ballot for a political party that is allowing cross-over voting in the presidential primary election.

**AVISO:** *Cualquier votante que haya rechazado revelar su preferencia por un partido político en su registro del votante puede solicitar una boleta electoral de una sola vez para un partido político que permita la votación cruzada en la elección primaria presidencial.*

• I have declined to disclose a preference for a qualified political party. The below-listed political parties are allowing cross-over voting in this election. For the March 5, 2024, Presidential Primary Election only, I request a ballot for the following party (select only one):

• *Rechacé revelar una preferencia por un partido político calificado. Los partidos políticos que se mencionan a continuación permiten votación cruzada en esta elección. Solo para la Elección Primaria Presidencial del 5 de marzo de 2024, solicito una boleta electoral para el siguiente partido político (seleccione solo uno):*

AIP



American Independent  
Americano Independiente  
美國獨立黨

DEM



Democratic  
Demócrata  
民主黨

LIB



Libertarian  
Libertario  
自由意志黨

# No Party Preference: Podcast

5a Attachment 1



In this episode we discuss No Party Preference (NPP) voting with Kristin Connelly, the County Clerk Registrar of Voters from Contra Costa County.

Podcasts are available on:

- Youtube
- Spotify
- Apple
- Podcast Link Tree

# VOTING EARLY IN CLAYTON

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## *In-Person Voting*

Walnut Creek City Hall  
1666 North Main Street

Friday March 1 -- 11:00 am – 6:00 pm

Saturday March 2 -- 9:00 am – 3:00 pm

Monday March 4 -- 11:00 am – 6:00 pm

## *24/7 Drop Box Locations*

6125 Clayton Road



# When is the Next Election?

## 2024 Presidential Primary Election

---

### Voter Information Guides mailed

Includes locations of ballot drop boxes and voting sites

### Ballots mailed to all voters

In-person voting begins in Martinez; drop boxes opened

### Last day to register online-If haven't received your ballot

Email [ballots@vote.cccounty.us](mailto:ballots@vote.cccounty.us) or phone 925.335.7800

### Five early voting sites open

Fri, Sat, Mon, and Election Day

### Election Day!

Ballot postmark deadline

### Drop-dead

County must receive your ballot

E-Day -40  
1/25/24

E-Day -29  
2/5/24

E-Day -15  
2/19/24

E-Day -4  
3/1/24

E-Day  
3/5/24

E-Day +7  
3/12/24

# How Can You Support Elections?

- Communicate with your residents and reinforce important election information.
- **For the March Primary, NPP voters need to let us know if they would like a “crossover ballot” that allows them to vote in a partisan primary.**
  - To participate in the Republican Primary, a resident needs to be registered with the Republican party.
- Encourage high school students to become student poll workers. Invite our staff to speak to your Youth Commission.



# How Can You Support Elections?

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- Be an ambassador for registering new voters year-round.
- Reinforce safety messages with your local police department.
- Support California High School Voter Education Weeks the last two weeks of April and September.
- In 2024, please do what you can to amplify information about the importance of voting. The CA SOS, Dr. Shirley Weber plans to highlight the 60<sup>th</sup> anniversary of Fannie Lou Hamer's 1964 speech "I'm so sick and tired of being sick and tired," to help inspire Californians to vote.
- Check out our Website and follow us on Social Media:

***ContraCostaVote.gov***

# We're Easy to Reach!

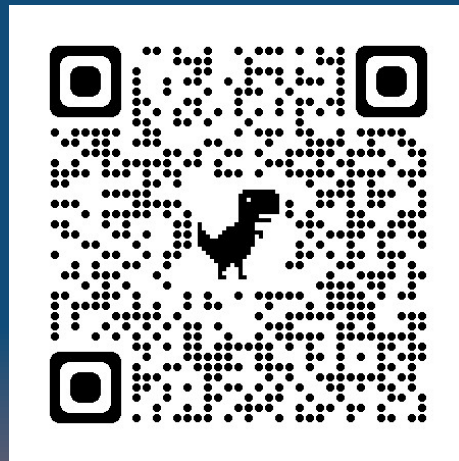
Follow us on:

Instagram



*QR Code to our Instagram*

TikTok



*QR Code to our TikTok*

## Social Media: 5a Attachment 1

**Twitter** – @cocoelections

**YouTube** – Contra Costa Clerk Recorder

**Facebook** – Contra Costa County Elections

**Instagram** – @contra\_costa\_elections

**Tik Tok** – @cc.clerkrec.elect

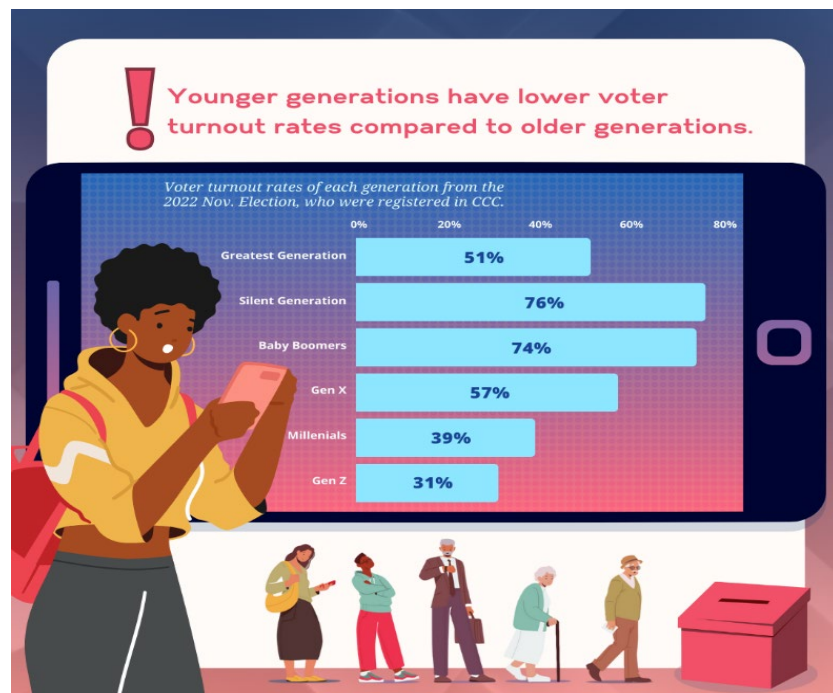
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# California's Youth Vote

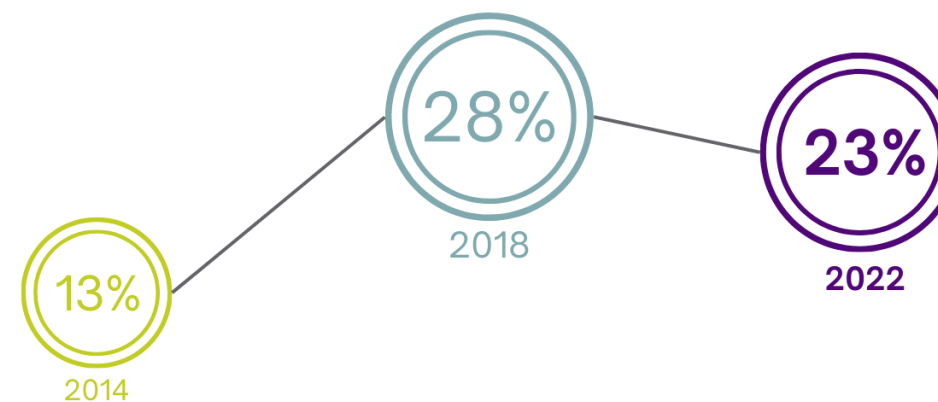
## Youth Voter Turnout in Recent Midterm Elections: State by State

CIRCLE estimates of youth voter turnout (ages 18-29) in the past three midterm elections. Turnout is the percentage of eligible voters (whether or not they were registered) who cast a ballot.

State	2014 Youth Turnout Rate	2018 Youth Turnout Rate	2022 Youth Turnout Rate	Change in Youth Turnout, 2018-2022
California	10.3%	30.3%	22.1%	-8.2



## National Youth Voter Turnout in Recent Midterm Elections



# Contra Costa Mosquito and Vector Control District

*Nola Woods*

Public Affairs Director



CONTRA COSTA  
**MOSQUITO  
& VECTOR  
CONTROL**  
DISTRICT

# The District

protecting public health since 1927

The Contra Costa Mosquito and Vector Control District is a public health agency dedicated to protecting the community from mosquitoes and other vectors of disease.

County citizens voted to create District in 1926 and we opened our doors in 1927.



# The District

protecting public health since 1927

In 1993, Contra Costa County transferred its rat and mouse and rabies risk reduction programs to us, and that's when we changed our name to Contra Costa Mosquito and Vector Control District (District).



CONTRA COSTA  
**MOSQUITO  
& VECTOR  
CONTROL**  
DISTRICT



# District Services

protecting public health since 1927

Mosquitoes

Rats/mice

Skunks

Ticks

Yellowjackets

Bees



# Special District

protecting public health since 1927

## Funding

Property taxes

Benefit Assessments





# District Facts

protecting public health since 1927

Board of Trustees: 22 Trustees representing cities and County at Large



2023 Trustee Photo



# Latest Vector-related Issues in Clayton

protecting public health since 1927

## Requests for Service in 2023:

**Mosquitoes: 10**

**Mosquitofish: 17**

**Neglected Swimming Pool: 9**

**Rats & Mice: 18**

**Skunk: 2**

**Tick ID: 0**

**Bees: 1**

**Ground-nesting Yellowjackets: 16**



# Rat & Mice-related Issues in Clayton

protecting public health since 1927

Requests for Rat & Mouse Service 01/01/23 –  
02/06/23

**Rats & Mice: 2**

Requests for Rat & Mouse Service 01/01/24 –  
02/06/24

**Rats & Mice: 36**



# Why More Rats & Mice in Clayton

protecting public health since 1927

## Rain!

Rain = More dense vegetation growth

Plentiful, dense vegetation = More shelter for mice

Risk of dense vegetation on residential property increases risk of Mice on property.



# What to Do to Reduce the Risk of Mice?

protecting public health since 1927

## Remove Food and Shelter Options in Your Yard

**Dense Vegetation + Food Sources = Mice**

**Remove or thin dense vegetation**

**Trim Climbing Vines at least 4 feet away from structures**

**Harvest fresh fruit and nuts and pick up fallen fruit and nuts**

**Don't leave pet food outside**



# What to Do to Reduce the Risk of Mice?

protecting public health since 1927

## Contact the District

### Contra Costa Mosquito and Vector Control District

925-685-9301

[www.ContraCostaMosquito.com](http://www.ContraCostaMosquito.com)



# Contra Costa Mosquito & Vector Control District

5b Attachment 1



155 Mason Circle, Concord  
[www.ContraCostaMosquito.com](http://www.ContraCostaMosquito.com)





# STAFF REPORT

**TO:** Honorable Mayor and Councilmembers

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

**DATE:** February 6, 2024

**SUBJECT:** Police Officers Association Memorandum of Understanding

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## **RECOMMENDATION**

Approve the terms of a collective bargaining agreement between the City of Clayton and the Clayton Police Officers Association (CPOA); and authorize the City Manager to execute a Memorandum of Understanding (MOU) with a term of July 1, 2024 through June 30, 2027, for an increased amount of \$308,243.

## **BACKGROUND**

The current MOU between the City of Clayton and the CPOA expires on June 30, 2024. The tentative agreement presented to City Council has been negotiated and mutually agreed upon by the City's designated negotiators and the members of CPOA based on input from City Council and CPOA's negotiation team.

## **DISCUSSION**

The current MOU with CPOA is scheduled to expire on June 30, 2024. To ensure continuity of an effective labor agreement and in preparation for the next fiscal budget cycle, City staff met and conferred with the CPOA negotiation team. The primary goal of CPOA is to ensure officers are fairly compensated commensurate with the cost of living in Contra Costa County.

Upon analysis of comparable police agencies' salaries in the San Francisco Bay Area and more specifically with police agencies in Contra Costa County, management and CPOA agreed upon cost-of-living compensation adjustments as follows:

- Year 1 (Fiscal Year 2024/2025) equal to a fifteen percent (15%) increase



- Year 2 (Fiscal Year 2025/2026) equal to a four percent (4%) increase
- Year 3 (Fiscal Year 2026/2027) equal to a four percent (4%) increase

The increase of 15% in year one is intended to bring police officers' salaries in line with the current cost of living in Contra Costa County and to remain competitive with police officers' salaries in neighboring agencies. A fair and competitive salary is essential for employee retention and recruitment. Retaining competent police officers is critical for maintaining public safety and fostering a sense of security among City of Clayton residents. As such, the increase of 4% each year in Fiscal Year 2025/2026 and Fiscal Year 2026/2027 is intended to ensure alignment with estimated cost of living increases.

The three-year term of the MOU provides a stable framework and is beneficial for accurate budgeting and financial forecasting. A three-year agreement reduces the need for frequent renegotiations, saving time and resources and allowing both sides to focus on other strategic priorities. Additionally, a multi-year agreement can foster a sense of trust and collaboration between labor and management. Building positive relationships over time contributes to more cooperation and a harmonious work environment.

### **FISCAL IMPACT**

There is no fiscal impact in the current fiscal year (2023/2024). The fiscal impact in future budget years is as follows:

Current compensation	Wages	\$ 1,011,296	Benefits	\$ 252,824	Total Comp	\$ 1,264,120
Year 1 @ 15%	Wages	\$ 1,162,990	Benefits	\$ 290,748	Total Comp	\$ 1,453,738
<i>Total Increase</i>	<i>Wages</i>	<i>\$ 151,694</i>	<i>Benefits</i>	<i>\$ 37,924</i>	<i>Wage &amp; Benefit</i>	<i>\$ 189,618</i>
Year 2 @ 4%	Wages	\$ 1,209,510	Benefits	\$ 302,378	Total Comp	\$ 1,511,888
<i>Total Increase Over Year 1</i>	<i>Wages</i>	<i>\$ 46,520</i>	<i>Benefits</i>	<i>\$ 11,630</i>	<i>Wage &amp; Benefit</i>	<i>58,150</i>
Year 3 @ 4%	Wages	\$ 1,257,890	Benefits	\$ 314,473	Total Comp	\$ 1,572,363
<i>Total Increase Over Year 2</i>	<i>Wages</i>	<i>\$ 48,380</i>	<i>Benefits</i>	<i>\$ 12,095</i>	<i>Wage &amp; Benefit</i>	<i>\$ 60,476</i>
<i>Total Increase Over 3 Years</i>	<i>Wages</i>	<i>\$ 246,594</i>	<i>Benefits</i>	<i>\$ 61,649</i>	<i>Wage &amp; Benefit</i>	<i>\$ 308,243</i>

### **CEQA IMPACT**

None

### **ATTACHMENT(S)**

1. Tentative Agreement CPOA MOU 2024-2027

**TENTATIVE AGREEMENT  
MEMORANDUM OF UNDERSTANDING BETWEEN  
THE CITY OF CLAYTON AND THE CLAYTON  
POLICE OFFICERS' ASSOCIATION**

**ARTICLE 1: PREAMBLE**

This Memorandum of Understanding, pursuant to the State of California Government Code Section 3500 et seq., entered into by the City of Clayton, hereinafter referred to as "City", and the Clayton Police Officers' Association, hereinafter referred to as "CPOA", the recognized employee organization for sworn police personnel, excepting the Chief of Police, is hereby effective 01 July 2024 through 30 June 2027.

It is the intent and purpose of the Memorandum of Understanding, hereinafter referred to as "MOU", to set forth the understanding of the parties reached as a result of meeting and conferring in good faith regarding, but not limited to, matters relating to wages, hours, and terms and conditions of employees represented by the CPOA.

**ARTICLE 2: SAVINGS CLAUSE**

If any section, subsection, subdivision, sentence, clause or phrase of this MOU is, for any reason, held to be illegal or unconstitutional, such holding shall not affect the validity of the remaining portions of this MOU.

**ARTICLE 3: MANAGEMENT RIGHTS**

**Section 3.1**

Except as otherwise specifically provided and subject to applicable laws, the City has and retains sole and exclusive rights and functions of management, including, but not limited to, the following:

- A. To determine the nature, standards, and extent of services to be performed, as well as the right to determine and implement its public function and responsibility.
- B. To manage all facilities and operations of the City, including the methods, means, and numbers and kinds of personnel by which the City operations are to be conducted.
- C. To direct the working forces, including the right to hire, assign, promote, demote, or transfer any employee.
- D. To assign work to and schedule employees in accordance with requirements as determined by the City, and to establish and change work schedules and assignments upon reasonable notice. To discharge, suspend, demote, reprimand, withhold merit increases or otherwise discipline employees in accordance with applicable law.

E. To determine policies, procedures, and standards affecting the selection, training, and promotion of employees.

F. To establish, assess, and implement employee performance standards, including, but not limited to, quality and quantity standards, the assessment of employee performances, and the procedures for said assessment.

G. To determine the assignment of specific personnel and the duration of each assignment for the day watch "Administrative Sergeant" at the sole discretion of the Chief of Police, which assignment and its term are not subject to grievance, disciplinary appeal or any applicable loss in compensation; organizational status or rank; its operation herein is not subject to the *White* decision (City of Clayton, 2011).

### Section 3.2

CPOA recognizes the City has and will continue to retain the unilateral and exclusive right to operate, administer, and manage its municipal services and work force, performing those services in all respects subject to this MOU.

## **ARTICLE 4: ASSOCIATION AND EMPLOYEE RIGHTS**

### Section 4.1

The City recognizes the employees' rights to self-organization and to be represented by employee organizations of their own choosing as set forth in Chapter 10, Division 4 of the Government Code of the State of California.

### Section 4.2

CPOA is entitled to use non-public area bulletin boards on City property for the purpose of posting notices of meetings and other official CPOA business with the understanding that material derogatory to or of the City will not be posted.

### Section 4.3

CPOA representatives will be permitted access to work locations to confer with City employee members on matters of employer - employee relationship but not such internal employee organization business as soliciting membership, campaigning for office, and the organization meetings and elections. Such representatives shall not interfere with the efficiency, safety and security of City operations or in any way interfere with work in progress.

### Section 4.4

City will provide to CPOA certain meeting space outside normal working hours, provided such space is available. Requests for use of facilities shall be made in advance and approved by the City.

### Section 4.5 Personnel Files

The City's secured personnel files, maintained in the City offices, are not subject to public inspection. Any employee has the right to inspect their own personnel file. An employee has the right, in accordance with law, to respond in writing to anything contained or placed

in their own personnel file and any such response(s) shall become part of their personnel file.

## **ARTICLE 5: UNIT DESCRIPTION**

### **Section 5.1**

The following job classifications are represented by the CPOA and are members of this unit:

#### **Job Classifications - Sworn Personnel**

Police Sergeant

Police Officer

During the term of this MOU, both parties agree to meet and confer regarding changes to the unit description to address supervisory, leadership and promotional opportunities.

## **ARTICLE 6: DUES DEDUCTION**

City shall provide payroll deductions of membership dues and legal assistance plan sponsored by CPOA/PORAC, upon the written authorization of employees described in Article 5 above and on forms agreed upon by the City and CPOA. The City will promptly remit such fees, dues or assessments to CPOA. Once initiated, dues deductions shall continue according to the terms of the authorizations, and deduction of any authorized fees, dues, or assessments shall continue until the authorization is validly revoked by the employee and CPOA gives written notice of such revocation to City. CPOA shall promptly notify the City's Human Resources Manager of any such revocation, cancellation or change in an employee's authorization.

The amount of the fees, dues, or assessments shall be certified to the Human Resources Manager at least once per year, and within ten (10) business days of a request by City, by an authorized officer of CPOA. In the event of a dispute about the existence or terms of an employee's authorization for deduction of dues, fees or assessment, the City may request and CPOA will promptly provide the City copies of any such authorizations consistent with applicable law.

In the event a bargaining unit employee asks the City about the payment of dues, fees, assessments, or union membership, the City shall inform the employee to contact CPOA. CPOA shall indemnify, defend and hold harmless the City, its officers, elected officials, agents and employees (the "Indemnified Parties") from any and all claims, demands, damages, costs, expenses, or liability arising out of this Section ("Claims"), including any reasonable attorney's fees and costs defending against any third-party Claims or Claims by current or former employees of the City. In the event an action, claim or lawsuit for legal or equitable relief, including but not limited to injunctive or declaratory relief, is brought by the CPOA or City to enforce or determine the CPOA's indemnification obligations under this Section the prevailing party will be entitled to an award of its reasonable attorney's fees and costs incurred in that action.

The provision of such service to CPOA by the City shall be contingent upon and in accordance with the provisions of City ordinances, resolutions, memoranda of understanding, and applicable administrative procedures.

## **ARTICLE 7: COMPENSATION**

### **Section 7.1 Wages.**

Effective the first full pay period after June 30, 2024, the salary schedule for POA members shall be increased by fifteen percent (15%).

Effective the first full pay period after June 30, 2025, the salary schedule for POA members shall be increased by four percent (4%).

Effective the first full pay period after June 30, 2026, the salary schedule for POA members shall be increased by four percent (4%).

### **Section 7.2 Salary Advancement**

Assigned salary ranges normally contain five (5) steps, A through E. Employees move through these salary steps subject to satisfactory performance. Step "A" is an at-will eighteen (18) month probationary position.

Regular employees shall be eligible for step salary advancement consideration as follows:

1. To the "B" rate of the salary step schedule after successful completion of eighteen (18) months at the "A" rate. The date of this increase shall become the employee's salary review date for purposes of eligibility for future merit step increases.
2. To the "C" rate of the salary step schedule after successful completion of one (1) year at the "B" rate.
3. To the "D" rate of the salary step schedule after successful completion of one (1) year at the "C" rate.
4. To the "E" rate of the salary step schedule after successful completion of one (1) year at the "D" rate.

When an employee (except laterals) is hired at a salary rate other than Step "A" of the salary step schedule assigned to the classification, the employee shall be eligible for a step increase eighteen (18) months from the date of employment, and this date shall become the employee's salary review date for purposes of eligibility for future merit increases. Thereafter, the above merit pay procedure shall be followed. Laterals will remain at a twelve (12) month probation period and be eligible to receive a salary step increase after twelve (12) months of full-time services.

Salary advancements are granted for continued meritorious and efficient service, and after continued improvements in assigned tasks, in conjunction with performance appraisal procedures. Recommendations for salary advancement are initiated by immediate

supervisors and are then forwarded to the Chief of Police for acceptance. These recommendations are then transmitted to the City Manager for approval.

Salary step advancements are not guaranteed. When an employee is denied a merit step increase, the employee shall be informed of such and the reasons therefore in writing. The employee shall be reconsidered for advancement within six (6) months, and if still denied at that time, may be reconsidered for advancement at any subsequent time recommended by the Chief of Police.

Employees who have received internal promotions, if assigned to a salary step in the new classification salary range offering a minimum five percent (5%) salary increase, shall be eligible for a step increase upon successful completion of twelve (12) months in the new position. If employees are placed on a higher salary step than this, based upon the recommendation of the Chief of Police and approval of the City Manager, they shall be eligible to advance to the next step of the new classification salary range one (1) year from the date of their promotion. This promotion date shall also become the employee's new salary review date for purposes of eligibility for future merit salary increases.

### Section 7.3 Uniform Program

The Uniform Program is for sworn personnel only.

The purpose of this Uniform Program is to provide uniforms to those personnel who are required to perform duties that require identifying uniforms. All identifying patches, badges, etc., purchased by the City for an employee must be returned to the City when an employee terminates City employment. To make the program effective, all eligible employees shall be required, as a condition of their employment, to participate in accordance with this policy. All personnel required under the program to wear uniforms must comply with departmental rules and regulations.

#### A. Sworn Police Personnel

Sworn police personnel shall receive a uniform allowance of twelve hundred dollars (\$1,200.00) per year payable in two equal increments of six hundred dollars (\$600.00) each according to the following payment schedule:

\$600.00 in the first pay period of the fiscal year; and  
\$600.00 in the final pay period of the calendar year.

New employees shall receive one uniform allowance increment initially upon appointment and unless the new employee commences employment on the start of a fiscal year, the uniform allowance for that initial increment shall be pro-rated.

Uniform pay shall be reported as special compensation for eligible employees in accordance with CalPERS regulations and guidance.

### Section 7.4 Deferred Compensation Plan

At least one (1) deferred compensation plan shall be offered by the City and made available to all employees in this unit, which provides for tax-deferred savings and/or a retirement supplement. Employee deposits into such plan(s) shall be made by payroll deduction and at monetary levels of the employee's choice, subject to the maximum(s) allowed according to

Internal Revenue Service (IRS) regulations and laws.

Section 7.5 Sick Leave Incentive

Sworn members of the CPOA will be awarded an additional four (4) hours of vacation time for every three (3) consecutive months during which sick leave was not used by the member after one's accrual of two hundred forty (240) hours of sick leave time.

Any officer who believes he or she is eligible for the sick leave incentive under the terms of Section 7.5 shall submit a written request with one's payroll time card to Payroll staff in the Finance Department requesting the incentive hours to be awarded. The written request shall specify the beginning and ending dates of the quarter in which the incentive is being sought.

Payroll staff will then verify the officer's eligibility by checking the officer's most recent quarter's sick leave usage.

If, in fact, the requesting officer is eligible for the incentive, Payroll staff will then credit the requesting officer's earned vacation bank with the appropriate amount of incentive hours. If the requesting officer is ineligible for the incentive due to sick leave usage during the quarter indicated, Payroll staff will so notify the requesting officer accordingly noting the date of sick leave usage(s).

A "month" for purposes of sick leave incentive under Section 7.5 begins on the first calendar day of the month and ends on the last calendar day of the month.

Requests for incentive hours pursuant to Section 7.5 must be submitted on or before the end of the third month following the end of the quarter for which the incentive is sought. (For example, if the quarter for which the incentive is sought is for January 1 through March 31, the request for the incentive must be submitted to Payroll on or before June 30.) Any potential incentive hours not timely requested shall be deemed void and eligibility for them waived.

Section 7.6 Educational Incentive Program

The City shall pay an educational incentive for job-related P.O.S.T. certificates obtained by the employee which exceed the normal established job requirements for the classification held by the affected sworn police employee. Eligible employees shall be compensated as follows:

P.O.S.T. Intermediate Certificate    Two percent (2%) of base pay

P.O.S.T. Advanced Certificate        Four percent (4%) of base pay

Qualifying employees may receive pay for only one POST certificate at a time. The monetary equivalent of this education incentive pay is disbursed to an eligible employee in the form of one's hourly wage basis through the City's bi-weekly pay cycle, pursuant to the federal Fair Labor Standards Act (FLSA).

If an employee qualifies for an incentive in one classification but is assigned to another classification that requires the P.O.S.T. certificate presently earned, the employee is no longer eligible to receive the associated incentive pay.

Payment of the incentive shall be subject to the approval of the City Manager. The following

criteria will be used to determine an employee's eligibility for and/or continued eligibility in the incentive program:

- A. An employee must have successfully completed his/her probationary period of eighteen (18) months prior to becoming eligible for this educational incentive program.
- B. It will be the responsibility of the immediate supervisor or the Chief of Police to notify the City Manager of an employee's eligibility in this incentive program, using the applicable City Personnel Action Form, and secure the City Manager's approval. Once approved, it will be the responsibility of the immediate supervisor or the Chief of Police to notify the City payroll department, using the applicable City Personnel Action Form with the required approval signatures, at the beginning of the pay period in which the incentive pay will be paid as to the affected employee.

This educational incentive pay is separate and distinct from the base salary compensation for each classification for purpose of calculating salary advancements.

#### Section 7.7 Special Duty Assignments

- A. Field Training Officer (FTO)  
City agrees to pay a five percent (5%) premium to employees within the CPOA who are assigned by the Chief of Police to the training of new, full-time, regular employees and Reserves, based on a training plan and schedule approved by the Chief of Police. FTO premium will be paid only for those hours for which the assigned trainer has been provided the field training.

It is the intent of this provision that assignments involving training shall not be assigned for less than one (1) work shift.

- B. Administrative Sergeant  
City agrees to pay a five percent (5%) premium to the Administrative Sergeant assigned by the Chief of Police (see Section 3.1(H) above). This premium will only be paid for regularly-scheduled hours for which the Sergeant is actually working in this assigned role (i.e., the premium does not apply to leave hours or to overtime hours working in any capacity). The Administrative Sergeant shall be considered as assigned to a shift that requires working on holidays.

#### Section 7.8 Working in a Higher Classification

An employee covered by this MOU who is assigned to work in a position of a higher classification shall be paid an additional five (5) percent of his or her current salary for the time the employee works in the higher classification. Such assignments to a higher classification shall be approved by the Chief of Police and City Manager. This provision does not apply to employees performing higher duties as a result of a written training program.

Salary adjustments under this section shall not be retroactive.

#### Section 7.9 Shift Differential

Sworn officers regularly assigned to Graveyard Shift shall receive an additional five (5) percent compensation above base pay for hours worked on the Graveyard Shift. Regularly assigned to a Graveyard Shift shall mean a sworn officer who is assigned to work between



the hours of 1800 to 0600, or whose shift starts between 1800 and 0300 hours.

Sworn officers regularly assigned to Swing Shift shall receive an additional three (3) percent compensation above base pay for hours worked on a Swing Shift. Regularly assigned to a Swing Shift shall mean a sworn officer who is assigned to work between the hours of 1200-0000 or whose shift starts between 1200-1759 hours

Hours paid but not worked are compensable at base pay (for example, paid leave time).

#### Section 7.10 Longevity Pay

Members who have achieved the following years of service shall receive the Longevity Pay Incentive applied to base pay as shown. Percentages are not cumulative.

- Five Years                    2%
- Ten Years                    3%
- Twenty Years                5%

#### Section 7.11 Bilingual Pay

The City has the exclusive right to determine and designate which employees and how many employees are eligible to receive bilingual pay of \$75.00 per month. Designated employees will be required to demonstrate conversational fluency in a language (e.g., Spanish) as determined by the City Manager based on community/public needs and organizational usage. The City may administer a competency test to certify fluency of the employee in the designated language. Any such certification shall be a condition prior to employee qualifying for monthly bilingual pay.

### **ARTICLE 8: MEDICAL AND DENTAL INSURANCE PREMIUMS**

#### Section 8.1 City Contribution To Premiums

The maximum monthly City premium contribution for combined medical and/or dental insurance coverage for sworn personnel shall be paid by the City during the term of this MOU in accord with the following employee subscription enrollment schedules.

A. The City's maximum monthly contribution will be as follows:

##### Employee Only

\$767.57 per month

##### Employee + 1 Enrolled Dependent

\$1,464.55 per month

##### Employee + 2 or more Enrolled Dependents

\$1,903.92 per month

Section 8.2 Member Enrollment in Medical and/or Dental Insurance

The City will contract to provide medical and dental insurance coverage for all full-time regular employees and their enrolled dependents. Any premium in excess of the maximum amount contributed by the City as outlined in Section 8.1 above shall be the responsibility of the individual employee, to be paid through City bi-weekly payroll deductions.

Employees may elect to decline City-provided medical and/or dental coverage only in cases when the employee is covered under an alternate third-party insurance plan. Proof of insurance is required.

Section 8.3 Short Term and Long Term Disability Insurance

The City shall provide and pay for short term (STD) and long term disability (LTD) insurance(s) in behalf of each employee of this unit for the purpose of providing contracted levels of continued compensation in the event of an off-duty illness or injury.

Section 8.4 Term Life/Accidental Death/Dismemberment Insurance

The City will contract and pay for the full premium to enroll each permanent full-time and part-time employee in a \$50,000 face amount of term life insurance policy and a \$50,000 Accidental Death and Dismemberment Insurance coverage.

**ARTICLE 9: RETIREMENT SYSTEM**

The City is a member of the California Public Employee's Retirement System, hereinafter referred to as "CalPERS". All regular full and part time employees of this Unit are compulsory members of this retirement system.

Section 9.1 Classic Tier I Employees

All regular full-time and regular part-time employees of this Unit hired before 01 July 2010 are considered "Classic Tier I" participating members of CalPERS. By contract, the City and eligible employees in this Unit are participating members of the "3% at age 55" Safety Retirement System. The applicable employee contribution paid in full by Classic Tier I employees, pursuant to pre-tax payroll deductions, is nine percent (9%).

Cost-Sharing of City CalPERS Contribution

Upon ratification of this Agreement, the City shall implement cost-sharing pursuant to the terms set forth below to offset a portion of the City's employer contribution to CalPERS for retirement benefits as authorized under Section 20516(f) of the Government Code.

The employee cost-sharing contribution will be accomplished pursuant to Section 20516(f) of the Government Code. Cost-sharing contributions made pursuant to Section 20516(f) remain characterized as employer contributions by CalPERS and therefore, will not be allocated to the employee's retirement account. Cost-sharing contributions will be

deducted from wages on a pre-tax basis during the term of this Agreement.

The cost-sharing contribution amount is as follows:

Effective July 1, 2021, Classic Tier I employees shall contribute, through payroll deduction, an additional two and one quarter percent (2.25%) for a total of eleven and one-quarter percent (11.25%) of PERSable compensation towards CalPERS retirement.

#### Section 9.2 Classic Tier II Employees

All regular full-time and regular part-time employees of this Unit hired on or after 01 July 2010, plus any new employee of this Unit that was a participating member with an employer enrolled in a CalPERS "Classic" pension system and whom did not experience a break in employment service longer than six (6) months, are each considered City "Classic Tier II" employees and are compulsory participating members in CalPERS. The City shall contract with CalPERS and enroll said eligible employees in this hiring category in the CalPERS "2% at age 50" Local Public Safety retirement plan. The applicable employee contribution paid in full by Classic Tier II employees, pursuant to pre-tax payroll deductions, is nine percent (9%).

#### Cost-Sharing of City CalPERS Contribution

Upon ratification of this Agreement, the City shall implement cost-sharing pursuant to the terms set forth below to offset a portion of the City's employer contribution to CalPERS for retirement benefits as authorized under Section 20516(f) of the Government Code.

The employee cost-sharing contribution will be accomplished pursuant to Section 20516(f) of the Government Code. Cost-sharing contributions made pursuant to Section 20516(f) remain characterized as employer contributions by CalPERS and therefore, will not be allocated to the employee's retirement account. Cost-sharing contributions will be deducted from wages on a pre-tax basis during the term of this Agreement.

The cost-sharing contribution amount is as follows:

Effective July 1, 2021, Classic Tier II employees shall contribute, through payroll deduction, an additional two and one-quarter percent (2.25%) for a total of eleven and one quarter percent (11.25%) of PERSable compensation towards CalPERS retirement.

#### Section 9.3 PEPRA Tier III Employees

A Public Employee Pension Reform Act ("PEPRA") or City "Tier III" employee for retirement purposes is any new member of this Unit who becomes a member of CalPERS for the first time on or after 01 January 2013, and who was not a member of another California public retirement system prior to that date, and who is not subject to reciprocity with another California public retirement system. Eligible employees of the City's "Tier III" Retirement Plan are enrolled as members of the Local Public Safety retirement plan of "2.7% at age 57".

Under PEPRA, Unit members of the Tier III Retirement Plan must contribute fifty percent (50%) of the total Normal Cost, as defined and calculated by CalPERS, as the Employee Share.

#### Section 9.4 Survivor Benefit Program

The City agrees to contract for the CalPERS 1959 Survivor Benefit Program - Fourth Level, and provide the annual employer cost for this contracted retirement benefit. Employees of

this unit shall be solely responsible for the employee monthly cost for this added contractual benefit, payable through mandatory City payroll deductions.

**ARTICLE 10: HOLIDAYS AND LEAVES**

Section 10.1 City Designated Holidays

The City designates the following Holidays in each calendar year with the closure of City Hall and pedestrian traffic and normal telephone calls to the Clayton Police Station:

- New Year's Day
- Martin Luther King, Jr. Memorial Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day
- Day after Thanksgiving Day
- Christmas Eve
- Christmas Day

Section 10.2 Holiday Pay

For members assigned to a schedule that would require them to work holidays, those members shall receive holiday-in-lieu pay at the rate of four and one-quarter percent (4.25%) of each member's current hourly rate.

Section 10.3 Personal or "Floating" Leave

In addition to the holidays listed under Section 10.1, all members of this unit shall receive twenty-four (24) hours of Personal Leave for each fiscal year. Said leave hours shall be taken at the employee's discretion, with the consent of the supervisor. If Personal Leave hours are not taken or exhausted by the end of the fiscal year (June 30<sup>th</sup>), the remaining hours are forfeited.

Section 10.4 Vacation Leave

Permanent, regular employees shall be entitled to annual vacation leave with pay as earned.

- A. Vacation leave credit for an 80-hour biweekly work week employee shall be accrued on the following basis, subject to a not-to-exceed accrual cap of twenty-four (24) times one's current monthly accrual rate ("the cap"):
  - 1. 6.67 hours per month from the date of initial hire through month 24.
  - 2. 8.00 hours per month from month 25 through month 48.
  - 3. 10.00 hours per month from month 49 through month 96.
  - 4. 13.33 hours per month from month 97 through month 180.
  - 5. 16.67 hours per month from month 181 and beyond.

- B. Vacation leave credit for regular full-time employees working less than an eighty (80) hour biweekly work week shall be credited as in paragraph "A" above on a pro-rata basis based on the number of hours worked per week.
- C. Vacation leave must be used in increments of one-quarter (0.25) hour or more.
- D. Vacation leave may be taken as earned but must be requested in writing as far in advance as possible. Vacation leave scheduling is subject to the approval of the Chief of Police, based on labor deployment requirements.
- E. Upon leave of City employment, an employee will be paid for all accrued, unused vacation leave hours.
- F. An employee may elect to convert 40 hours of accrued vacation leave per calendar year in accordance with the "Leave Sell Back" Administrative Policy. Election for participation in the program shall occur no later than 60 days prior to the start of the new calendar year. The cash out period shall generally occur 12 months after the election. At the time of the cash out, the employee's vacation leave may not fall below 40 hours after participation in this program.

Section 10.6 Sick Leave

Sick leave is earned at the rate of eight (8) hours for each month worked. Maximum accrual will be unlimited. Unused sick leave will not be paid upon separation from City employment.

Sick leave may generally be used for any illness, injury, medical or dental appointment/treatment, or disability {including pregnancy and childbirth) of the employee. Sick leave may also be used for illness or injury of the employee's immediate family; however, absences for family leave purposes in excess of one (1) week (or a cumulative two [2] weeks in any calendar year) must be approved by the City Manager. A physician's report may be required for extended periods of sick leave usage, or if in the determination of the City Manager, the employee exhibits greater than average, or unusual patterns or circumstances in the use of sick leave.

Up to three (3) days of sick leave may be used to attend funerals of close family members, with the approval of the City Manager.

Members of this unit are entitled to certain disability benefits as defined by state law, and may not therefore use sick leave for on-the-job injuries or illnesses. Further, any unused sick leave shall not extend the retirement date of an employee who has been granted a disability retirement, notwithstanding the provisions of CA Government Code Section 21025.2

Employees may use accrued sick leave for non work-related disabilities up to the effective or commencement date of short-term or long-term disability benefits.

Employees unable to return to work within six (6) months of the date of disability (non work-related) may be separated from City employment, unless an extension is approved by the City Manager, and except as otherwise restricted by state law.

Up to twenty-four (24) hours of accrued paid sick leave may be used as Bereavement Leave

per occasion to attend the funeral of a close family member, with approval of the City Manager.

## **ARTICLE 11: HOURS OF WORK, WORK PERIODS AND PAY PERIODS**

### **Section 11.1 Standard Work Assignment**

The standard work assignment shall be eighty (80) hours in a two week pay period.

### **Section 11.2 Shifts**

A. Regular shifts consist of 8, 10, or 12 hours of work per day, as assigned. Paid work time begins at the start of a shift (e.g., a 6am to 6pm shift begins at 6:00 a.m.). Each employee assigned to a shift must have completed changing his or her clothes (uniform, boots, vest, and belt, etc.) and be able and ready to begin work by the beginning of the shift). Each time an assigned work shift schedule is established or altered for members of this unit, the Chief of Police is responsible to so inform the Payroll/Finance Department accordingly, pursuant to the federal Fair Labor Standards Act.

B. Shift Scheduling: Sworn personnel assigned to patrol will be assigned to shifts based upon a seniority selection process. Officers and supervisors will not normally be allowed to spend more than two shift rotations of four months on the same shift in a calendar year. Officers or supervisors who have spent eight months on one shift will be required to rotate onto another shift for at least one four-month period. The Chief of Police retains discretion to assign sworn personnel to address operational concerns including but not limited to training needs, disciplinary circumstances, and extended employee leaves.

C. For purposes of this MOU, "shift trades" is an agreement between two employees to perform each other's duties on an infrequent basis and within one payroll period, but to be paid as if the two employees worked as originally scheduled. Each employee agrees to work one scheduled shift of the other on an agreed upon date. Shift trades are to be sought on the designated City form and must be approved in advance by the Police Chief or Administrative Sergeant. Shift trades are the prerogative of the Chief of Police and are provided for employees as a means to meet the unexpected personal needs of an employee in a cost-neutral to the City. Shift trades that are likely to create overtime or similar cost exposure will not be approved, and those employees who do not work an agreed trade as expected will have leave hours deducted from their discretionary leave banks sufficient to cover any costs incurred by the City to cover the shift. These exchanges are to be considered a privilege and not a right.

### **Section 11.3 Pay Periods**

The pay period for all employees shall be bi-weekly. The pay period is from 12:00 a.m. Monday through 12:00 midnight Sunday. There are twenty-six (26) pay periods in a fiscal year from July 1<sup>st</sup> through June 30<sup>th</sup>. Time sheets are due to Payroll at the start of the day work shift the Monday following the close of the pay period on Sunday. City pay checks are available and distributed on the Wednesday following the close of a pay period.

*Note: From time to time, Payroll deadlines for submittal of time sheets and actual pay day*

*may be altered due to designated City holidays. Payroll will notify all employees in advance when these circumstances arise. The time sheet deadline may be adjusted as needed to meet City payroll deadlines. Employees required to estimate hours worked due to an early time sheet deadline shall do so based on an employee's normally assigned work schedule.*

## **ARTICLE 12: OVERTIME**

### **Section 12.1 Regular Overtime**

The City will compensate eligible regular employees for each one-quarter hour (0.25) of overtime worked at a rate of one and one-half times (1.5) the employee's base hourly rate including applicable FLSA-required compensation. Overtime is defined as hours worked in excess of eighty (80) hours per pay period, or hours worked in excess of a regularly scheduled shift. Employees working partial or reduced shifts will not be eligible for overtime until the hours worked exceed the regular shift hours noted in Section 11.2. Authorization of the employee's supervisor must be obtained prior to the working of overtime hours, except in emergency situations. Compensation for overtime shall be in the form of cash payment, or if requested by the employee and approved by the Chief of Police, in the form of compensatory time off (CTO) that shall also accrue at the rate of one and one-half (1.5) times the actual overtime hours worked.

For purposes of overtime and compensatory time calculations, all paid leave shall be considered as hours worked.

### **Section 12.2 Compensatory Time Off**

A maximum of one hundred fifty (150) hours of compensatory time off (CTO) may be accrued by each employee, except when approved by the City Manager for a recognized or specific operational need or situation. Management will make every effort to comply with time off requests of the employee and shall not arbitrarily assign employees to compensatory time off. Upon leaving City employment, the employee will be paid for all accrued, unused compensatory time.

### **Section 12.3 Call-Out Pay**

In the event an employee is called out for emergency duty, the employee will receive compensation at a rate of one and one-half (1.5) times the employee's regularly hourly rate. When an employee is called to duty more than forty-five (45) minutes prior to one's normal work shift, or is called back to duty after leaving work following a normal work shift, the employee will be compensated a minimum of three (3) hours of overtime pay. Call-out time shall be defined as time worked by the employee, in excess of forty (40) hours per week, which time is not an extension of the normal work day or for which the employee has not been notified at least twenty-four (24) hours in advance. Call-out shall occur only when there has been a break in work service, i.e., the employee has left work for the day and is required to return to duty. In addition, weekend work for which the employee has been notified at least twenty-four (24) hours in advance shall not be considered call-out time. Attendance at regularly-scheduled meetings held after normal working hours that are recognized as part of the job duties of an individual employee shall not be recognized a call-out time.

Section 12.4 Court Time and Appearances

- A. Sworn employees of this unit shall receive overtime pay for each hour they are required to, as a direct result of their City employment, and actually appear in court during their off-duty hours, yet said pay shall not be less than four (4) hours of overtime, except as provided below.
- B. Sworn employees shall receive regular compensation (straight time) for appearing in court during their regular work hours when such appearance is a direct result of their City employment.
- C. Sworn employees shall receive overtime pay only for each hour they actually appear in court, as a direct result of their City employment, while off-duty but within four (4) hours prior to the start of their work shift, yet shall not receive the guaranteed minimum of four (4) hours overtime as provided in "A" above.
- D. Sworn employees required to appear in court commencing at a time less than one-half ( $\frac{1}{2}$ ) hour following the end of his/her shift regardless of the length of the work shift, and said appearance is due to the employee's City employment, shall be paid overtime only for the time he/she actually appears in court, and shall not be paid the guaranteed four (4) hours minimum of overtime as provided in "A" above.

Sworn employees required to present criminal cases in person to the local district attorney's office during regularly-scheduled time off shall receive overtime pay as provided for in Section 12.4 above. The administrative sergeant responsible for assigning the filing of such criminal cases shall first endeavor to require such assignments to be conducted by sworn employees during one's work shift, and shall only make such assignments to off-duty personnel when no other reasonable alternative exists.

Section 12.5 Time Off Requests

With the exception of annual vacation leave, employees may request to take time off using paid accruals (vacation, CTO, floating holiday) as follows:

- Employee submits written time off request as far in advance as possible, but not more than 3 months or less than 7 days in advance of the date(s) requested.
- All reasonable attempts will be made to accommodate the request, taking into account then-existing staffing levels and operational needs. At no time will the request be granted if staffing does not allow for a minimum of 2 officers on the shift(s) in question.
- If a request is made less than 7 days prior to the date(s) in question, or if 2 officers/sergeants are already scheduled to be off on the date(s) in question, the requestor must find a voluntary replacement to fill the shift. This can be done on a shift-trade or overtime pay basis.

**ARTICLE 13: RESIDENCY REQUIREMENT**

Each member of this unit shall maintain their principal residence at all times within a fifty (50)-mile radius of the City of Clayton Police Department headquarters.



Upon recommendation from the Chief of Police, the City Manager may grant exception to this residency requirement when special ,circumstances or hardships warrant, and may condition such exception as the City Manager deems appropriate and consistent with the purpose of this requirement to ensure rapid public safety response time to emergency and disaster situations within the city.

## **ARTICLE 14: CLASSIFICATION AND COMPENSATION PLANS**

Each position with the City shall be allocated to its appropriate classification on the basis of assigned job duties and responsibilities such that the same qualifications may be reasonably required for and the same schedule of pay may be equitably applied to all positions in the same classification. Positions may, from time to time, be reclassified on the basis of changes in or re-evaluation of the duties and responsibilities of the positions.

## **ARTICLE 15: LAYOFF PROCEDURE**

### **Section 15.1 Purpose**

The purpose of this section is to provide a fair and equitable basis for the reduction of personnel when this action becomes necessary in a department comprised of members of this unit or in the total work force of the City. In such circumstances, the City will make every effort to assist those employees who may be subject to layoff due to lack of work or a similarly compelling reason. Assistance will be made available through utilizing existing vacancies elsewhere in the department or work force, if any, to the fullest extent possible to relocate affected employees. In addition, contact will be made with other employees to refer those employees who are unable to be placed in other City vacancies.

### **Section 15.2 Causes**

The Chief of Police may layoff an employee in the classified service because of shortage of work or budgeted funds. In addition, for the interest of economy or because the necessity for the position or employment involved no longer exists, the City Manager may request, and the City Council may concur, to abolish any position or employment in the classified service and discharge, transfer or demote the employee or officer holding such position or employment.

### **Section 15.3 Procedure**

- A. When a reduction in personnel is anticipated, the Personnel Officer or his/her designee shall notify the CPOA in writing forty-five (45) calendar days before the effective date of the layoff with the reasons thereof.
- B. The Personnel Officer, or his/her designee, shall determine what openings exist in the same classification in other departments so the affected employee(s) may be considered for transfer or relocation. The employee(s) may be considered for transfer or relocation into a lower classification, where practicable, prior to affecting layoff.
- C. If transfer or demotion is not practicable, the affected employee, upon layoff, shall be

placed on the appropriate re-employment list as provided for by this Section.

- D. Provisional employees of the affected classification(s) shall be laid off prior to the layoff of a probationary or permanent employee.
- E. Probationary employees in the affected classification(s) shall be laid off prior to the layoff of a permanent employee.
- F. Permanent employees shall be designated for layoff based on an evaluation of all employees in the same classification. Such evaluation will include work assignment, certification, education, and seniority.
- G. The names of probationary and permanent employees who have been laid off shall be placed upon re-employment lists for classification(s) which, in the opinion of the Personnel Officer, require basically the same qualifications, duties and responsibilities of the classification(s) from which the layoff was made. Re-employment lists will be maintained and valid for a period of one (1) year following the effective date of that layoff.
- H. In filling vacancies, eligible individuals on the re-employment lists take precedence over eligible individuals on any other list for the same classification.

#### **ARTICLE 16: CORRECTIVE COUNSELING DOCUMENTS**

A Corrective Counseling document is not considered discipline and as such is not subject to the appeal process. It is used by a supervisor to assist an employee in modifying unacceptable behavior to comply with the Clayton Police Department standards, and represents the documentation of a held counseling session. The Corrective Counseling document will be purged from the employee's file upon their next annual performance evaluation.

#### **ARTICLE 17: DISCIPLINARY PROCESS**

A Letter of Reprimand is a punitive matter subject to an evidentiary appeal process by the affected employee provided the Chief of Police approves in writing the Reprimand and the affected employee's has an opportunity for a hearing before the Chief. A Letter of Reprimand shall remain in the affected employee's personnel file for a period of three (3) years from the date of reprimand, and shall be removed at the conclusion of the three (3) year period provided there is no repeat incident of the behavior or violation.

For matters involving a higher level discipline of an employee (suspension, demotion, termination), after the process has progressed from the investigation, recommendation for discipline, Skelly hearing before the Police Chief, and the Police Chiefs issuance of final discipline, the next step to the appeal process is non-binding arbitration, with an advisory written decision provided to the City Manager for final administrative determination and accompanying action.

## **ARTICLE 18: GRIEVANCE PROCEDURE**

### **Section 18.1 Definition**

A grievance is any dispute between the City and employee or employees or recognized employee organization with respect to the meaning, interpretation, application or enforcement of the Personnel System Rules and Regulations or the Memorandum of Understanding (MOU). Disciplinary action, corrective counseling, and employee evaluations are not within the definition of a "grievance" subject to this procedure.

### **Section 18.2**

It is the intent of the City to anticipate and diminish causes of grievances and to settle any which arise informally at the lowest practicable level of supervision, and as fairly and promptly as possible. To accomplish this, there are time limits between the initiation of a grievance and its occurrence, between steps of the grievance procedure, and the time in which each answer must be given. Any grievance is subject to the time limits set herein. Failure to pursue or conduct a grievance within these time limits shall constitute said grievance to have been settled on the basis of the last timely demand or answer. The time limit set forth can only be extended by written agreement of both parties.

At each step of the grievance procedure, the City shall make available any record relied upon to sustain the action which gave rise to the grievance and any other information necessary and pertinent to the processing of the grievance.

### **Section 18.3**

Any employee in the merit system shall have the right to use the grievance procedure free from restraint, discrimination, pressure or reprisal from any other employee, supervisor, department head, or representative of recognized employee organizations.

Employee shall have the right to present grievances individually or through his/her recognized employee organization. Employee shall have the right to withdraw the grievance at any step in the procedure. Employee shall have the right to designate a representative of a recognized employee organization at any step of this grievance procedure. If the employee is represented by a representative of a recognized employee organization, the employee filing the grievance shall also be present during the discussion at all steps of the grievance procedure.

### **Section 18.4**

Grievances will be processed in the following manner and within the stated time limits:

#### **Step No. 1**

When an employee has a grievance, he/she shall, within ten (10) working days following the occurrence of the event or the actual discovery (or when discovery could reasonably be made) of the event on which the grievance is based, , prepare in writing a complete description of the grievance and submit the grievance to his/her immediate supervisor. The employee and supervisor shall discuss the matter in private. Should the substance of the grievance by the employee be connected with actions of the immediate supervisor and/or Chief of Police, said grievance shall be filed with the Personnel Officer.

The supervisor, Chief of Police, and/or Personnel Officer shall make a thorough investigation

of the reported grievance and render his/her/their decision within three (3) working days. The decision shall be made in writing to the aggrieved employee.

Most grievances should be solved at the employee - supervisor level.

### Step No. 2

If the employee is not satisfied with the decision of his/her supervisor, Chief of Police, and/or Personnel Officer in Step No. 1 above, he/she has the right to appeal the decision to the next higher level of supervision. The aggrieved employee, either individually or by instructing the chosen representative of the recognized employee organization, must prepare a written appeal or must file said appeal within ten (10) working days after the applicable decision is rendered to the next level of supervision.

At this Step of the grievance procedure, the supervisor or employee, individually or through his/her designated recognized employee organization representative, shall have the opportunity to provide evidence from witnesses. In this Step, the management person receiving the appeal shall make a thorough investigation of the reported grievance and shall render his/her decision in writing within five (5) working days of concluding the investigation, but not longer than fifteen (15) working days from the receipt of the appeal.

### Step No. 3

If the aggrieved employee is not satisfied with the decision made on his/her appeal at the level of management specified in Step No. 2, he/she has the right of appeal to the City Manager. The aggrieved employee, either individually or by instructing his/her chosen representative from a recognized employee organization, shall submit in writing an appeal to the City Manager within ten (10) working days of the date of the decision rendered by the management person in Step No. 2.

The written appeal shall include a detailed statement of the grievance. The City Manager shall arrange a prompt informal hearing of the grievance. The City Manager shall make a thorough investigation of the reported grievance and render a decision in writing to the aggrieved employee within five (5) working days after the close of the informal hearing. Decisions of the City Manager pursuant to this grievance procedure will be final and binding.

## **ARTICLE 19: JOINT LABOR/MANAGEMENT SAFETY COMMITTEE**

### Section 19.1

The City shall attempt to provide a safe and healthy work place for all City employees. The CPOA supports the creation of a safe working environment.

### Section 19.2

The City will establish and maintain an Employee Safety Committee. Not less than two (2) members of the committee shall be appointed from the Clayton Police Department, one (1) of which shall be named by the CPOA.

Section 19.3

Employees required to attend mandatory safety meetings will be compensated according to the provisions of this MOU.

**ARTICLE 20: SCOPE OF AGREEMENT**

Except as otherwise specifically provided herein, this MOU fully and completely incorporates the understanding of the parties hereto and constitutes the sole and entire agreement between the parties on any and all matters subject to meeting and conferring laws. Neither party shall, during the term of this MOU, demand any change therein nor shall either party be required to negotiate with respect to any other matter, provided that nothing herein shall prohibit the parties from changing the terms and conditions of this MOU by mutual consent and agreement.

**ARTICLE 21: TERM**

Except as indicated herein, this MOU shall be effective commencing 01 July 2024 and continue through 30 June 2027.

**IN WITNESS THEREOF**, this MOU is entered into by the following authorized representatives this \_\_\_ day of February 2024 pursuant to the provisions of CA Government Code Section 3500, et. seq. for presentation to and adoption by the City Council of Clayton, California.

CLAYTON POLICE OFFICERS ASSOCIATION (CPOA)

By: \_\_\_\_\_  
Rich Enea, II, CPOA President

By: \_\_\_\_\_  
Torrey Jarvis, CPOA Member

By: \_\_\_\_\_  
Jim Bickert, CPOA Labor Representative

CITY OF CLAYTON, CA (CITY)

By: \_\_\_\_\_  
Bret Prebula, City Manager



[\(Back to Agenda\)](#)

City Council Agenda Item 8b

# STAFF REPORT

**TO:** Honorable Mayor and Councilmembers

**FROM:** Bret Prebula, City Manager

**DATE:** February 6, 2024

**SUBJECT:** Results of the Community Survey

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## RECOMMENDATION

Receive update on the Community Survey presented by the market research team who conducted the survey.

## BACKGROUND

Regardless of the type of organization (public or private), having a vision and direction for larger strategic initiatives is a pillar to drive the resource management of the organization. On September 19, 2023, the City Council had a discussion about an approach to strategic planning. At that meeting, the majority of City Council decided not to move forward at that time with the recommended strategic planning approach, citing a combination of cost and lack of desire for the process in general, instead providing direction to staff to find a less costly and less time intensive approach.

To meet City Council's desire, staff approached the community survey with a slightly different method, combining the experience of experts with the development of interns within the industry. The team used Qualtrics platform to facilitate the community survey. The team consisted of the following individuals:

**Lydia Avramenko (Consultant)** is a Market Research Expert with 25 years of experience at leading firms like Kantar. She currently heads Customer Sentiment research at Instacart. She directed 400+ consumer and B2B initiatives for top global brands including Google, Visa, Bank of America, Amazon, Honda, and Microsoft, and has managed budgets exceeding \$2 million.

**Dmitriy Teplyuk (Lead Researcher)** is a high school senior, passionate about math and ice hockey. He's a dedicated team leader and forward with over 12 years of commitment to the sport. Besides excelling academically with a GPA of 4.6 (9-12) and ranking 3rd in his class, he explores advanced math courses, currently studying Multivariate Calculus at a local college.

He volunteers in health care/hospice and founded a tech support service. Additionally, he's hands-on in a family-owned metal part manufacturing shop and assists in construction and landscaping alongside his father. Hobbies: Hockey, math, camping, and fishing.

**Dasha Barmina (Research Assistant)** is a high school sophomore, passionate about biology and volleyball. Besides doing well academically, she explores advanced math courses as she is going into AP calculus next year. She volunteers to help coach little kids in volleyball to help them learn to play in school during the summer while improving her skills by practicing all year round. Hobbies: Volleyball, STEM, and exploring the outdoors.

This partnership allowed staff to meet the direction provided by City Council of a less costly approach to community engagement while still utilizing an outsourced provider to assist with the staff workload.

## **DISCUSSION**

Staff are returning to the City Council to allow the team that managed the community survey to provide the community survey results.

## **FISCAL IMPACTS**

There is no fiscal impact to this item.

## **CEQA IMPACTS**

None.

## **ATTACHMENT(S)**

1. Community Survey Results

An aerial photograph of Clayton, California, showing a suburban neighborhood with green trees and buildings. In the background, there are several mountain peaks under a clear blue sky. The text is overlaid on the center of the image.

# Strategic Planning Survey

## Clayton, CA

February 2024



# Background

## *Why did we conduct this survey?*

**To Hear Everyone:** We wanted to make sure everyone in Clayton could share their thoughts about what's important for Clayton's future.

**Your Voice Matters:** By asking for residents' opinions on city services and what they expect from city leaders, we aimed to make sure their ideas shape the decisions our city makes.

**Better Planning with Your Help:** Residents' feedback helped us understand what matters most, guiding our plans for the next five years to make Clayton even better.

**Transparent and Open:** We're committed to transparency, so we made sure residents' have a say before we decide anything. Our planning session is open to everyone who wants to be a part of shaping Clayton's future.

# Methodology

## *How did we do it?*

### **Sample Size**

n ~ 500 adults completed the Survey

### **Contact and Collection Methods:**

Online survey via Anonymous Link

Distributed by email and displayed on city website

### **Survey Dates**

December 7, 2023 - January 3, 2024

### *Margin of Error*

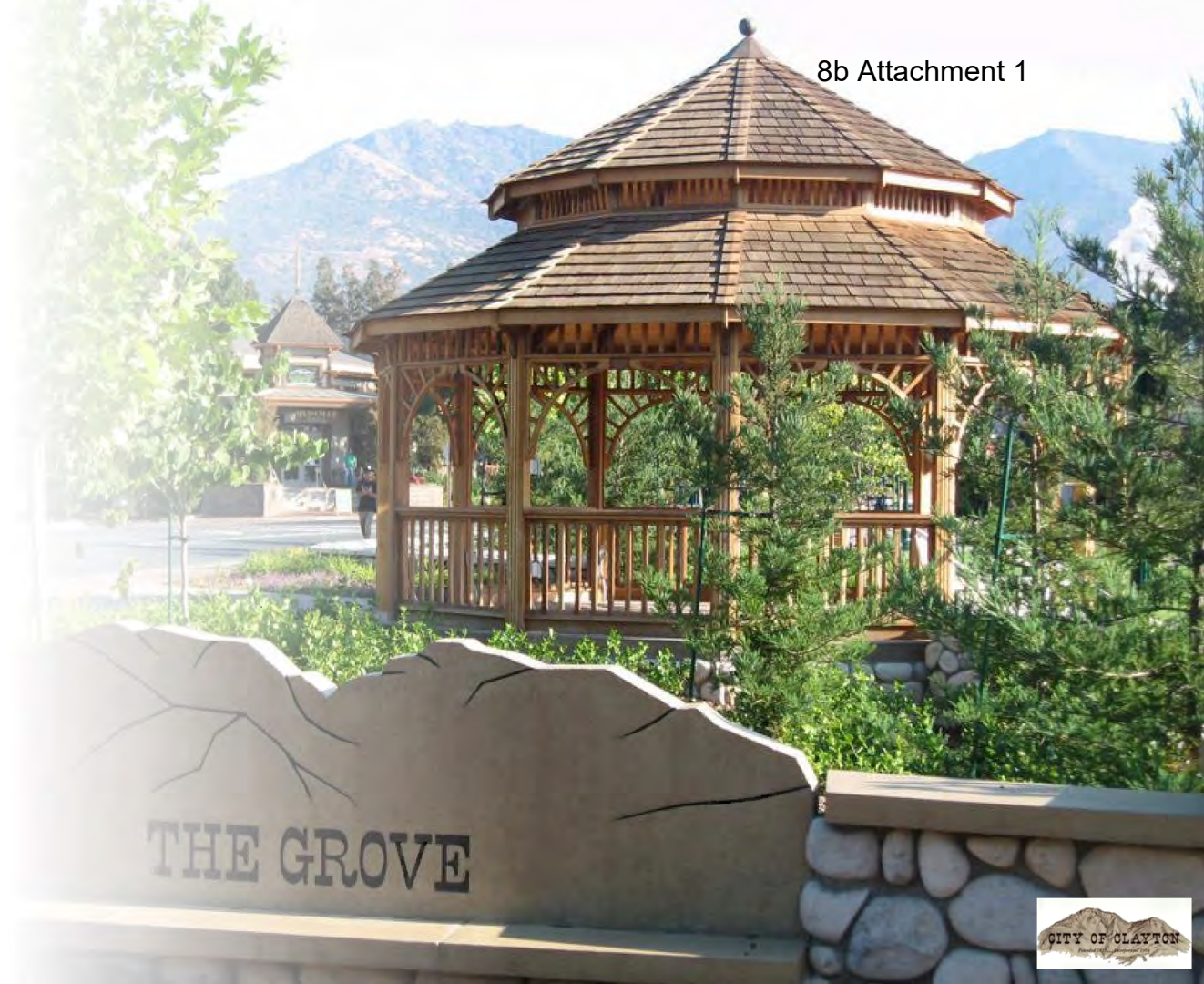
*±4% at the 95% Confidence Level*

# Key Findings

## *What are the key takeaways?*

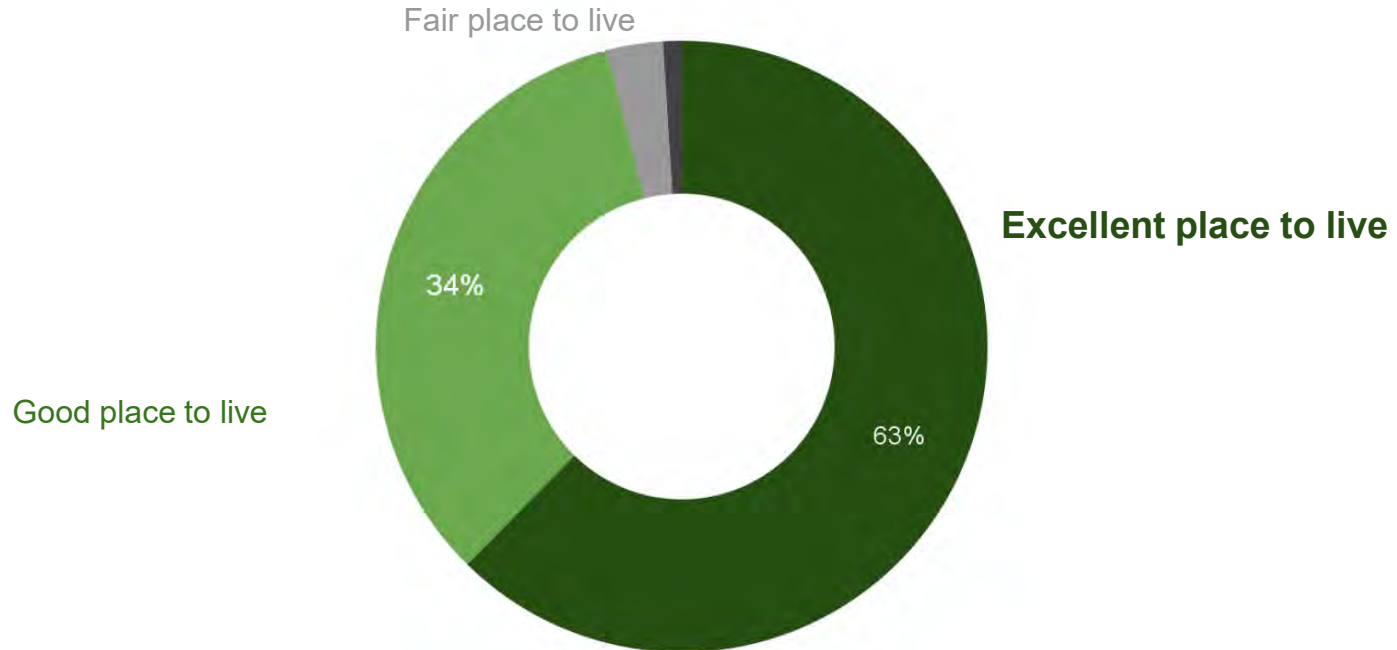
- Clayton residents **overwhelmingly cherish their town for its safety**, close-knit community, and proximity to nature, fostering a family-friendly environment.
- Residents express a **strong desire to maintain the small-town atmosphere** and limit excessive development. They emphasize the need to balance growth while preserving the city's unique identity.
- **Prioritizing safety concerns** like traffic management, pedestrian safety, and bolstering community development initiatives emerges as the top agenda.
- There's a strong **desire among residents for attracting businesses aligned with the town's character**, emphasizing family-oriented eateries, specialty shops, and recreational spaces.
- **Public safety, vegetation management, and fostering economic growth are identified as primary spending areas**, alongside a readiness to trim non-urgent expenses for critical priorities.
- Residents seek **transparent, neutral reporting and efficient city services**, emphasizing the need for civic unity and continued communication channels from city officials.

**What makes  
Clayton a great  
place to live?**



# Most residents regard Clayton as an excellent place to live!

Is Clayton a good place to live?

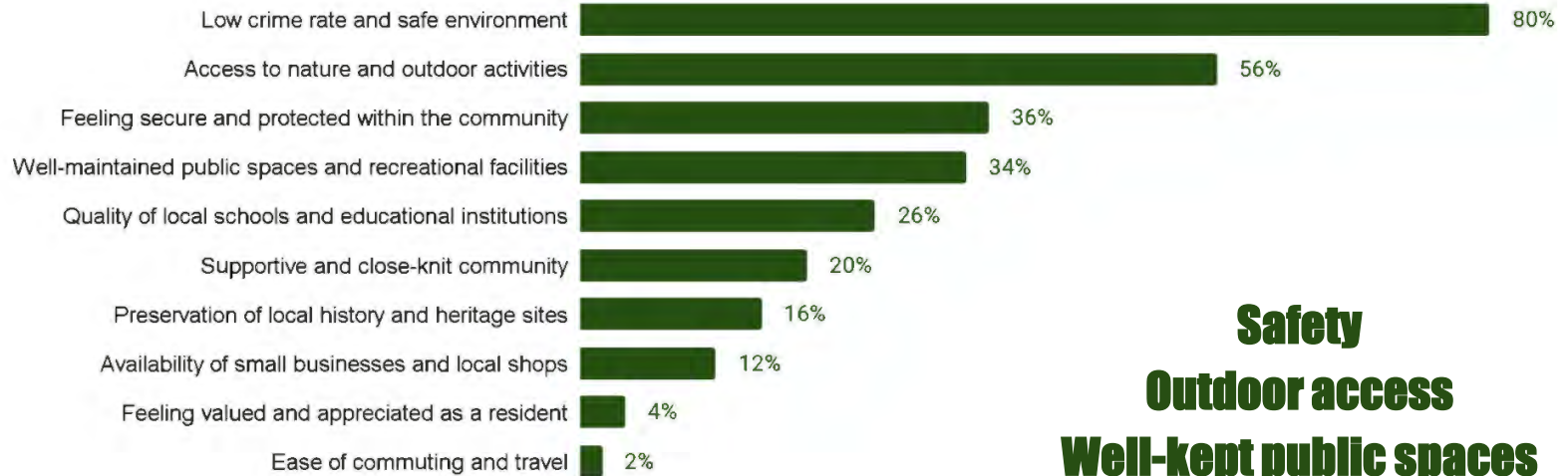


Base: Total respondents (n=576)  
OVERALL\_EVAL - How would you rate Clayton as a place to live: Is it ...



# The most valued aspects are safety, outdoor access, and well-kept public spaces, highlighting priorities for city government

## What residents value about living in Clayton most



**Safety**  
**Outdoor access**  
**Well-kept public spaces**

Base: Total respondents (n=487)

Q VALUE - What do you value most about living in Clayton? Select up to 3 that are most important -



# The Citizens of Clayton most appreciate it safety and low crime rate, as well as its setting and the emotional environment created

Most mentioned

[Link to full list of comments](#)



Least mentioned

- **Safety and Low Crime Rate:** Residents appreciate feeling safe in the community and value the low crime rates.
- **Community and Small Town Feel:** The sense of community, friendly neighbors, and small-town atmosphere which contribute to a positive living experience.
- **Proximity to Nature:** Access to nature, hiking trails, open spaces, and being close to Mt. Diablo State Park are major attraction for residents.
- **Cleanliness and Well-Maintained Environment:** Residents appreciate the cleanliness of the town and efforts to maintain its appeal.
- **Quiet and Peaceful:** The quiet, serene environment is highly valued by many.
- **Local Events and Activities:** Enjoyment of local events, festivals, community gatherings, and activities contribute to the overall satisfaction of living in Clayton.
- **Good Schools:** The presence of decent or great schools is another significant factor for families.
- **Family-Friendly Environment:** Many residents highlight the family-oriented nature of Clayton, feeling it's a safe and suitable place to raise children.
- **Access to Amenities without Urban Congestion:** Access to nearby cities and amenities while maintaining a distinct separation from urban congestion is appreciated.

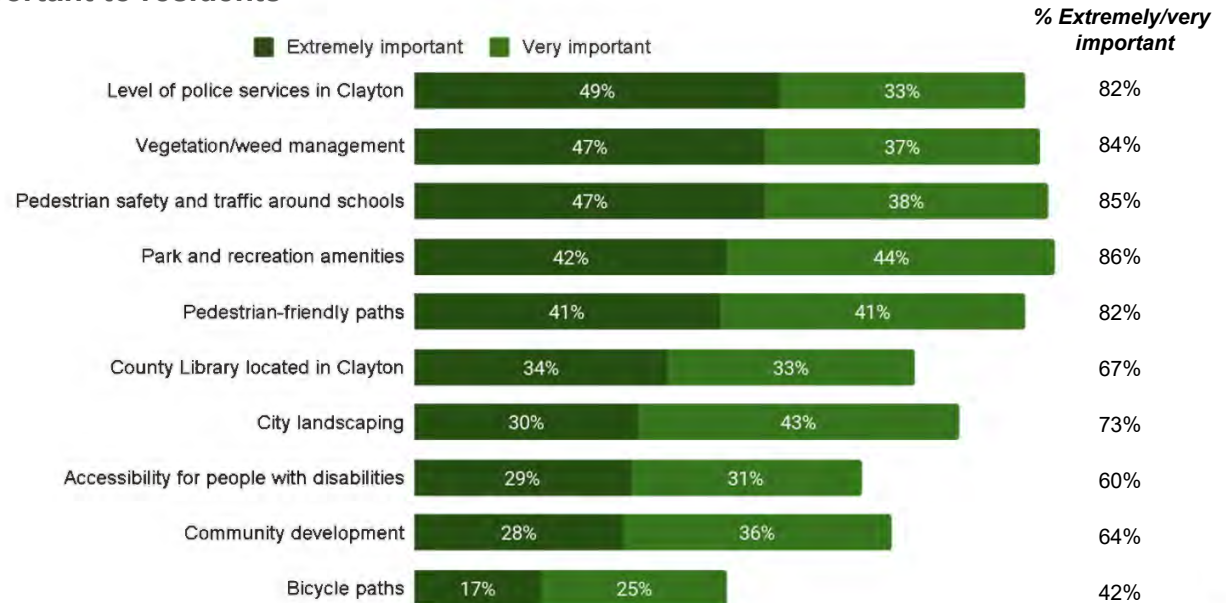
**Which resources  
are most  
important?**





# Pedestrian safety around schools, level of police services and vegetation management are deemed extremely important

## Which resources are most important to residents

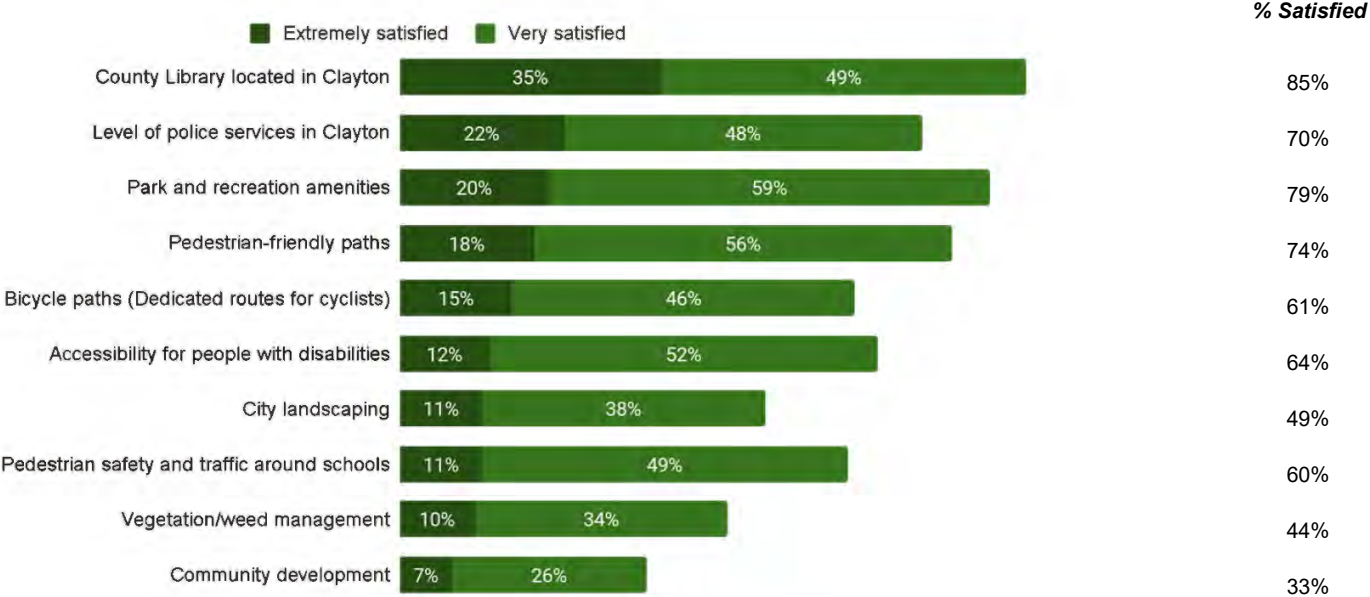


Base: Total respondents (n=478)

Q: How important, in your opinion, are these resources in our community?

# Clayton residents are most happy with county library, level of police services, park and recreation amenities and pedestrian-friendly paths

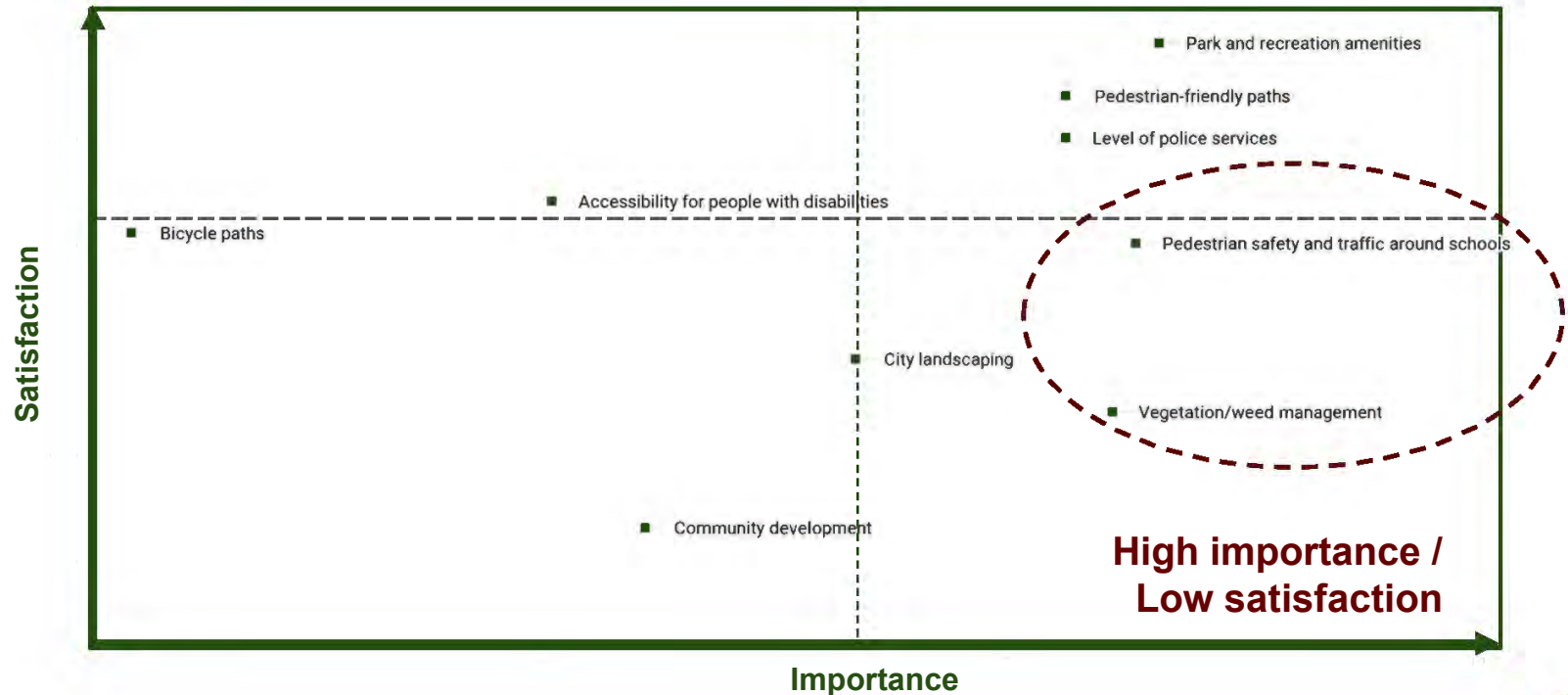
## How satisfied residents are with community resources



Base: Total respondents (n=472)  
How satisfied are you with each of these in Clayton?



The important things to focus on would be pedestrian safety and traffic around schools as well as vegetation/weed management due to a relatively low level of satisfaction and high level of importance

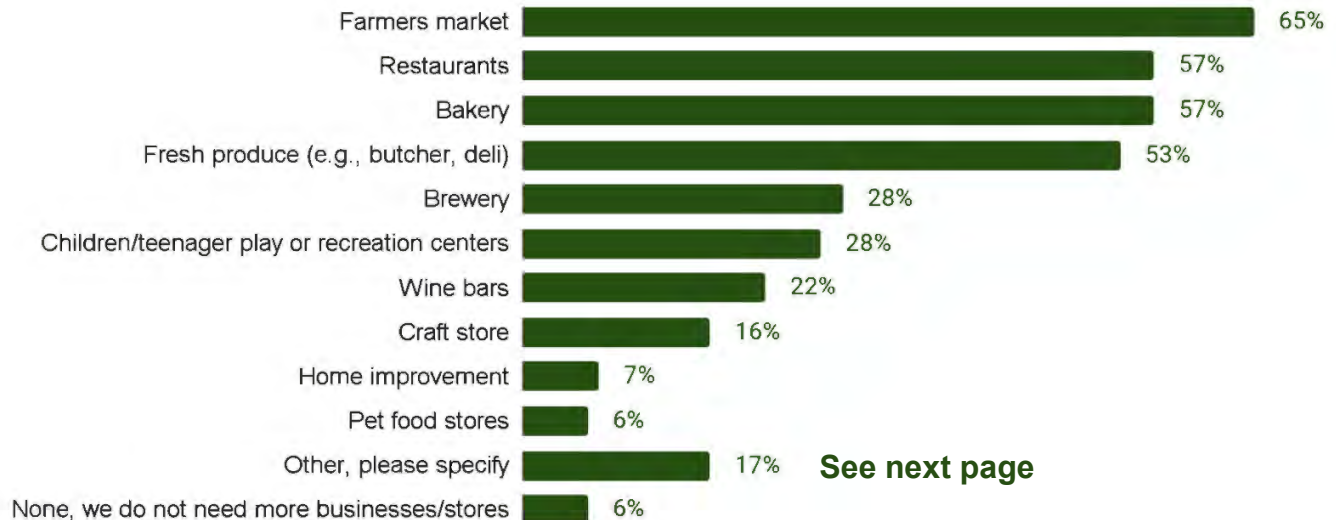


**What businesses  
do residents  
want?**



# Residents are most interested in having farmers market, bakery, restaurants and fresh produce businesses

## What kind of businesses Clayton needs



Besides the farmers market, bakery, restaurants and fresh produce businesses, Clayton's residents seem to desire more places to take their families to enjoy themselves

What other types of businesses residents dream about?

[Link to full list of comments](#)

Most mentioned



Least mentioned

- **Family-Friendly Restaurants:** Desiring options with excellent food and drinks for families, especially breakfast places
- **Gas Stations:** A consistent need for more accessible gas stations within the area.
- **Retail and Specialty Shops:** Including groceries like Trader Joe's, boutique stores, gift shops, and other retail options.
- **Community Spaces:** Desire for a community center offering classes for various age groups.
- **Recreational Facilities:** This includes skate parks, adventure playgrounds, sports-related areas for kids, and potentially an ice skating/hockey rink.

**What are the  
community and  
budget  
priorities?**



# Citizens would like for city government to focus on economic development - this is the long-term vision

## Community aspirations - what they want for us to prioritize (Selected top 3)



See next page



Many Residents included the choice– “Other, please Specify”– in order to mention prioritizing Traffic Management and Safety as well as Community Development to support a growing population.

[Link to full list of comments](#)

### What other types for priorities for residents?

Most mentioned

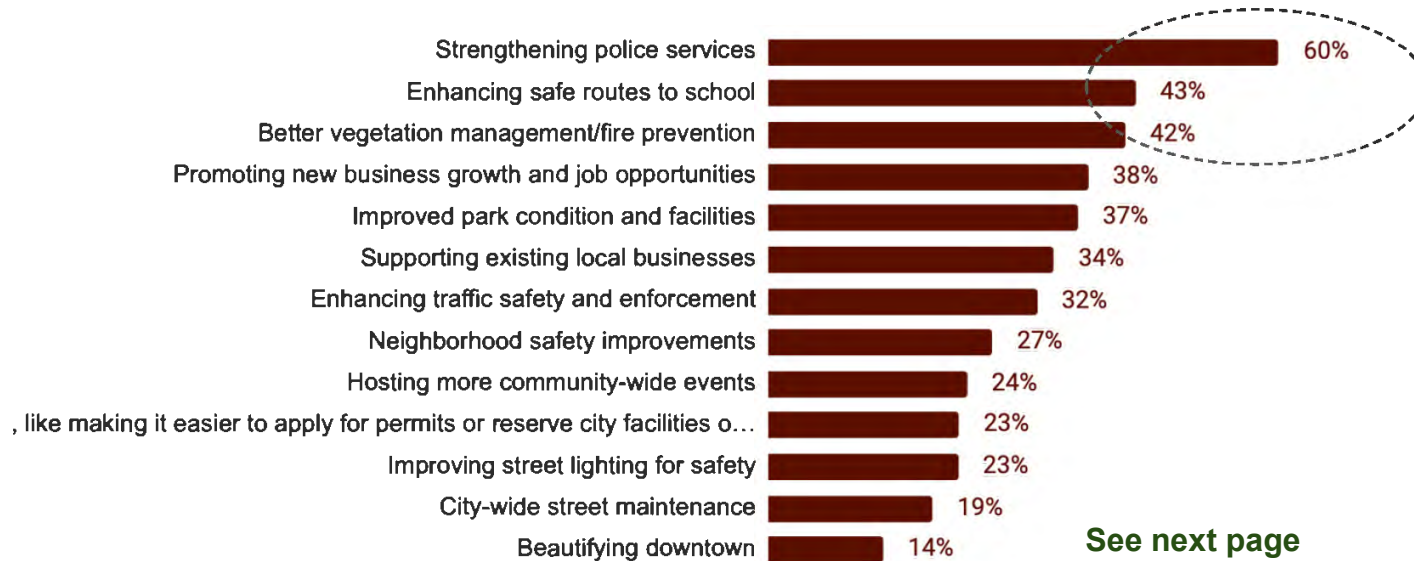


Least mentioned

- **Traffic Management and Safety:** This includes concerns about speeding, enforcing speed laws, traffic patrols, maintaining roads, pedestrian safety, and measures to slow down traffic for the safety of all residents.
- **Community Development and Amenities:** Residents want the preservation of the small-town feel, maintaining green spaces, improving infrastructure (such as sidewalks, trails, parks), promoting community events (like festivals), and fostering a family-friendly atmosphere through recreational activities.
- **Growth and Housing Concerns:** There's a recurring theme about managing growth, concerns about new housing projects, encouraging specific types of housing (low-cost, age-friendly, diverse), and even suggestions to limit or cease new housing developments.
- **City Governance and Services:** Residents want better city services, improved communication from city employees, efficient handling of applications, simplification of ordinances, fair compensation for city staff, and better unity within the city council for effective decision-making.
- **Business and Retail:** There's a desire for specific businesses to be attracted to the area (cafes, bakeries, restaurants), support for small, local, family-owned shops, and encouragement to draw more businesses that align with the town's charm and community spirit.

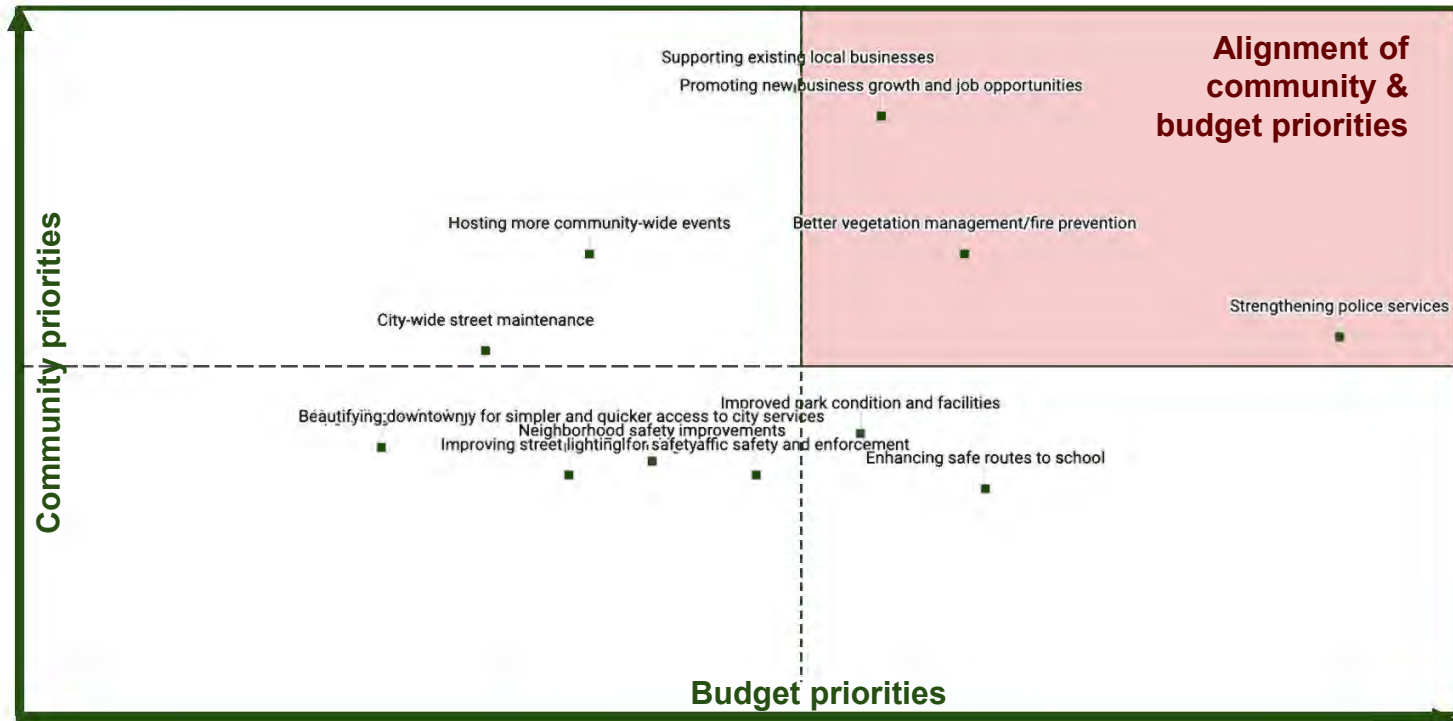
Discrepancy between residents community aspirations and fiscal priorities might reflect a contrast between the long-term vision for the city and the immediate needs based on current circumstances

### Community fiscal priorities - Ranked 1st



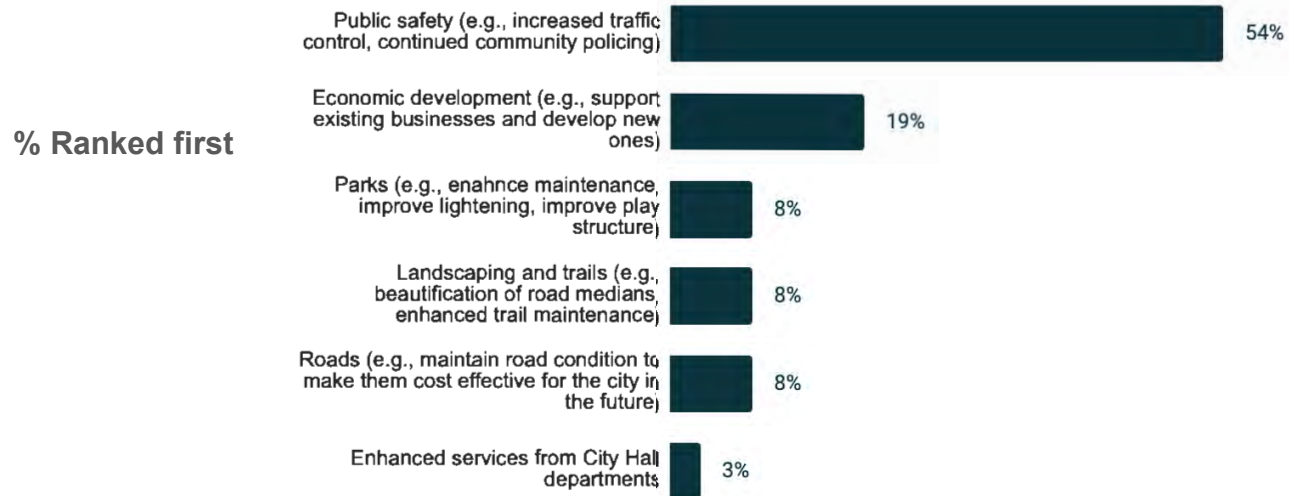
See next page

# Police services, vegetation management and economic growth are clear community priorities



## Public Safety is the #1 choice for spending according to the respondents, economic development is priority #2

If you were in charge of the city budget, how would you prioritize city's spending? *Rank from 1 to 6*

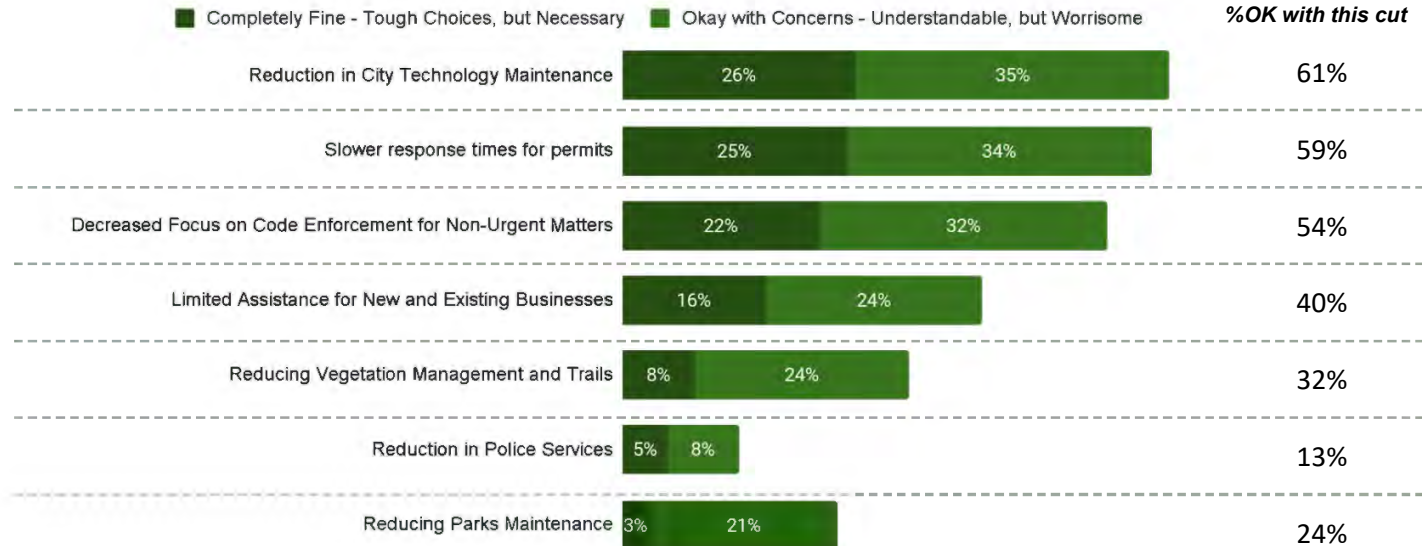


Base: Total respondents (n=412)

If you were in charge of the city budget, how would you prioritize city's spending?

Most of the respondents are OK with cutting some spending on the City's technology, maintenance, response times for permits, and the enforcement of code regarding non-urgent matters

### Potential cuts



Base: Total respondents (n=430)

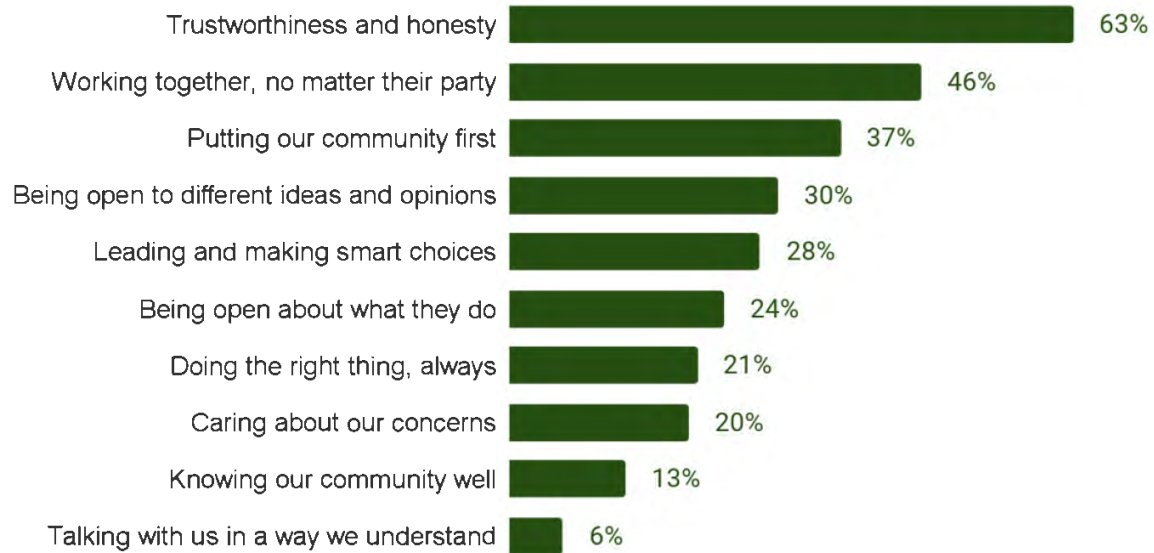
If the City of Clayton needed to manage a budget shortfall, how would you feel about the following potential cuts aimed at balancing the city's budget?

**What residents  
look for in our  
city government?**



# Our residents look for **trustworthiness and unity** in elected officials

## Top qualities valued in elected officials

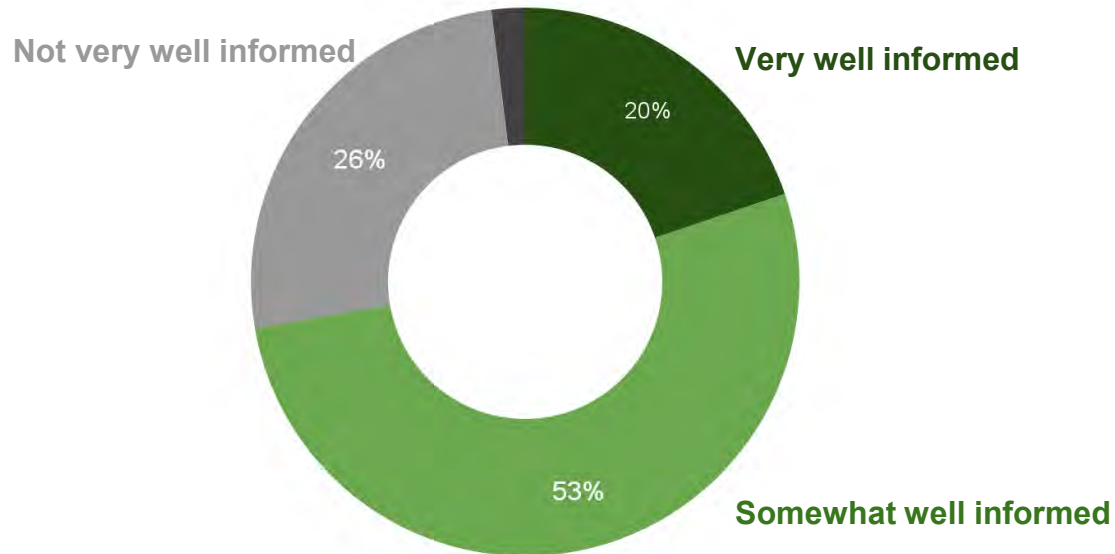


Base: Total respondents (n=430)

Question: What are the top 3 qualities you value in elected officials representing our community?

Although 73% of residents are somewhat or very well informed there is still 1/4th of residents who feel they are not well informed. This is an area we can continue to improve.

How well-informed residents are about Clayton's government



Base: Total respondents (n=429)

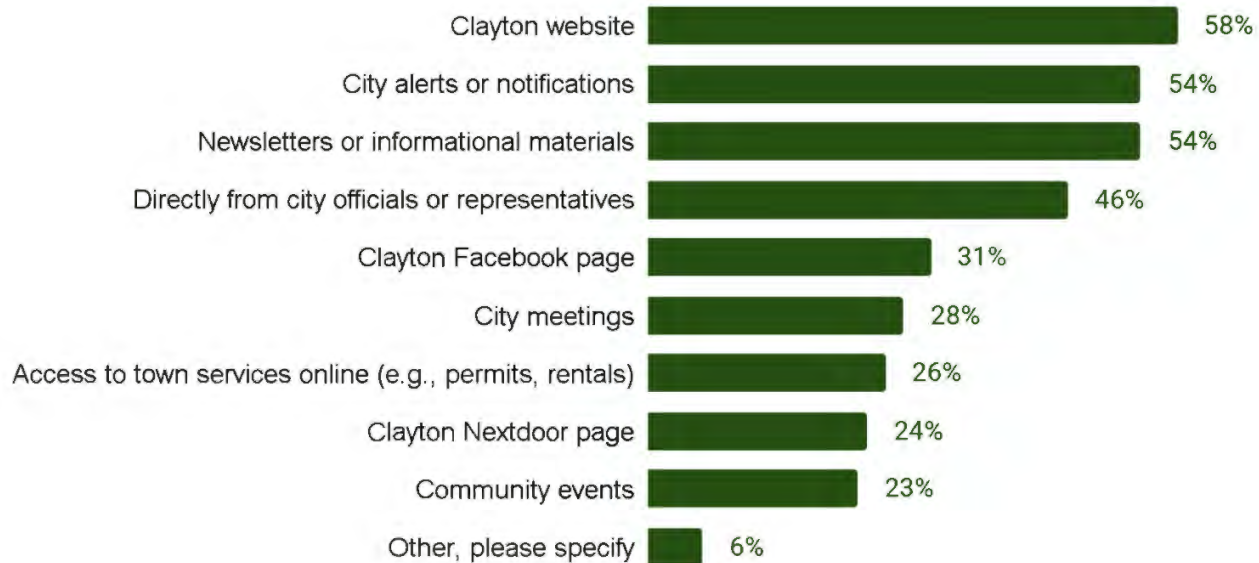
Question: INFORMED - How well-informed are you about Clayton's government and what it is doing to provide services to the people who live here?





# City website, newsletters, city notifications are preferred ways to stay informed

## Preferred communication methods



Base: Total respondents (n=430)

Question: How would you like to stay informed and updated by the city government? Which communication channels do you prefer?



The most suggested way of improving communication by the citizens was increasing the outlets of news through newsletters, email, and social media

### Suggestions for improving communication

[Link to full list of comments](#)

Most mentioned



Least mentioned

- **Enhanced Information Distribution:** Utilizing newsletters, email, social media, city signs, mailers, and a Facebook page.
- **Neutral Reporting and Transparency:** Minimizing biased reporting by council members, Using newsletters, emails, and social media for neutral city updates, and considering city manager reports in the local newspaper.
- **Efficiency and Accountability:** Improving the permitting process, providing timely updates on code enforcement, and ensuring transparency in decision-making.
- **Civility and Unity:** Addressing conflicts within the city council and promoting cooperation, discouraging public bashing and divisive behavior.
- **Community Engagement:** Encouraging community involvement through in-person workshops and town halls, establishing monthly meetings for different community topics.

## What else is important to our residents?

At the end of the survey, we asked:

*Is there anything else that you would like to communicate to the City Government for us focus on in the next five years?*



## Preservation of Small Town Charm

**Limiting Growth:** Many residents express a desire to maintain the small-town feel and limit excessive development.

**Protecting Downtown and Trails:** Prioritizing the preservation of cultural elements like downtown and trails is important.

**Balancing Growth:** Balancing growth and maintaining the city's character is crucial.

*Q: Is there anything else that you would like to communicate to the City Government for us focus on in the next five years?*



## Fiscal Responsibility

**Budgetary Concerns:** Emphasis on a sound budget, decreasing deficits, and prioritizing basic needs over wants.

*Q: Is there anything else that you would like to communicate to the City Government for us focus on in the next five years?*



## Community Harmony and Inclusivity

**Reducing Divisiveness:** Addressing extreme divisiveness, encouraging unity, and fostering a more cooperative atmosphere.

**Inclusivity:** Encouraging inclusivity, understanding diversity, and catering to the needs of all demographics.

*Q: Is there anything else that you would like to communicate to the City Government for us focus on in the next five years?*



## Public Safety and Infrastructure

**Traffic and Safety:** Concerns about traffic, road safety, enforcement of laws (like leash laws), and managing increased commuter traffic.

**Environmental Impact:** Addressing environmental concerns caused by development, such as neglect of creeks and environmental degradation.

*Q: Is there anything else that you would like to communicate to the City Government for us focus on in the next five years?*



## Housing and Development

**Affordable Housing:** Balancing the need for housing growth with the preservation of the city's character and small-town feel.

**Controlling Development:** Residents want control over housing development, expressing concerns about high-density housing and its impact.

*Q: Is there anything else that you would like to communicate to the City Government for us focus on in the next five years?*





## Government Operations and Leadership

**Efficient Governance:** Residents want effective governance and collaboration among elected leaders.

**Community Engagement:** Encouraging more community involvement in decision-making processes.

*Q: Is there anything else that you would like to communicate to the City Government for us focus on in the next five years?*



Q & A





# STAFF REPORT

**TO:** HONORABLE MAYOR AND COUNCIL MEMBERS

**FROM:** Bret Prebula, City Manager

**DATE:** February 6, 2024

**SUBJECT:** Strategic Planning Meeting #1

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## **RECOMMENDATION**

Provide direction to staff on their initial ten (10) strategic goals and identify a variety of 2-person Ad Hoc committees to add strategic objectives to each goal (to be brought back to the February 20<sup>th</sup> City Council meeting).

## **BACKGROUND**

Regardless of the type of organization (public or private), having a vision and direction for larger strategic initiatives is a pillar to drive the resource management of the organization. On September 19, 2023, City Council gave direction to staff to find a less costly and less time-consuming way to provide a level of strategic planning. Staff have identified such a process and are returning to City Council to implement the revised strategic planning approach.

## **DISCUSSION**

Strategic planning serves as a compass for our city, enabling us to navigate the ever-changing landscape of challenges and opportunities. By engaging in a thoughtful and strategic planning process, we can establish a clear direction for Clayton's future, ensuring that our decisions align with our shared vision and goals.

The process, in summary form, will be as follows:

- There will be three (3) strategic planning meetings.

- After the community survey results are shared publicly, which occurred at the previous agenda item, the City Council will move into the strategic planning meetings. The strategic planning work will consist of the following:
  - The City Council will, in a public meeting, select ten (10) strategic goals (2 from each councilmember). Once the ten (10) strategic goals are identified (there could be less if the Council has overlap), the City Council will select two members for each goal. For example, Councilmember Wan and Cloven may be one team and Councilmember Wan and Vice Mayor Trupiano may be another team of two. Some Councilmembers may be on more teams than others. (This will conclude strategic planning meeting #1).
  - Between the February 6<sup>th</sup> and February 20<sup>th</sup> City Council meetings the teams of two (2) will work together to add a specific objective to the goal. Details such as timelines, costs, etc. are items my office (City Manager's Office) will add once the final list of goals is completed and will incorporate the additional information into the March 5<sup>th</sup> financial forecast. Due to the city staff's current day-to-day workload, we are requesting only one (1) objective per goal.
  - On the February 20<sup>th</sup> City Council session, each team will present their goal and objective. The City Council will then reduce the ten (10) goals to five (5). These five (5) goals (with their objectives) will be the basis for our ongoing workplan and add to the strategic financial discussion that will occur on March 5<sup>th</sup>.
  - On March 5<sup>th</sup>, staff will return with the 5-year financial forecast and revised fund balance policy. After the City Council receives this information, staff will be requesting specific direction from the City Council to address the outcome of the 5-year forecast as well as requesting approval of the revised fund balance policy.

### **FISCAL IMPACT**

There is no fiscal impact to this item.

### **CEQA IMPACT**

None.

### **ATTACHMENT(S)**

None.