



# **AGENDA**

## **REGULAR MEETING**

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## **CLAYTON CITY COUNCIL**

\* \* \*

**TUESDAY, February 20, 2018**

**7:00 P.M.**

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

**Mayor:** Keith Haydon  
**Vice Mayor:** David T. Shuey

### **Council Members**

Tuija Catalano  
Jim Diaz  
Julie K. Pierce

- 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 least 72 hours prior to the Council meeting.
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at [www.ci.clayton.ca.us](http://www.ci.clayton.ca.us)
- Any writings or documents provided to a majority of the City Council after distribution of the Agenda Packet and regarding any public item on this Agenda will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours.
- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7304.

# **\* CITY COUNCIL \***

**February 20, 2018**

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

2. **PLEDGE OF ALLEGIANCE** – led by Mayor Haydon.

## 3. **CONSENT CALENDAR**

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

(a) Approve the minutes of the City Council's regular meeting of February 6, 2018.

[\(View Here\)](#)

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

(c) Adopt a Resolution declaring a 2008 Ford Crown Victoria vehicle (Unit 1731) as property surplus to the City's needs and authorizing its disposal by the City Manager at public auction. [\(View Here\)](#)

(d) Approve the City Engineer's recommended list of local streets for inclusion in the City's 2018 Neighborhood Street Repave Project. [\(View Here\)](#)

(e) Adopt a Resolution opposing statewide efforts to repeal Senate Bill 1, "The Road Repair and Accountability Act of 2017," and supporting Proposition 69 on the June 2018 state ballot to prohibit the State of California from diverting SB 1 monies to ensure the funds are used as intended for transportation improvement projects. [\(View Here\)](#)

## 4. **RECOGNITIONS AND PRESENTATIONS**

(a) Recognition of Joseph Kreins for his service and leadership to the City of Clayton as Interim Chief of Police from November 2017-February 2018.

(b) Administration of the Oath of Office to Clayton's new Chief of Police, Elise Warren.

\*(Social Break – Meet our new Chief) \*

## 5. **REPORTS**

(a) Planning Commission – No meeting held.

(b) Trails and Landscaping Committee – Meeting held on February 12, 2018.

(c) City Manager/Staff

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

(e) Other

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

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

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

**7. PUBLIC HEARINGS**

- (a) Review of the City's Mid-Year Budget status report for Fiscal Year 2017-2018 and recommendations of mid-year adjustments. ([View Here](#))  
(Finance Manager; Council Budget/Audit Sub-Committee)

Staff recommendations: **1).** Receive the staff report; **2).** Open the Public Hearing and receive public comment; **3).** Close the Public Hearing; and **4).** Subject to any other budgetary modifications, that Council adopt the prepared Resolution amending as recommended the annual operating budget of the City of Clayton for Fiscal Year 2017-18.

**8. ACTION ITEMS**

- (a) Discussion and policy directions regarding the City's existing and proposed no-smoking regulations in public places to comprehensively address smoking and consumption of cannabis, and vaping. ([View Here](#))  
(Community Development Director)

Staff recommendation: Following discussion of existing and proposed no-smoking regulations and opportunity for public comments, that Council provide policy direction concerning the contents of an updated No Smoking Ordinance.

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

- 10. CLOSED SESSION** – None.

**11. ADJOURNMENT**

The next regularly scheduled meeting of the City Council will be March 6, 2018.

# # # # #

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

**Agenda Date:** 2-20-2018

**Agenda Item:** 3a

**TUESDAY, February 6, 2018**

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Haydon in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Haydon, and Councilmembers Catalano, Diaz and Pierce. Councilmembers absent: Vice Mayor Shuey. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Assistant to the City Manager Laura Hoffmeister, and City Clerk/HR Manager Janet Brown.

2. **PLEDGE OF ALLEGIANCE** – led by Mayor Haydon.

3. **CONSENT CALENDAR**

**Councilmember Catalano requested Item 3(a) be pulled from the Consent Calendar for separate discussion.**

**It was moved by Councilmember Catalano, seconded by Councilmember Pierce, to approve the Consent Calendar Items 3(b) – (d). (Passed; 4-0 vote).**

- (b) Approved the Financial Demands and Obligations of the City.
- (c) Accepted with regret the resignation of Joyce Atkinson as Clayton's representative on the Contra Costa County Library Commission
- (d) Accepted City Investment Portfolio Report for the 2<sup>nd</sup> Quarter of FY 2017-18 ending December 31, 2017.

**Consent Calendar Item 3(a) - Pulled**

- (a) Approve the minutes of the City Council's regular meeting of January 16, 2018 and special meeting of January 30, 2018.

Councilmember Catalano noted at the last regular meeting of the City Council under Item 9 she requested an item be placed on a future agenda for discussion of new state law AB 1505 and below market rate (BMR) housing units.

**It was moved by Councilmember Catalano, seconded by Councilmember Pierce, to approve Consent Calendar Item 3(a), the minutes as amended. (Passed; 4-0 vote).**

4. **RECOGNITIONS AND PRESENTATIONS**

- (a) Recognition to outgoing Contra Costa County Library Commissioner Joyce Atkinson in appreciation for her valued civic service to the Clayton community.

Mayor Haydon presented Contra Costa County Library Commissioner Joyce Atkinson a plaque in appreciation for her valued civic service to the Clayton community. Mayor Haydon also presented Certificates of Recognition from State Senator Steve Glazer and Assemblymember Tim Grayson offices.

- (b) Certificates of Recognition to public school students for exemplifying the “Do the Right Thing” character trait of “Kindness” during the months of November and December 2017.

Mayor Haydon, Mt. Diablo Elementary School Vice Principal Joe Bruno and kindergarten teachers Joanna Shelley and Shanna Pilon presented Certificates to students Alexa Fung and Sloane Smith.

Mayor Haydon and Diablo View Middle School Principal Patti Bannister presented Certificates to students Garrett Alton and Kasey Montgomery.

Mayor Haydon also presented each student with certificates of recognition from State Senator Steve Glazer and Assemblymember Tim Grayson offices.

As no student was present to receive Certificates of Recognition selected by Clayton Valley Charter High School, Mayor Haydon requested City staff to contact the school and try to reschedule the recognition to a subsequent City Council meeting.

- (c) Presentation on the Contra Costa Senior Policy Platform 2020 (4 years) by Debbie Toth, President and CEO of Choice in Aging (Pleasant Hill).

Debbie Toth, President and CEO of Choice in Aging provided information on the aging policy platform for Contra Costa County and requested two (2) members of the Clayton City Council participate further in developing a program friendly to children and the aging community. Ms. Toth presented a Power Point noting the growth in the aging of communities in California as 7,000 Californians turn 65 every week, 30,000 per month; and 365,000 people per year. Ms. Toth noted 20% of Californians will be 65 or older in 2030; the fastest growing segment is age 85 and older. In Contra Costa County the aging population will increase up to 299% in forty (40) years.

Ms. Toth provided a brief history of how the aging policy platform was created with the development and referenced the Advocate section of the Policy Platform reading, *“Advocate for the Board of Supervisors and all city councils to implement an “aging friendly” policy that ensures that all new policies consider the impact on Contra Costa County seniors and utilize the aging-friendly components/domains defined by the World Health Organization.”*

Councilmember Pierce thanked Ms. Toth for the work she has done across Contra Costa County; not only does she run a non-profit that helps seniors daily, she also works extensively with the Council on Aging. Councilmember Pierce added this issue is incredibly important; with her experiences with her own parents she has seen close up what aging is like in this area and it is not easy to get around, even with the Mobility Matters and senior mobility programs to get people back and forth to their medical facility, County Connection and taxis are not enough. The more we do as policymakers to ensure we have aging friendly policies in place in every single thing we do, the better off all will be. For example, the Clayton Business and Community Association recently funded sixty (60) more large type print books for the Clayton Library last month. She agreed to assist as one of the two requested Clayton City Councilmembers.

Mayor Haydon added the whole population in America and worldwide is aging, and as families become more and more separated this concern becomes more of an issue. Mayor Haydon thanked Ms. Toth on recognizing this and trying to do something about it; he hopes she continues to gain support.

## 5. REPORTS

- (a) Planning Commission – No meeting held.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff

City Manager Napper advised there is now an opening for Clayton's delegate to the Contra Costa County Library Commission. He added its meetings take place in the evening in Pleasant Hill. Interested parties should inquire with City Hall for details.

Mr. Napper also noted the City's Christmas tree in the downtown is scheduled to be replaced this week with a 16' - 18' white fir tree from Oregon.

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

Councilmember Catalano attended the Clayton Community Library Foundation meeting, the Clayton Business and Community Association general membership meeting, the Clayton Successor Agency Oversight Board meeting, the special meeting of the Clayton City Council, and the Clayton Business and Community Association Art & Wine Festival committee meeting.

Councilmember Diaz attended the special meeting of the Clayton City Council.

Councilmember Pierce attended two Contra Costa Transportation Authority Board meetings, the Association of Bay Area Governments Finance Committee and General Executive Board meetings, the preview of the new BART trains, the Metropolitan Transportation Commission's committee and Board meetings, the special meeting of the Clayton City Council, the Contra Costa County Mayors' Conference in San Pablo, the Clayton Museum "A Collection of Small Collections" exhibit preview event, the League of Woman Voters of Diablo Valley "Winds of Change" League Day; she also announced the upcoming the Clayton Museum 41<sup>st</sup> Annual Camellia Tea event on February 11th and the Clayton Museum Garden groundbreaking event taking place at 7:30 a.m. on February 7th

Mayor Haydon attended the East Contra Costa Habitat Conservancy meeting, the County Connection Board of Directors meeting, the preview of the new BART trains, the League of California Cities East Bay Division meeting, the special meeting of the Clayton City Council, the Contra Costa County Mayors' Conference hosted by the City of San Pablo, the Clayton Museum "A Collection of Small Collections" exhibit preview event, and the Clayton Museum Garden groundbreaking event.

- (e) Other – None.

## 6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Ann Stanaway, 1553 Haviland Place, advised her remarks pertain to the prior item on the agenda in regards to seniors and being able to deliver services. If an earthquake were to come up we need to have our first responders have access to the homes in Clayton. Unfortunately, she has a grim update. Despite her previous pleas to the City Council, our streets and parklands remain a perilous, even deadly environment, for our first responders; increased emergency response times due to blocked fire lanes and hazardous green spaces endanger emergency crews and the public they serve. This situation is more than unacceptable, it is outrageous. Lives are at stake, when will

Clayton "Do the Right Thing"? Turning aside interests in matters effecting public safety is the first stage of urban blight. The infectious disease of an inner city ghetto has reached the ramparts of incorporated Clayton; without aggressive enforcement of our ordinances and control of our public spaces, Clayton will cease to attract law abiding citizens.

Joseph Zumbo, Central Sanitation District, informed the community of the Central Contra Costa Sanitary District's upcoming Citizens' Academy taking place every Tuesday beginning March 27 through May 1, 2018. He provided brochures for those interested.

Pete Marshall, Contra Costa County Fire Protection Services, noted the additional fire stations in downtown Walnut Creek and Lafayette will be re-opening soon which will relieve pressure at other stations. He also advised local Station 11 has a new piece of equipment similar to a dune buggy in that it is small, all-wheel drive, and can seat up to four (4) people. It will be used to access areas that smaller fire engines are unable and accommodates necessary medical equipment. Mr. Marshall also reminded the City County of the upcoming Fire Academy Graduation and looks forward to seeing them there.

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS**

- (a) Consider the approval of a Resolution affirming and clarifying Committee Guidelines regarding the role of the Trails and Landscaping Committee in Landscape District maintenance, operations, and capital improvement projects.  
(Assistant to the City Manager)

Assistant to the City Manager Laura Hoffmeister advised this item is a follow-up from the previous regular meeting of the City Council whereat current Trails and Landscaping Committee (TLC) members asked to review and discuss the roles and responsibility of the oversight committee. At that meeting the City Council reviewed the prior resolutions that outlined the responsibilities and duties of the TLC; following discussion the City Council directed staff to prepare a Resolution to re-affirm and clarify the role and expectations of the Trails and Landscaping Committee.

The proposed document may be a little more robust than first contemplated but it is a comprehensive document that will lay out the background of the Committee, as well as the Landscape District, and its standards and responsibilities for the Committee itself. Ms. Hoffmeister advised the proposed Resolution does not delete anything from the previous resolutions and takes that information and incorporates it into this one document.

Councilmember Catalano remarked she found this document very informative and noted some the responsibilities of the Committee such as preparation of the annual report, and recommendations of funding priorities or policy recommendations to the City Council. Ms. Catalano inquired on the preferred mechanism on how the Committee would perform those functions. Ms. Hoffmeister responded that would occur as a part of the budget process or the mid-year budget process. There is an opportunity to review the proposed draft budget for Committee input and also review the proposed landscape district annual assessment with any adjustment by the CPI, which involvement is part of the ballot measure where the Committee makes its recommendations to the City Council for budget considerations.

City Manager Napper added at every City Council meeting there is an opportunity available, following a Trails and Landscaping Committee meeting, to have a TLC member provide a report to the City Council. Mr. Napper advised priorities and recommendations of the TLC need not coincide nor wait for the District budget review. Ms. Hoffmeister added she tries to plan TLC meetings around the committee members' personal schedules for mid-year budget review and when the material is available for its review.

Councilmember Pierce thanked staff for the comprehensive Resolution regarding the policies and practice of the TLC; perhaps the public will have a better understanding of the oversight role of the TLC and expectations of its membership. Mayor Haydon added staff also clarified the Landscape District roles of the city manager and staff noting they take input from the TLC members regarding agenda items and review of the program.

Mayor Haydon opened the item for Public Comment.

Howard Kaplan Chair of the Trails and Landscaping Committee, requested to see the document's language. City Clerk Janet Brown provided Mr. Kaplan with a copy of the staff report plus attachments for this item.

Mr. Kaplan had no further comment.

Councilmember Pierce commented at the last meeting of the City Council there was a thorough discussion of this item; the direction of the Council as a whole asked staff to come back with this report and an updated Resolution. She is satisfied with the process and result to update the former Resolution with an attachment that affirms and clarifies the duties and responsibilities of the TLC citizens' oversight committee for the Landscape District.

**It was moved by Councilmember Pierce, seconded by Councilmember Diaz, to adopt Resolution No. 2-2018 affirming and clarifying the duties and responsibilities of the "Trails and Landscape Committee" which serves as the Citizens Oversight Committee for the citywide Landscape Maintenance District CFD 1997-1. (Passed; 4-0 vote).**

9. **COUNCIL ITEMS** – None.

10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**– on call by Mayor Haydon, the City Council adjourned its meeting at 7:54 p.m.

The next regularly scheduled meeting of the City Council will be February 20, 2018.

# # # # #



Respectfully submitted,

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Janet Brown, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

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Keith Haydon, Mayor


# # # # #



Agenda Date: 2/20/18

Agenda Item: 3b

# STAFF REPORT

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS  
**FROM:** Kevin Mizuno, FINANCE MANAGER   
**DATE:** 2/20/18  
**SUBJECT:** INVOICE SUMMARY

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Approved:   
Gary A. Napper  
City Manager

**RECOMMENDATION:**

**Approve the following Invoices:**

Cash Requirements Report dated 2/16/18	\$224,222.96
ADP Payroll, week 07, PPE 2/11/18	\$83,718.70
<b>Total</b>	<b>\$307,941.66</b>

**Attachments:**

Cash Requirements reports, dated 2/16/18 (5 pages)

ADP Payroll reports, week 07 (1 page)

## City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<b>ADP, LLC</b>								
ADP, LLC	2/20/2018	2/20/2018	506468883	Payroll fees PPE 1/28/18	\$160.73	\$0.00		\$160.73
				<i>Totals for ADP, LLC:</i>	<u>\$160.73</u>	<u>\$0.00</u>		<u>\$160.73</u>
<b>All City Management Services, Inc.</b>								
All City Management Services, Inc.	2/20/2018	2/20/2018	52945	School crossing guard 1/14/18-1/27/18	\$498.69	\$0.00		\$498.69
				<i>Totals for All City Management Services, Inc.:</i>	<u>\$498.69</u>	<u>\$0.00</u>		<u>\$498.69</u>
<b>American Fidelity Assurance Company</b>								
American Fidelity Assurance Company	2/20/2018	2/20/2018	1725398A	FSA, PPE 1/28/18	\$511.14	\$0.00		\$511.14
				<i>Totals for American Fidelity Assurance Company:</i>	<u>\$511.14</u>	<u>\$0.00</u>		<u>\$511.14</u>
<b>Bay Area Barricade Serv.</b>								
Bay Area Barricade Serv.	2/20/2018	2/20/2018	0351728-IN	Various street signs	\$3,629.09	\$0.00		\$3,629.09
				<i>Totals for Bay Area Barricade Serv.:</i>	<u>\$3,629.09</u>	<u>\$0.00</u>		<u>\$3,629.09</u>
<b>CalPERS Retirement</b>								
CalPERS Retirement	2/20/2018	2/20/2018	CC022418	CC Retirement ending 2/24/18	\$146.78	\$0.00		\$146.78
CalPERS Retirement	2/20/2018	2/20/2018	021118	Retirement PPE 2/11/18	\$13,885.04	\$0.00		\$13,885.04
				<i>Totals for CalPERS Retirement:</i>	<u>\$14,031.82</u>	<u>\$0.00</u>		<u>\$14,031.82</u>
<b>Caltronics Business Systems, Inc</b>								
Caltronics Business Systems, Inc	2/20/2018	2/20/2018	2401246	Copier contract coverage for November	\$271.43	\$0.00		\$271.43
Caltronics Business Systems, Inc	2/20/2018	2/20/2018	2441660	Copier contract coverage for January	\$333.09	\$0.00		\$333.09
				<i>Totals for Caltronics Business Systems, Inc:</i>	<u>\$604.52</u>	<u>\$0.00</u>		<u>\$604.52</u>
<b>CCWD</b>								
CCWD	2/20/2018	2/20/2018	H Series	City Irrigation 12/7/18-2/6/18	\$6,802.78	\$0.00		\$6,802.78
				<i>Totals for CCWD:</i>	<u>\$6,802.78</u>	<u>\$0.00</u>		<u>\$6,802.78</u>
<b>City of Concord</b>								
City of Concord	2/20/2018	2/20/2018	63746	Business cards and shells	\$344.51	\$0.00		\$344.51
City of Concord	2/20/2018	2/20/2018	63747	Dispatch services for December	\$20,089.50	\$0.00		\$20,089.50
				<i>Totals for City of Concord:</i>	<u>\$20,434.01</u>	<u>\$0.00</u>		<u>\$20,434.01</u>
<b>Comcast</b>								
Comcast	2/20/2018	2/20/2018	020118	Internet 2/10/18-3/9/18	\$386.08	\$0.00		\$386.08
				<i>Totals for Comcast:</i>	<u>\$386.08</u>	<u>\$0.00</u>		<u>\$386.08</u>
<b>Concord Garden Equipment</b>								
Concord Garden Equipment	2/20/2018	2/20/2018	557211	Repair hedge trimmer	\$57.00	\$0.00		\$57.00
				<i>Totals for Concord Garden Equipment:</i>	<u>\$57.00</u>	<u>\$0.00</u>		<u>\$57.00</u>
<b>Contra Costa County Sheriff - Forensic Svc Div (Lab)</b>								
Contra Costa County Sheriff - Forensic S	2/20/2018	2/20/2018	CLPD-1712	Testing for December	\$460.00	\$0.00		\$460.00
Contra Costa County Sheriff - Forensic S	2/20/2018	2/20/2018	CLPD-417	Blood withdrawal services Oct-Dec	\$199.50	\$0.00		\$199.50

## City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for Contra Costa County Sheriff - Forensic Svc Div (Lab):</i>					\$659.50	\$0.00		\$659.50
<b>Contra Costa Topsoil</b>								
Contra Costa Topsoil	2/20/2018	2/20/2018	134967	Cedar and topsoil	\$1,309.83	\$0.00		\$1,309.83
<i>Totals for Contra Costa Topsoil:</i>					\$1,309.83	\$0.00		\$1,309.83
<b>CR Fireline, Inc</b>								
CR Fireline, Inc	2/20/2018	2/20/2018	110615	Library fire sprinkler inspection	\$375.00	\$0.00		\$375.00
CR Fireline, Inc	2/20/2018	2/20/2018	110616	CH fire sprinkler inspection	\$375.00	\$0.00		\$375.00
CR Fireline, Inc	2/20/2018	2/20/2018	110617	EH fire sprinkler inspection	\$375.00	\$0.00		\$375.00
<i>Totals for CR Fireline, Inc:</i>					\$1,125.00	\$0.00		\$1,125.00
<b>Dept of Motor Vehicles</b>								
Dept of Motor Vehicles	2/20/2018	2/20/2018	275	Vehicle code books for 2018	\$52.06	\$0.00		\$52.06
<i>Totals for Dept of Motor Vehicles:</i>					\$52.06	\$0.00		\$52.06
<b>East Bay Rgn Comm System Auth</b>								
East Bay Rgn Comm System Auth	2/20/2018	2/20/2018	201800010	Radio operations agreement FY 18	\$11,400.00	\$0.00		\$11,400.00
<i>Totals for East Bay Rgn Comm System Auth:</i>					\$11,400.00	\$0.00		\$11,400.00
<b>Express Services, Inc</b>								
Express Services, Inc	2/20/2018	2/20/2018	20151782	PD office temp week end 2/4/18	\$633.12	\$0.00		\$633.12
Express Services, Inc	2/20/2018	2/20/2018	20118419	PD office temp week end 1/28/18	\$633.12	\$0.00		\$633.12
<i>Totals for Express Services, Inc:</i>					\$1,266.24	\$0.00		\$1,266.24
<b>Federal Express Corp.</b>								
Federal Express Corp.	2/20/2018	2/20/2018	41575187L	Freight for Flint Trading order	\$123.00	\$0.00		\$123.00
<i>Totals for Federal Express Corp.:</i>					\$123.00	\$0.00		\$123.00
<b>Harris &amp; Associates, Inc.</b>								
Harris & Associates, Inc.	2/20/2018	2/20/2018	36583	Engineering services, Verna Wy, for Decembe	\$2,415.00	\$0.00		\$2,415.00
Harris & Associates, Inc.	2/20/2018	2/20/2018	36100	Engineering services, Verna Wy, for October	\$1,255.00	\$0.00		\$1,255.00
Harris & Associates, Inc.	2/20/2018	2/20/2018	36399	CAP Inspections for November	\$14,014.78	\$0.00		\$14,014.78
Harris & Associates, Inc.	2/20/2018	2/20/2018	36644	Engineering services for December	\$9,585.00	\$0.00		\$9,585.00
Harris & Associates, Inc.	2/20/2018	2/20/2018	36672	CIP services for December	\$44,522.50	\$0.00		\$44,522.50
Harris & Associates, Inc.	2/20/2018	2/20/2018	36782	CAP Inspections for January	\$5,445.00	\$0.00		\$5,445.00
Harris & Associates, Inc.	2/20/2018	2/20/2018	36783	CIP services for January	\$5,010.00	\$0.00		\$5,010.00
Harris & Associates, Inc.	2/20/2018	2/20/2018	36671	CAP Inspections for December	\$8,562.73	\$0.00		\$8,562.73
<i>Totals for Harris &amp; Associates, Inc.:</i>					\$90,810.01	\$0.00		\$90,810.01
<b>HUB Inter of CA Ins Svc</b>								
HUB Inter of CA Ins Svc	2/20/2018	2/20/2018	January	January insurance	\$273.62	\$0.00		\$273.62
<i>Totals for HUB Inter of CA Ins Svc:</i>					\$273.62	\$0.00		\$273.62
<b>iPayment</b>								
iPayment	2/20/2018	2/20/2018	January 2018	Online Bankcard fees for January	\$68.72	\$0.00		\$68.72
iPayment	2/20/2018	2/20/2018	January 2018	Bankcard fee January	\$383.20	\$0.00		\$383.20

## City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for iPayment:</i>					<u>\$451.92</u>	<u>\$0.00</u>		<u>\$451.92</u>
<b>Sandy Johnson</b>								
Sandy Johnson	2/20/2018	2/20/2018	PC 020918	Petty cash receipts through 2/9/18	\$90.25	\$0.00		\$90.25
<i>Totals for Sandy Johnson:</i>					<u>\$90.25</u>	<u>\$0.00</u>		<u>\$90.25</u>
<b>LarryLogic Productions</b>								
LarryLogic Productions	2/20/2018	2/20/2018	1710	City council meeting production 2/6/18	\$360.00	\$0.00		\$360.00
<i>Totals for LarryLogic Productions:</i>					<u>\$360.00</u>	<u>\$0.00</u>		<u>\$360.00</u>
<b>LEHR</b>								
LEHR	2/20/2018	2/20/2018	SII1697	Outfit car #1741	\$17,107.48	\$0.00		\$17,107.48
<i>Totals for LEHR:</i>					<u>\$17,107.48</u>	<u>\$0.00</u>		<u>\$17,107.48</u>
<b>Marken Mechanical Services Inc</b>								
Marken Mechanical Services Inc	2/20/2018	2/20/2018	5479	EH HVAC maintenance for January	\$259.50	\$0.00		\$259.50
Marken Mechanical Services Inc	2/20/2018	2/20/2018	5478	Library HVAC controls maintenance for Janua	\$942.00	\$0.00		\$942.00
Marken Mechanical Services Inc	2/20/2018	2/20/2018	5480	Library HVAC maintenance for January	\$527.17	\$0.00		\$527.17
<i>Totals for Marken Mechanical Services Inc:</i>					<u>\$1,728.67</u>	<u>\$0.00</u>		<u>\$1,728.67</u>
<b>Rhonda McCoy</b>								
Rhonda McCoy	2/20/2018	2/20/2018	01061/8	Deposit refund for EH 1/6/18	\$500.00	\$0.00		\$500.00
<i>Totals for Rhonda McCoy:</i>					<u>\$500.00</u>	<u>\$0.00</u>		<u>\$500.00</u>
<b>MPA</b>								
MPA	2/20/2018	2/20/2018	A011803	Unmet liability deductible for January	\$1,994.00	\$0.00		\$1,994.00
<i>Totals for MPA:</i>					<u>\$1,994.00</u>	<u>\$0.00</u>		<u>\$1,994.00</u>
<b>PG&amp;E</b>								
PG&E	2/20/2018	2/20/2018	021318	Energy 1/12/18-2/12/18	\$14,872.61	\$0.00		\$14,872.61
PG&E	2/20/2018	2/20/2018	021318	Energy 12/21/17-1/19/18	\$3,497.15	\$0.00		\$3,497.15
<i>Totals for PG&amp;E:</i>					<u>\$18,369.76</u>	<u>\$0.00</u>		<u>\$18,369.76</u>
<b>Pond M Solutions</b>								
Pond M Solutions	2/20/2018	2/20/2018	297	Fountain maintenance	\$650.00	\$0.00		\$650.00
<i>Totals for Pond M Solutions:</i>					<u>\$650.00</u>	<u>\$0.00</u>		<u>\$650.00</u>
<b>Psychological Resources Inc.</b>								
Psychological Resources Inc.	2/20/2018	2/20/2018	8033	Pre-employment screening, Chief	\$500.00	\$0.00		\$500.00
<i>Totals for Psychological Resources Inc.:</i>					<u>\$500.00</u>	<u>\$0.00</u>		<u>\$500.00</u>
<b>Reliable Automotive, LLC</b>								
Reliable Automotive, LLC	2/20/2018	2/20/2018	24428	Oil change for '05 Chevy	\$57.69	\$0.00		\$57.69
Reliable Automotive, LLC	2/20/2018	2/20/2018	24357	Repair to '99 F-450	\$749.87	\$0.00		\$749.87
Reliable Automotive, LLC	2/20/2018	2/20/2018	24581	Repair to '99 F-450	\$1,437.50	\$0.00		\$1,437.50
Reliable Automotive, LLC	2/20/2018	2/20/2018	24319	Oil change for '11 F-250	\$104.08	\$0.00		\$104.08
Reliable Automotive, LLC	2/20/2018	2/20/2018	24273	Repair to '05 Ranger	\$1,220.91	\$0.00		\$1,220.91

## City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for Reliable Automotive, LLC:</i>					\$3,570.05	\$0.00		\$3,570.05
<b>Riso Products of Sacramento</b>								
Riso Products of Sacramento	2/20/2018	2/20/2018	179613	Copier lease #11 of 60	\$106.09	\$0.00		\$106.09
<i>Totals for Riso Products of Sacramento:</i>					\$106.09	\$0.00		\$106.09
<b>Schwaab, Inc</b>								
Schwaab, Inc	2/20/2018	2/20/2018	B052144	Rubber stamp	\$47.90	\$0.00		\$47.90
<i>Totals for Schwaab, Inc:</i>					\$47.90	\$0.00		\$47.90
<b>Sportsmen Hunting/Fishing Guide Service, LLC</b>								
Sportsmen Hunting/Fishing Guide Servi	2/20/2018	2/20/2018	108	Wild pig control for 2017	\$1,500.00	\$0.00		\$1,500.00
<i>Totals for Sportsmen Hunting/Fishing Guide Service, LLC:</i>					\$1,500.00	\$0.00		\$1,500.00
<b>Staples Advantage</b>								
Staples Advantage	2/20/2018	2/20/2018	8048580857	Office supplies for January	\$545.65	\$0.00		\$545.65
<i>Totals for Staples Advantage:</i>					\$545.65	\$0.00		\$545.65
<b>US Bank - Corp Pmt System CalCard</b>								
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	Battery backups, paper,postage machine suppl	\$1,730.35	\$0.00		\$1,730.35
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	Vest for Crossing guard	\$33.95	\$0.00		\$33.95
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	Employee recognition gifts	\$13.26	\$0.00		\$13.26
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	Storage unit rent	\$139.00	\$0.00		\$139.00
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	Training registration, Planning Sup. Playbook	\$200.00	\$0.00		\$200.00
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	Computers USA, Hardware	\$21.74	\$0.00		\$21.74
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	Oakhurst Country Club - Deposit for Mayors C	\$1,275.00	\$0.00		\$1,275.00
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	Successories, Empl of the Year Award	\$197.39	\$0.00		\$197.39
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	Fuel	\$231.74	\$0.00		\$231.74
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	Fuel	\$247.58	\$0.00		\$247.58
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	Fuel	\$371.94	\$0.00		\$371.94
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	Staples, office supplies	\$258.45	\$0.00		\$258.45
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	PAPA	\$285.00	\$0.00		\$285.00
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	Fuel	\$394.89	\$0.00		\$394.89
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	Autozone, Goodyear	\$440.99	\$0.00		\$440.99
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	OSH/Home Depot, trash cans, tools, ladders, b	\$784.98	\$0.00		\$784.98
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	OSH - screws, bait	\$18.24	\$0.00		\$18.24
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	Fuel	\$495.28	\$0.00		\$495.28
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	Vehicle Gas	\$277.73	\$0.00		\$277.73
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	Vehicle Gas	\$86.60	\$0.00		\$86.60
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	Vehicle Gas	\$396.76	\$0.00		\$396.76
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	Autozone	\$21.74	\$0.00		\$21.74
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	Vehicle Gas	\$257.86	\$0.00		\$257.86
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	Transunion, credit report	\$25.00	\$0.00		\$25.00
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	Vehicle Gas	\$159.36	\$0.00		\$159.36
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	Amazon.com, batteries	\$9.60	\$0.00		\$9.60
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmt end 1/22/18	Vehicle Gas	\$456.10	\$0.00		\$456.10

## City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmnt end 1/22/18	Vehicle Gas	\$588.69	\$0.00		\$588.69
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmnt end 1/22/18	Office supplies	\$719.40	\$0.00		\$719.40
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmnt end 1/22/18	Vehicle Gas	\$146.90	\$0.00		\$146.90
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmnt end 1/22/18	AED Superstore, Amazon - supplies	\$387.58	\$0.00		\$387.58
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmnt end 1/22/18	Fraud charges to be reimbursed	\$650.65	\$0.00		\$650.65
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmnt end 1/22/18	Vehicle Gas	\$271.66	\$0.00		\$271.66
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmnt end 1/22/18	Vehicle Gas	\$86.25	\$0.00		\$86.25
US Bank - Corp Pmt System CalCard	2/20/2018	2/20/2018	Stmnt end 1/22/18	Vehicle Gas	\$421.10	\$0.00		\$421.10
<i>Totals for US Bank - Corp Pmt System CalCard:</i>					<i>\$12,102.76</i>	<i>\$0.00</i>		<i>\$12,102.76</i>
<b>Verizon Wireless</b>								
Verizon Wireless	2/20/2018	2/20/2018	9800844119	Cell service 1/2/18-2/1/18	\$86.63	\$0.00		\$86.63
<i>Totals for Verizon Wireless:</i>					<i>\$86.63</i>	<i>\$0.00</i>		<i>\$86.63</i>
<b>Waraner Brothers Tree Service</b>								
Waraner Brothers Tree Service	2/20/2018	2/20/2018	14127	Tree work, Clayton Rd, fallen pine	\$900.00	\$0.00		\$900.00
<i>Totals for Waraner Brothers Tree Service:</i>					<i>\$900.00</i>	<i>\$0.00</i>		<i>\$900.00</i>
<b>Wentling's Studio, Inc</b>								
Wentling's Studio, Inc	2/20/2018	2/20/2018	24419-3	Portrait frame X3	\$538.31	\$0.00		\$538.31
Wentling's Studio, Inc	2/20/2018	2/20/2018	24419-2	Custom 16X20 portrait	\$271.88	\$0.00		\$271.88
<i>Totals for Wentling's Studio, Inc:</i>					<i>\$810.19</i>	<i>\$0.00</i>		<i>\$810.19</i>
<b>Western Exterminator</b>								
Western Exterminator	2/20/2018	2/20/2018	5767874	Pest control for January	\$385.50	\$0.00		\$385.50
<i>Totals for Western Exterminator:</i>					<i>\$385.50</i>	<i>\$0.00</i>		<i>\$385.50</i>
<b>Workers.com</b>								
Workers.com	2/20/2018	2/20/2018	121258	Seasonal workers week end 1/28/18	\$2,848.17	\$0.00		\$2,848.17
Workers.com	2/20/2018	2/20/2018	121326	Seasonal workers week end 2/4/18	\$2,563.14	\$0.00		\$2,563.14
Workers.com	2/20/2018	2/20/2018	121194	Seasonal workers week end 1/21/18	\$2,399.09	\$0.00		\$2,399.09
Workers.com	2/20/2018	2/20/2018	12165	Seasonal workers week end 12/31/17	\$410.10	\$0.00		\$410.10
<i>Totals for Workers.com:</i>					<i>\$8,220.50</i>	<i>\$0.00</i>		<i>\$8,220.50</i>
<b>Zee Medical Company</b>								
Zee Medical Company	2/20/2018	2/20/2018	724603019	Organize, re-stock first aid cabinet - PD	\$60.49	\$0.00		\$60.49
<i>Totals for Zee Medical Company:</i>					<i>\$60.49</i>	<i>\$0.00</i>		<i>\$60.49</i>
<b>GRAND TOTALS:</b>					<b>\$224,222.96</b>	<b>\$0.00</b>		<b>\$224,222.96</b>







Agenda Date: 2-20-2018

Agenda Item: 3C

Approved:

Gary A. Napper  
City Manager

# STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS  
FROM: ELISE WARREN, CHIEF OF POLICE  
DATE: FEBRUARY 20, 2018  
SUBJECT: DECLARATION OF EQUIPMENT SURPLUS TO THE CITY'S NEEDS

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## RECOMMENDATION

By resolution declare one Police Department Patrol Vehicle, a 2008 Ford Crown Victoria (Unit 1731), as property surplus to the City's needs, and authorize the City Manager to dispose of the surplus and unserviceable vehicle for its most economical value.

## DISCUSSION

The City of Clayton's Police Department currently maintains a fleet of seven (7) patrol vehicles and three (3) support vehicles. Each year the police department replaces one (1) patrol vehicle and disposes of the most unserviceable vehicle in the fleet. That candidate is Unit 1731, a 2008 Ford Crown Victoria with 102,593 miles. Due to its age, this unit's paint and decals have begun peeling and portions are missing, making this unit unsuitable for deployment or decoy program without cosmetic repair.

Typically this unit would be scheduled for disposal in July, but disposal is being sought now, as it is not usable in its current state without costly cosmetic repairs and routine mechanical maintenance. By acting now for disposal, those costs can be avoided.

Staff recommends the City Council authorize the City Manager to dispose of the described surplus unserviceable property by disposing of the vehicle at public auction.

## FISCAL IMPACT

Surplus patrol vehicles are typically disposed of at auction. Many factors impact what the vehicle will sell for. The last intact vehicle sold at auction was in need of significant repair. That vehicle sold for approximately \$1,100 dollars.

All proceeds from the sale of this surplus vehicle belong to the taxpayers (City) and will be deposited into the City's Equipment Replacement Fund (CERF).

RESOLUTION NO. \_\_\_\_ - 2018

A RESOLUTION DECLARING A 2008 FORD PATROL VEHICLE  
(UNIT NUMBER 1731) AS SURPLUS TO  
THE CITY'S NEEDS

THE CITY COUNCIL  
City of Clayton, California

**WHEREAS**, the City of Clayton Police Department uses patrol vehicles to perform the patrol function and provide law enforcement services to the community; and

**WHEREAS**, patrol vehicles need to be maintained on a regular basis to assure each is in operable and dependable condition for public safety and first responder services; and

**WHEREAS**, the City of Clayton Police Department routinely disposes of and replaces patrol vehicles which have been determined as surplus to the City's needs; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Clayton, California does hereby formally approve as follows:

**Section 1.**

Does herewith declare an existing 2008 Ford Crown Victoria (Unit Number 1731) as surplus to the City's needs and authorizes its City Manager to dispose of said vehicle by public auction.

**PASSED, APPROVED AND ADOPTED** by the City Council of Clayton, California at a regular public meeting thereof held the 20th day of February, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

\_\_\_\_\_  
Keith Haydon, Mayor

ATTEST:

\_\_\_\_\_  
Janet Brown, City Clerk

Agenda Date: 2-20-2018

Agenda Item: 3d



Approved:   
\_\_\_\_\_  
Gary A. Napper  
City Manager

# AGENDA REPORT

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS  
**FROM:** SCOTT ALMAN, CITY ENGINEER  
**DATE:** FEBRUARY 20, 2018  
**SUBJECT:** APPROVE THE CITY ENGINEER'S PROPOSED LIST OF LOCAL STREETS FOR INCLUSION IN THE CITY'S 2018 NEIGHBORHOOD STREET PROJECT (CIP No. 10436)

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## RECOMMENDATIONS

It is recommended that the City Council approve the City Engineer's proposed list of local streets for inclusion in the City's 2018 Neighborhood Street Project (CIP No. 10436).

## BACKGROUND

The City Council approved Capital Improvement Program includes the 2018 Neighborhood Street Project, CIP No. 10436. This street maintenance and rehabilitation project provides necessary annual street maintenance and rehabilitation treatments to certain selected streets within Clayton. The streets selected for inclusion in this year's project derive from the City's StreetSaver® pavement management program.

## DISCUSSION

The City of Clayton is in an enviable position with regard to the quality of its streets. The City's system-wide average pavement condition index (PCI) is currently 83 out of a possible 100. This index places Clayton's street system in the "Very Good" category and shows that the overall system has been, and continues to be, well maintained and in very good condition.

The streets selected for treatment this year were all selected from the StreetSaver® database of neighborhood, or local, streets. The streets were selected utilizing the City's policy of "worst first." In order to complete the selection process, the database is sorted by PCI from lowest to highest and the streets are selected from the lowest PCI upward until the available budget for the project has been exhausted. This year we are able to treat all of the neighborhood streets with PCI's below 80. The list of streets is attached as Exhibit 'A'.

A new source of funds for street maintenance and rehabilitation was created this past year with the passage of SB1, The Road Repair and Accountability Act of 2017. This new law provides additional gas tax revenue to the cities and counties of California specifically for street maintenance and rehabilitation. The City of Clayton will receive approximately \$76,157 in SB1 RMRA funding in 2017/2018. At the September 19, 2017 City Council meeting, Council amended the City Capital Improvement Program by designating the following streets as those to receive the 2017/2018 RMRA funding:

- Frank Place
- Bettencourt Drive
- Southbrook Drive
- Westbrook Drive
- El Camino Drive
- Coronado Court
- Yosemite Court
- Yosemite Circle

These RMRA designated streets have all been included into the 2018 Neighborhood Street Project.

Additionally, Clayton teamed with the City of Concord and submitted a Regional Application for CalRecycle grant funds to fund rubber being utilized in the street treatments. This CalRecycle grant will provide funding to pay the difference in cost between standard paving materials and materials containing rubber. Rubber AC treatments are shown to provide a better treatment and to last longer than standard materials.

### **ENVIRONMENTAL**

Previous action by City Council at the September 19, 2017 regular City Council meeting found that this project is categorically exempt from the California Environmental Quality Act (CEQA)

### **FISCAL IMPACT**

The 2018 Neighborhood Street Project is fully funded with the following revenue:

Revenue Source	Amount
H.U.T.A. Gas Tax	\$33,864.00
RMRA Gas Tax	\$64,355.00
Measure J - LSM	\$574,289.00
Measure J - 28a (co-op)	\$53,743.00
CalRecycle Grant	\$60,778.00
Total:	\$787,029.00

The project budget is as follows:

Expenditure	Amount
Final Design	\$35,000.00
Surface Treatment	\$514,091.00
Rubber Additive	\$60,778.00
Handicap Ramp Improvements	\$82,500.00
10% Contingency (Treatment & HC ramps)	\$59,660.00
Construction Mgt/Inspection	\$35,000.00
Total:	\$787,029.00

EXHIBIT 'A'  
2018 Neighborhood Street Project  
CIP 10436

Road Name	Begin Location	End Location	RMRA	Section Area (SQ)	Current PCI	Treatment	Treatment Cost	Handicap Ramps
HAVILAND PLACE	TARA DRIVE	CUL-DE-SAC		1,691.6	58	CAPE SEAL	\$12,991.15	4
TARA COURT	NORTH END CUL-DE-SAC	SOUTH END CUL-DE-SAC		689.3	65	CAPE SEAL	\$3,904.38	1
WALLACE DRIVE	N. MITCHELL CANYON ROAD	CARDINET DRIVE		4,000.0	65	CAPE SEAL	\$22,656.00	2
MIWOK WAY	Eagle Peak Avenue	Blue Oak Lane		6,203.7	66	CAPE SEAL	\$35,137.57	4
CABERNET COURT	EASLEY COURT	CUL-DE-SAC		1,050.0	67	CAPE SEAL	\$5,947.20	2
TARA DRIVE	CLAYTON BLVD	TARA COURT		2,288.0	67	CAPE SEAL	\$12,959.23	2
ANTELOPE COURT	Obsidian Way	Cul de sac		1,304.0	68	CAPE SEAL	\$7,385.86	2
EL PUEBLO PLACE	EL PORTAL DRIVE	CUL-DE-SAC		4,333.3	68	CAPE SEAL	\$24,544.00	2
WIDMAR COURT	MITCHELL CANYON ROAD	CUL-DE-SAC		979.6	68	CAPE SEAL	\$5,548.20	1
CARDINET DRIVE	North Mitchell Canyon Road	Wallace Drive		5,288.9	69	CAPE SEAL	\$29,956.27	0
MARQUETTE COURT	SOUTHBROOK DRIVE	CUL-DE-SAC		1,493.3	69	CAPE SEAL	\$8,458.24	0
NOTTINGHAM CIRCLE	ATCHINSON STAGE RD. N.	ATCHINSON STAGE RD. S.		4,915.6	69	CAPE SEAL	\$27,841.71	4
OAK STREET	HIGH STREET	DOUGLAS ROAD		3,080.0	69	CAPE SEAL	\$17,445.12	3
OHARA COURT	HAVILAND PLACE	CUL-DE-SAC		1,740.4	69	CAPE SEAL	\$9,857.88	0
REDONDO COURT	EL CAMINO DRIVE	CUL-DE-SAC		376.7	69	CAPE SEAL	\$2,133.44	0
CALISTOGA WAY	EL CAMINO DRIVE	YOSIMITE CIRCLE		1,316.7	70	CAPE SEAL	\$7,457.60	0
SHASTA COURT	EL CAMINO DRIVE	CUL-DE-SAC		513.3	70	CAPE SEAL	\$2,907.52	0
ATCHINSON STAGE PLACE	ATCHINSON STAGE ROAD	CUL-DE-SAC		731.1	71	CAPE SEAL	\$4,141.01	2
HAVILAND COURT	TARA DR	END		432.7	71	CAPE SEAL	\$2,450.62	0
VERNA WAY	YOSIMITE CIRCLE	ATCHINSON STAGE ROAD		3,157.8	71	CAPE SEAL	\$17,885.65	2
EASTBROOK COURT	SOUTHBROOK DRIVE	CUL-DE-SAC		1,848.9	72	CAPE SEAL	\$10,472.11	0
KELOK WAY	Keller Ridge Drive	Cul de sac		6,937.3	72	CAPE SEAL	\$39,293.06	0
MT. SCOTT COURT	MOUNTAIRE CIRCLE	CUL-DE-SAC		416.7	72	CAPE SEAL	\$2,360.00	2
N. EL CAMINO DRIVE	SOUTHBROOK DR	MORNINGSIDE DR		484.4	72	CAPE SEAL	\$2,630.61	0
				55,253.2			\$316,364.43	33
ATCHINSON STAGE COURT	ATCHINSON STAGE DRIVE	CUL-DE-SAC		653.3	73	SLURRY SEAL	\$1,385.07	
DIABLO STREET	MAIN STREET	HIGH STREET		637.2	73	SLURRY SEAL	\$1,350.91	
LASSEN COURT	EL CAMINO	CUL-DE-SAC		510.0	74	SLURRY SEAL	\$1,081.20	
CORONADO COURT	EL CAMINO DRIVE	CUL-DE-SAC	X	523.3	75	SLURRY SEAL	\$1,109.47	
EL PORTAL PLACE	EL PORTAL DRIVE	CUL-DE-SAC		4,136.7	75	SLURRY SEAL	\$8,769.73	
FALCON PLACE	Keller Ridge Drive	Cul de sac		2,183.0	75	SLURRY SEAL	\$4,627.96	
HIGH STREET	Marsh Creek Road	End		1,381.3	75	SLURRY SEAL	\$2,928.43	
HIGH STREET	Diablo Street	Oak Street		822.2	75	SLURRY SEAL	\$1,743.11	
HUMMINGBIRD PLACE	Keller Ridge Drive	Cul de sac		2,178.9	75	SLURRY SEAL	\$4,619.24	
MORRIS STREET	MAIN STREET	SOUTHERN END OF STREET		860.0	75	SLURRY SEAL	\$1,823.20	
MT. RUSHMORE PLACE	MOUNTAIRE CIRCLE	CUL-DE-SAC		2,640.0	75	SLURRY SEAL	\$5,596.80	
PINOT COURT	HAMBURG CIRCLE	CUL-DE-SAC		783.3	75	SLURRY SEAL	\$1,860.67	
YOSEMITE COURT	EL CAMINO DRIVE	CUL-DE-SAC	X	659.6	75	SLURRY SEAL	\$1,398.26	
CROW PLACE	Keller Ridge Drive	Cul de sac		1,710.0	76	SLURRY SEAL	\$3,625.20	
EL CAMINO DRIVE	CLAYTON ROAD	PINE HOLLOW ROAD	X	8,556.7	76	SLURRY SEAL	\$18,140.13	
NOTTINGHAM PLACE	CENTRD ON NOTTINGHAM WAY	CUL-DE-SAC TO CUL-DE-SAC		1,933.3	76	SLURRY SEAL	\$4,098.67	
NOTTINGHAM WAY	ATCHINSON STAGE ROAD	NOTTINGHAM PLACE		637.8	76	SLURRY SEAL	\$1,352.09	
WILDCAT WAY	BLUE OAK LANE	OBSIDIAN WAY		1,558.0	76	SLURRY SEAL	\$3,302.96	
CAROLINA DRIVE	CITY LIMITS	EL CAMINO DRIVE		332.9	77	SLURRY SEAL	\$705.72	
DIABLO PARKWAY	EL PORTAL DRIVE	MARSH CREEK ROAD		2,743.3	77	SLURRY SEAL	\$5,815.87	
ELK DRIVE	Keller Ridge Drive	Cul de sac		2,063.8	77	SLURRY SEAL	\$4,375.21	
GOLDEN EAGLE PLACE	Keller Ridge Drive	Cul de sac		1,586.9	77	SLURRY SEAL	\$3,364.20	
KENSTON COURT	KENSTON DRIVE	CUL-DE-SAC		393.3	77	SLURRY SEAL	\$833.87	
MT. MC KINLEY COURT	MOUNTAIRE CIRCLE	CUL-DE-SAC		2,573.3	77	SLURRY SEAL	\$5,455.47	
DEER PLACE	Acorn Drive	Cul de sac		1,325.8	78	SLURRY SEAL	\$2,810.65	
N. ATCHINSON STAGE RD.	CLAYTON ROAD	CAULFIELD DRIVE		2,860.0	78	SLURRY SEAL	\$6,063.20	
OAK STREET	MAIN STREET	HIGH STREET		1,493.3	78	SLURRY SEAL	\$3,165.87	
WEATHERLY DRIVE	REGENCY DRIVE	CUL-DE-SAC		5,885.8	78	SLURRY SEAL	\$12,477.85	
WIDMAR PLACE	WIDMAR COURT	CUL-DE-SAC		1,430.7	78	SLURRY SEAL	\$3,033.01	
YOSEMITE CIRCLE	EL CAMINO DRIVE S.	EL CAMINO DRIVE N.	X	8,640.0	78	SLURRY SEAL	\$18,316.80	
GRAY FOX PLACE	Acorn Drive	Cul de sac		1,537.6	79	SLURRY SEAL	\$3,259.62	
MT. ETNA DRIVE	MT.VERNON DRIVE	MT. WASHINGTON WAY		4,611.6	79	SLURRY SEAL	\$9,776.50	

EXHIBIT 'A'  
2018 Neighborhood Street Project  
CIP 10436

MT. SEQUOIA COURT	MT. DUNCAN DRIVE	CUL-DE-SAC	2,466.7	79	SLURRY SEAL	\$5,229.33
MT. VERNON DRIVE	491 N/O MOUNTAIRE CIRCLE	MOUNTAIRE CIRCLE	1,745.8	79	SLURRY SEAL	\$3,701.05
SOUTHBROOK DRIVE	250' W/MARQUETTE COURT	100' E/EASTWOOD COURT	X 5,878.2	79	SLURRY SEAL	\$12,461.83
TIFFIN COURT	TIFFIN DRIVE	CUL-DE-SAC	1,083.3	79	SLURRY SEAL	\$2,296.67
CENTER STREET	MARSH CREEK ROAD	WESTERN END OF STREET	2,151.1	80	SLURRY SEAL	\$4,560.36
WESTBROOK COURT	SOUTHBROOK DRIVE	CUL-DE-SAC	X 1,255.1	83	SLURRY SEAL	\$2,660.84
MAIN STREET	OAK STREET	MARSH CREEK ROAD	4,106.7	84	SLURRY SEAL	\$8,706.13
BETTENCOURT DRIVE	YOLANDA CIRCLE W. END	YOLANDA CIRCLE E. END	X 3,566.2	87	SLURRY SEAL	\$7,560.39
FRANK PLACE	YOLANDA CIRCLE	CUL-DE-SAC	X <u>1,171.1</u>	87	SLURRY SEAL	<u>\$2,482.76</u>
			93,267.1			\$197,726.28
						\$514,090.70 \$82,500.00



Agenda Date: 2-20-2018

Agenda Item: 3e

Approved:

Gary A. Napper  
City Manager

# AGENDA REPORT

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: CITY MANAGER**

**DATE: 20 FEBRUARY 2018**

**SUBJECT: RESOLUTION SUPPORTING PROPOSITION 69 ON JUNE 2018 BALLOT,  
AND OPPOSING EFFORTS TO REPEAL SB 1 (2017)**

## RECOMMENDATION

It is recommended the City Council adopt, by minute motion on the Consent Calendar, the prepared Resolution which supports the passage of Proposition 69 on the June 2018 state ballot, opposes efforts to repeal Senate Bill 1 (SB 1) – “The Road Repair and Accountability Act of 2017,” and authorizes the Clayton City Council to be listed as a member of the “Coalition to Protect Local Transportation Improvements” which entity supports Prop 39 and opposes the repeal of SB1.

## BACKGROUND

On 28 April 2017 the California Legislature passed and the Governor signed SB 1 (Beall) to address decaying transportation infrastructures occurring throughout the state. The legislative package invests \$54 billion over the next decade to fix roads, freeways and bridges in communities throughout California, and also puts more monies toward transit and transportation safety. To raise the necessary monies for this significant investment program, SB 1 instituted the following taxes and fees to include the following:

- A 12-cent per gallon increase in the gasoline excise tax starting November 1, 2017.
- A 20-cent per gallon increase in the diesel excise tax starting November 1, 2017.
- A 4.0% per gallon increase in the diesel sales tax rate starting November 1, 2017.
- A new vehicle registration fee (“Transportation Improvement Fee”) which will annually charge car owners between \$25 - \$175, depending on the scheduled market value of the vehicle.
- A new \$100 per year “Road Improvement Fee” on zero-emission vehicles starting with year 2020 models and later.

These new state fees and rates are indexed annually to the CPI beginning July 2020 so it will not lose purchase power to inflation. The new revenue is to be split equally between state and local infrastructure investments, and Clayton’s initial ½ year allocation is expected to be \$64,355 in FY 2017-18 and increase to \$187,383 as its full year allocation in FY 2018-19.

## **DISCUSSION**

In conjunction with its passage of SB1, the California Legislature also enacted Assembly Constitutional Amendment 5 (ACA 5 - Frazier) which is placed before the California voters on the June 2018 ballot as Proposition 69. Prop 69 seeks to constitutionally protect the new transportation funds created by SB 1 so it cannot be raided, diverted or borrowed by the state for other non-transportation programs or projects. Given past history of the state to "borrow" monies for other purposes or needs as it deemed fit (e.g. redevelopment agency tax increment; vehicle license fees, etc.), ACA 5/Prop 69, if passed by the voters, will ensure that SB 1 funds can only be used for transportation purposes.

With SB 1 imposing new taxes and fees on consumers, there is a proposed initiative [that has not yet qualified for the November 2018 state ballot] that seeks to repeal SB 1. The League of CA Cities and the California State Association of Counties (CSAC), among other supporters and proponents, have requested cities and counties to oppose (in name only) any efforts to repeal SB 1. Action is sought for local legislative bodies (i.e., city councils) to be listed as a member endorsing efforts of the "Fix Our Roads Coalition" to support safer roads and to protect and invest in the maintenance and improvement of our interconnected transportation system.

Although the City of Clayton has worked tirelessly to maintain its local streets and roads to pavement conditions that are among the Top 5 in the Bay Area, the same success has not been achieved in all Bay Area communities due to extensive transportation infrastructures and insufficient resources. Since Clayton residents do not exclusively drive within our city and must regularly use roadways and state freeways and transportation infrastructures throughout the Bay Area and in the state, supporting efforts to retain SB 1 monies and oppose attempts to repeal SB 1 are certainly actions in the general interests of our community, residents, and business owners. The fees and rate increases arising from SB 1 are consistent with policy objectives for a user-pay based system.

## **FISCAL IMPACT**

Enactment of the proposed Resolution does not commit any City monies to the efforts to retain the transportation infrastructure investment of SB 1, or to efforts opposing the repeal of SB 1.

Certainly the loss of these new monies to maintain our local streets, as well as those roadways Clayton residents use in other neighboring or Bay Area communities, will not aid public agencies collective endeavors to keep numerous and varied transportation infrastructures in better condition for commerce and daily living purposes.

- Attachments: 1. City Resolution [2 pp.]  
2. Information on "Yes – Prop 69" and "No on Repeal of SB 1" [7 pp.]  
3. City Resolution No. 42-2017 assigning FY 2017-18 SB 1 funds to local street repaves [5 pp.]



**RESOLUTION NO. - 2018**

**A RESOLUTION OPPOSING STATEWIDE EFFORTS TO REPEAL SB 1,  
“THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017,” AND SUPPORTING  
PROPOSITION 69 ON THE JUNE 2018 STATE BALLOT TO PROHIBIT THE  
CALIFORNIA LEGISLATURE FROM DIVERTING SB1 MONIES TO ENSURE  
FUNDS ARE USED AS INTENDED FOR TRANSPORTATION PROJECTS**

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

**WHEREAS**, California’s cities, counties and transportation agencies face a statewide backlog of over \$130 billion in needed funds to make transportation infrastructure improvements; and

**WHEREAS**, “The Road Repair and Accountability Act” (Senate Bill 1 – Beall; “SB 1”) passed by the California Legislature and signed by the Governor last year will raise \$5 billion annually in long-term, dedicated transportation funding to make road safety improvements, fill potholes and repair local streets, highways, bridges and overpasses, with the revenues split equally between state and local government projects; and

**WHEREAS**, SB 1 provides critically-needed new funds in its first year of implementation in the amount of \$64,355 for the City of Clayton which monies have been assigned by Council action on 17 September 2017 (City Resolution No. 42-2017) for the repaving of eight (8) portions of local roads in the City’s 2018 Neighborhood Street Repaving Project (CIP No. 10436); and

**WHEREAS**, SB 1 contains strong accountability provisions to streamline projects by cutting bureaucratic redundancies and red tape to ensure transportation funds are spent efficiently and effectively, while also establishing the independent office of Transportation Inspector General to perform audits, improve efficiency and increase transparency; and

**WHEREAS**, Proposition 69 on the June 2018 ballot will add additional accountability for taxpayers by preventing the California Legislature from diverting, borrowing or raiding any new transportation revenues for non-transportation improvement purposes; and

**WHEREAS**, there is also a proposed ballot measure targeted for the November 2018 ballot (Attorney General #17-0033) that would repeal the new transportation revenues provided by SB 1 and make it more difficult to increase funding for state and local transportation improvements in the future; and

**WHEREAS**, said proposed November proposition would terminate \$187,383 in annual SB 1 monies dedicated to the City of Clayton in FY 2018-19, thereby hindering and delaying critical investments to maintain local transportation improvement project and repaving of roads in our community;

**NOW, THEREFORE, BE IT RESOLVED** the City Council of Clayton, California does hereby support Proposition 69, the June 2018 state constitutional amendment to prevent new transportation funds from being diverted by the State of California for non-transportation purposes; and

**BE IT FURTHER RESOLVED** the Clayton City Council does hereby oppose the purpose and intent of an ill-proposed November ballot proposition (Attorney General #17-0033) that would repeal the establishment of these new transportation funds and make it more difficult to raise state and local transportation funds in the future; and

**BE IT FURTHER RESOLVED** the Clayton City Council does hereby authorize itself to be listed as a member of the Coalition to Protect Local Transportation Improvements, a diverse coalition of local government, business, labor, transportation and other organizations throughout the state, in support of Proposition 69 and opposition to the repeal of SB 1, and accordingly does herein direct its City Clerk to email a copy of this adopted Resolution to Kyle Griffith of the Coalition to Protect Local Transportation Improvements campaign at [kgriffith@bcfpublicaffairs.com](mailto:kgriffith@bcfpublicaffairs.com).

**PASSED, APPROVED AND ADOPTED** by the City Council of Clayton, California at a regular public meeting thereof held on the 20<sup>th</sup> day of February 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

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Keith Haydon, Mayor

ATTEST:

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Janet Brown, City Clerk





# Support Safer Roads and Protect Local Transportation Improvements

Californians depend on a safe and reliable transportation network to support our quality of life and a strong economy. In April 2017, California passed Senate Bill 1 (SB 1) – which will provide more than \$5 billion annually to make road safety improvements, fill potholes, repair local streets, freeways, tunnels, bridges and overpasses and invest in public transportation in every California community. Road safety and transportation improvement projects are already underway or planned in every community, but this long-awaited progress could come to a halt unless voters take action in 2018.

**The Coalition to Protect Local Transportation Improvements has formed to support the June 2018 constitutional amendment protecting transportation funds from being diverted and to oppose the November 2018 measure to repeal transportation funds. Here's how you can help:**

## **SUPPORT Prop 69:**


**June 2018 ballot measure: Prohibits the Legislature from raiding new transportation funds and ensures funds can only be used for transportation projects.**

-  Prop 69 extends constitutional protections to the new revenues generated by SB 1 that aren't currently protected and ensures these funds can only be used for transportation improvement purposes.
-  The measure would prohibit the Legislature from borrowing or diverting these revenues for non-transportation purposes. This will ensure that all revenues from SB 1 can only be used for transportation improvement purposes.

## **OPPOSE SB 1 Repeal:**

**November 2018 ballot measure: Would repeal SB 1 and rob our communities of vital local road safety and transportation improvement funds.**

Certain politicians are currently collecting signatures to try to repeal the Road Repair and Accountability Act of 2017 (SB 1) and stop critical investments in future transportation improvement projects. We need to build a strong coalition to oppose this measure now because its passage would:

-  **Jeopardize public safety.** According to the National Highway Traffic Safety Administration, poor roadways were a contributing factor in more than half of the 3,623 roadway fatalities on California roads in 2016. Currently, 89% of California counties have roads that are in poor or at-risk condition, and 25% of local bridges show significant deterioration. Roadway improvements at the state and local level will save lives and increase safety for the traveling public. This measure will cut funding currently dedicated to fixing roads and upgrading freeways, bridges, tunnels and overpasses to make them safer.



**OPPOSE the November 2018 ballot measure that would repeal SB 1 and rob our communities of vital local road safety and transportation improvement funds.**

- X Take away road improvement funds dedicated to every community.** SB 1 guarantees funds to every city and county to fix potholes, make safety improvements, ease traffic congestion and improve public transportation. These funds are already being put to use and California cities and counties have already identified 4,000 local projects for funding in 2017-18 and into the future. This measure would rob funding currently benefiting every California community and stop thousands of local road improvement projects from moving forward. Our local roads, streets and state highways already face a backlog of \$132 billion and this measure will only worsen the crisis.
- X Make traffic congestion worse.** Our freeways and major thoroughfares are among the most congested in the nation, and Californians spend too much time stuck in traffic away from family and work. This measure would make our traffic worse by repealing SB 1 funds that are dedicated to reducing traffic congestion.
- X Cost drivers and taxpayers more money in the long-run.** Repealing the gas tax and vehicle fee will only save the average driver \$10 per month. But it will cost drivers much more in the long-run because of the wear and tear on our vehicles caused by bad roads. The average driver spends \$762 per year on front end alignments, body damage, shocks, tires and other repairs because of bad roads. It is important to fix our roads now vs. later as it costs 8 times more to fix a road than to maintain it.
- X Would hurt job-creation and our economy.** A reliable transportation infrastructure is critical to get people to work, to move goods and services to the market and to support our economy. Furthermore, every \$1 billion invested in transportation infrastructure supports 13,000 jobs a year. By repealing funding for road repairs and transportation improvements, this measure would eliminate 650,000 good-paying jobs and \$100 billion dollars in economic growth that will be created fixing our roads over the next decade.

Paid for by the Coalition to Protect Local Transportation Improvements, sponsored by business, labor, local governments, transportation advocates and taxpayers

Committee Major Funding from  
California Alliance for Jobs

Funding details at [www.fppc.ca.gov](http://www.fppc.ca.gov)



## SB 1: Debunking the Myths

The Road Repair and Accountability Act of 2017 (SB 1) is a long-term transportation solution that will provide new revenues for road safety improvements, fill potholes and repair local streets, highways, and bridges. SB 1 will provide transportation investments in **every** community, improving the quality of life for all Californians. SB 1 includes strict accountability provisions to reduce waste and bureaucracy and dedicates all funds to transportation improvements. Opponents of SB 1 are spreading false information and flat-out untruths full of potholes.

**We want to cement the facts.**

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1. MYTH— *Practically none of the SB 1 funds will be used to fix our roads.*



**SB 1 invests more than \$5 billion annually directly for maintenance, repair, and safety improvements on state highways, local streets and roads, and bridges. SB 1 also provides investments in mass transit to help relieve congestion. In total, SB 1 will provide:**

- \$1.5 billion for the State Highway Operations and Protection Program
- \$1.5 billion for local streets and roads
- \$400 million for bridge maintenance and repairs
- \$300 million for goods movement and freight projects
- \$275 million for congested corridors and relief management
- \$200 million for the Local Partnership Program to match locally generated transportation funds
- \$100 million for the Active Transportation Program to improve safety and expand access on streets, roads and highways for bicyclists and pedestrians.
- \$750 million for mass transit

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2. MYTH— *SB 1 will cost California families upwards of \$700 a year*



The California Department of Finance calculated that **the average cost to motorists is roughly \$10/month. Here's the math:**

Get the Facts @ [fixcaroads.com](http://fixcaroads.com) | #RebuildingCA

- **Registration:** Nearly 50% of all registered vehicles in California are valued at less than \$5,000. Forty percent are valued at less than \$25,000. Thus, the average annual amount for vehicle registration is approximately \$48.
- **Fuel:** California's 26 million licensed drivers consume 15.5 billion gallons per year. That is 577 gallons per driver, multiplied by 12 cents per gallon is \$69.24 each.

The annual average cost per driver is:

Vehicle Registration	\$47.85
Fuel	\$69.24
<b>Total</b>	<b>\$117.09 per year OR \$9.76 per month</b>

3. MYTH— *SB 1 funds go directly into the state's General Fund, meaning there's zero guarantee the money will be used to fund transportation improvement projects.*



**Revenues go directly into transportation accounts and are constitutionally protected.**

Article XIX of the California Constitution already protects the gasoline excise tax and vehicle registration fees, and a portion of the sales tax on diesel, and dedicates them to transportation purposes. This accounts for about 70% of the revenues generated by SB 1. Prop 69, a constitutional ballot measure which will go before the voters in June 2018, extends these same constitutional protections to the remaining 30% of new revenues generated by SB 1. It's also important to remember, all gas tax moneys that were loaned in prior decades to the General Fund will have been repaid under SB 1.

4. MYTH— *There is no oversight.*



**SB 1 creates a new Office of the Inspector General (IG) charged with overseeing projects and programs to ensure all SB 1 funds are spent as promised and to reduce bureaucracy, waste and red tape. The IG is required to report annually to the state Legislature.**

Furthermore, SB 1 has significant accountability and transparency provisions designed to ensure the public has full access to information on how their tax dollars are being invested. Cities and counties must publicly adopt and submit to the state a planned list of projects and year-end reporting that accounts for every single dollar of SB 1 revenue they receive. Bottom line: SB 1 includes provisions to streamline projects by cutting red tape to ensure transportation funds are spent efficiently and effectively.

5. MYTH— *None of the new funds can be used to build new roads.*

**FACT**

SB1 funds can and will be used to build new roads and increase capacity on our roads and highways.

- SB 1 funds will be used to restore the State Transportation Improvement Program (STIP). The CTC previously cut and delayed \$1.5 billion in projects from STIP, including new capacity projects, which are now eligible to move forward.
  - There is \$200 million annually in SB 1 for self-help counties that can be used on new roads and capacity increasing projects.
  - SB 1 includes \$250 million annually for congested road and highway corridors and \$300 million for the trade corridor programs, which can both fund increased capacity.
  - Lastly, while cities and counties will primarily (initially) be using local funds on “fix it first” projects to repair roads in bad shape, local governments can use these funds for new roads and capacity enhancements, especially once their road conditions are brought up into a state of good repair.
- 

6. MYTH— *California can dedicate existing General Fund revenues to fix transportation.*

**FACT**

California has a combined need of over \$130 billion over the next 10 years just to bring the state highway and local street and road systems into a good and safe condition. If we were to use funds from the General Fund, we would need to pull \$130 billion from important areas like education, healthcare, public safety, and other programs that Californians rely upon.

SB 1 follows the user-pay model where everyone pays their fair share and all drivers pay a little more to fix the roads they drive on. It’s a responsible, accountable way to fix our roads.

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7. MYTH— *California already has the highest gas tax in the nation.*

**FACT**

Figures from the Tax Foundation and the American Petroleum Institute show Pennsylvania tops out as the highest in the nation. California’s gas taxes haven’t been raised in more than 20 years and, as a result, transportation improvement funding simply hasn’t kept pace with inflation, leading to the backlogs of unfunded infrastructure. SB 1 changes that.

Since 2013, 26 states have increased gas taxes and other transportation revenues to fix their roads and bridges. In fact, of those 26 states, 17 are governed by Republicans.

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8. MYTH— *SB 1 impacts on our economy are minimal.*

**FACT**

**SB 1 is a job creator.** The White House Council of Economic Advisors found that every \$1 billion invested in transportation infrastructure supports 13,000 jobs a year. With the \$5 billion annually planned from SB 1, this measure will put 650,000 people to work rebuilding California over the next decade.

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9. MYTH— *California's working families and businesses cannot afford this tax increase.*

**FACT**

**California motorists currently pay \$763 per year, on average, in extra vehicle repair costs due to wear and tear because of the poor condition of our roads.** With SB 1, CA drivers will save money by driving on improved roads and will need fewer vehicle repairs.

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10. MYTH— *SB 1 funds are being diverted to CSU and UC for research.*

**FACT**

**SB 1 directs \$7 million (one-tenth of one percent of total SB 1 revenues) to CSU and UC transportation research institutions for research directly related to improving transportation technology, practices, materials, and impacts to the environment.**

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11. MYTH— *According to polling, Californians oppose the gas tax increase. They will support a ballot measure to repeal SB 1.*

**FACT**

**Polls consistently show voters are fed up with California's bad roads and will support new revenues to get them fixed. If a repeal measure makes it on the November 2018 ballot, we are confident voters will want to want to preserve funding to provide safer roads and bridges, improve congestion, and fix potholes.**

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12. MYTH— *California Gov. Jerry Brown has proposed "diverting 30 percent of the funding" from the state's gas tax increase "to non-road related projects like building parks and lifeguards."*

**FACT**

**A percentage of the existing gas tax revenue related to fuel sales from boats, agricultural equipment, and other off-highway vehicles (quads, dirt bikes) has always gone toward supporting infrastructure related to these economic and recreational activities. The percent of gas tax revenues collected from these sources is two-percent (2%).**

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13. MYTH— *Some of the funds raised by SB 1 will be used to repay outstanding loans from certain transportation funds.*

**FACT**

All outstanding transportation loans are being repaid by the General Fund. In fact, the FY 2016-17 state budget already started to repay those loans. SB 1 requires all loans to be repaid by 2020.

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14. MYTH— *According to the state legislative analyst, Caltrans is overstaffed by 3,500 positions.*

**FACT**

Caltrans staffing levels are currently at the lowest they've been in a decade. Additionally, SB 1 mandates that the California Department of Transportation "shall implement efficiency measures with the goal to generate at least one hundred million dollars (\$100,000,000) per year in savings to invest in maintenance and rehabilitation of the state highway system."

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15. MYTH— *SB 1 dollars will be diverted to fund high-speed rail.*

**FACT**

No funds raised from SB 1 will be used to fund high-speed rail. California's state-maintained transportation infrastructure will receive roughly half of SB 1 revenue: \$26 billion. The other half will go to local roads, transit agencies and an expansion of the state's growing network of pedestrian and cycle routes. There is no remaining balance that could be used for the high-speed rail project. A full overview of how the funds are allocated [can be found here](#).

RESOLUTION NO. 42-2017

**A RESOLUTION AMENDING THE CITY'S 2017/2018 CAPITAL IMPROVEMENT PROGRAM FOR ITS 2018 NEIGHBORHOOD STREETS PROJECT (CIP NO. 10436), RECOGNIZING THE REVENUE ALLOCATED TO CLAYTON FROM THE ROAD MAINTENANCE AND REHABILITATION ACCOUNT THROUGH SB1, THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017, ESTABLISHING A LIST OF LOCAL STREETS TO BE MAINTAINED IN 2018, AND APPROVE FINDINGS THE CONTEMPLATED STREET MAINTENANCE IS CATAGORICALLY EXEMPT UNDER CEQA SECTION 15301(C).**

**THE CITY COUNCIL  
CITY OF CLAYTON, CALIFORNIA**

**WHEREAS**, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the State Legislature and signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

**WHEREAS**, SB 1 includes accountability and transparency provisions that will ensure the residents of Clayton are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

**WHEREAS**, Clayton has determined and included a list of eight separate local streets throughout Clayton as listed in Exhibit A, a true and correct copy attached hereto and incorporated herein as part of this Resolution as if fully set forth below; and

**WHEREAS**, These listed streets are proposed to receive street maintenance treatments utilizing funds from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, in the City's Capital Improvement Program Budget; and,

**WHEREAS**, The street list must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

**WHEREAS**, it has been calculated the City of Clayton, will receive an estimated total of \$76,157.00 in RMRA funds in Fiscal Year 2017-18 from SB 1; and

**WHEREAS**, Clayton staff used the StreetSaver® Pavement Management System to develop its SB 1 Project List to ensure revenues are used on the most cost-effective projects that also meet the community's priorities for transportation investment; and

## RESOLUTION NO. 42-2017

**WHEREAS**, the 2016 California Statewide Local Streets and Roads Needs Assessment found that Clayton's streets are in a very good condition with an average network Pavement Condition Index (PCI) greater than 80, and this new state revenue will assist the City to maintain the overall quality of Clayton's street system; and

**WHEREAS**, if the Legislature and Governor failed to act, city streets and county roads would have continued to deteriorate, having many and varied negative impacts on our community; and

**WHEREAS**, cities and counties own and operate more than 81 percent of streets and roads in California, and from the moment one opens the front door to drive to work, bike to school, or walk to the bus station, people are dependent upon a safe, reliable local transportation network; and

**WHEREAS**, maintaining the local street and road system provides well-paying construction jobs and boosts local economies; and

**WHEREAS**, the local street and road system is also critical for interconnectivity, multimodal needs, and commerce; and

**WHEREAS**, police, fire, and emergency medical services all need safe reliable roads to react quickly to emergency calls and minutes in delay of response time can be a matter of life and death; and

**WHEREAS**, maintaining and preserving the local street and road system in good condition will reduce drive times and traffic congestion, improve bicycle safety, and make the pedestrian experience safer and more appealing, which leads to reduced vehicle emissions helping the State achieve its air quality and greenhouse gas emissions reductions goals; and

**WHEREAS**, maintaining roads before they fail also reduces construction time which results in less air pollution from heavy equipment; and

**WHEREAS**, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

**WHEREAS**, the 2018 Neighborhood Streets Project (CIP #10436) is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section

**RESOLUTION NO. 42-2017**

15301(c) – Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety).; and

**WHEREAS**, staff has recommended the following:

1. That the foregoing recitals are true and correct; and
2. That the 2017/2018 Capital Improvement Program, Neighborhood Streets Project CIP #10436 be amended to include the following streets to be maintained with the projected \$76,157.00 in RMRA funding during 2018; and
3. That the 2018 Neighborhood Streets Project (CIP #10436) is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15301(c) – Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety); and

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Clayton, California does hereby amend the 2017/2018 Capital Improvement Program for the 2018 Neighborhood Streets Project (CIP #10436) to recognize the revenue allocated to Clayton from the Road Maintenance and Rehabilitation Account (RMRA) through Senate Bill 1 (SB1) The Road Repair and Accountability Act of 2017, establish the list of streets to be treated with the RMRA funding in 2018 and make findings that the contemplated street maintenance is categorically exempt under CEQA Section 15302(c).

**PASSED, APPROVED and ADOPTED** by the City Council of Clayton, California at a regular public meeting thereof held on the 19<sup>th</sup> day of September 2017 by the following vote:

**AYES:** Mayor Diaz, Vice Mayor Haydon, Councilmembers Catalano, Pierce and Shuey.

**NOES:** None.

**ABSENT:** None.

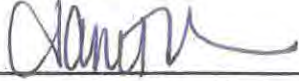
**ABSTAIN:** None.

**THE CITY COUNCIL OF CLAYTON, CA**

  
\_\_\_\_\_  
Jim Diaz, Mayor

**RESOLUTION NO. 42-2017**

**ATTEST:**

A handwritten signature in blue ink, appearing to read "Janet Brown", written over a horizontal line.

**Janet Brown, City Clerk**

**EXHIBIT 'A'**  
**CLAYTON STREETS TO BE MAINTAINED IN 2018**  
**UTILIZING RMRA FUNDING**

**RESOLUTION 42-2017**

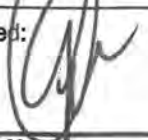
Street	Beginning	End	Street ID	Section ID	PCI	Treatment	Cost	Treatment Life (years)
Frank Place	Yolanda Circle	Cul-de-Sac	1002	001	88	Slurry Seal	\$3,104	7
Bettencourt Drive	Yolanda Circle E.	Yolanda Circle W.	1004	001	88	Slurry Seal	\$9,451	7
Southbrook Drive	250' W of Marquette Court	100' E of Eastwood Court	1011	001	80	Slurry Seal	\$15,578	7
Westbrook Court	Southbrook Drive	Cul-de-Sac	1013	001	84	Slurry Seal	\$3,327	7
El Camino Drive	Clayton Road	Pine Hollow Road	2001	001	78	Slurry Seal	\$22,676	7
Coronado Court	El Camino Drive	Cul-de-Sac	2005	001	76	Slurry Seal	\$1,387	7
Yosemite Court	El Camino Drive	Cul-de-Sac	2008	001	76	Slurry Seal	\$1,748	7
Yosemite Circle	El Camino Drive S.	El Camino Drive N.	2010	001	79	Slurry Seal	\$22,896	7
						<b>Total:</b>	<b>\$80,167</b>	



Agenda Date: 2-20-2018

Agenda Item: Ta

# STAFF REPORT

Approved:   
Gary A. Napper  
City Manager

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: KEVIN MIZUNO, FINANCE MANAGER, CPA**

**DATE: FEBRUARY 20, 2018**

**SUBJECT: PUBLIC HEARING ON THE MID-YEAR BUDGET REVIEW (THROUGH DECEMBER 31, 2017)**

## RECOMMENDATION

It is recommended the City Council: 1) Receive the staff report an presentation; 2) Open the public hearing and receive public comments; 3) Close the public hearing; and 4) Provide any final budget modifications, and then by motion adopt a Resolution amending the annual operating budget of the City of Clayton for mid-year adjustments in the 2017-2018 fiscal year.

## BACKGROUND

Following a public hearing, on June 6, 2017 the City's Budget for fiscal year 2017-18 was adopted by the City Council on June 20, 2017. The adopted budget for the City's General Fund included projected revenues of \$4,465,880 and total appropriations of \$4,455,050. This resulted in an anticipated General Fund budgetary excess of **\$10,830**.

## Fiscal Year-to-Date Budgetary Changes

The following is a summary of budgetary actions authorized by the City Council during fiscal year 2017-18 impacting funds included in the scope of this mid-year report. These budget amendments have been reflected as increases within the "Budget" column in the Mid-Year Budget-to-Actual Report (Attachment 1) for the applicable funds:

1. On July 18, 2017 the City Council approved the award of a contract to Servi-Tech Controls, Inc. for replacement of the City Hall HVAC system in the amount of \$253,398. The bulk of this contract (\$170,126) was authorized to be funded from unrestricted Clayton Financing Authority reserves with the remainder being funded from the City Council's previous assignment of FY 2015-16 General Fund excess on February 21, 2017. Pursuant to this action, total FY 2017-18 appropriations and offsetting inter-fund transfer revenues of the Capital Improvement Program (CIP) Fund (No. 303) were increased by \$253,398.
2. On September 19, 2017 the City Council approved the addition of the City Hall ADA Accessibility Project (Project No. 10443) into the City's CIP Budget at an estimated total cost of \$35,000. Funding for this project was approved from two sources: (1) \$16,000 from the City

Council's previous assignment of FY 2014-15 General Fund excess approved on February 3, 2016, and (2) an inter-fund transfer of \$19,000 from the Community Facilities Development Impact Fee Fund (No. 304). Pursuant to this action, total FY 2017-18 appropriations and offsetting inter-fund transfer revenues of the CIP Fund were increased by \$35,000. Additionally, appropriations of the Development Impact Fee Fund were increased by \$19,000.

- On January 16, 2018 the City Council approved adjustments to the salary ranges of four (4) management employment positions of the City. Affected management positions included: the chief of police, community development director, finance manager, and the assistant to the city manager. Pursuant to this action, total FY 2017-18 appropriations in the General Fund were increased by \$10,302.

**Footnote:** As a matter of information only, on November 21, 2017 the Board of Directors of the Geological Hazard Abatement District (GHAD) approved the award of a contract to G.N. Henley, Inc. for repairs to concrete v-ditches in the GHAD hills. The GHAD Board directed the funding source for this contract work and similar FY 2017-18 emergency v-ditch repairs come from the Presley Settlement GHAD Fund (No. 213). However, as this fund's budget was adopted without any appropriations for such work, staff recommended the GHAD Board authorize an amendment to the Fund's budget to cover this and anticipated future contract work expected to occur in FY 2017-18. Pursuant to GHAD Board direction, total FY 2017-18 appropriations of the Presley Settlement GHAD Fund were increased by \$35,000.

**DISCUSSION**

The revenue and expenditure figures for the first half of fiscal year 2017-18 are now compiled, offering a view of the fiscal picture for half of the operating year. The mid-year General Fund revenue and expenditure budget-to-actual report is included on pages 1-5 of Attachment 1.

1. **General Fund Revenues**

General Fund revenues for mid-year are at 53.09% of budget compared to 56.38% in the prior fiscal year (2016-17) Mid-Year Budget Review. The following table summarizes significant revenue sources compared with results from the past two mid-year budget review reports:

<b>Description</b>	<b>2017-18</b>	<b>2016-17</b>	<b>2015-16</b>
Total <u>Mid-Year</u> Revenue	\$ 2,371,114	\$ 2,424,477	\$ 2,369,151
Property Taxes	1,069,176	1,021,540	935,923
Franchise Fees	220,737	217,324	207,119
RPTTF Distrib. (former RDA increment)	203,475	185,822	261,851
Sales and Use Tax	219,681	232,037	164,341
Business Licenses	121,949	109,878	107,621
Inter Fund Transfers	55,732	53,700	52,282
Building Permit Fees	32,295	36,655	31,793
Real Property Transfer Tax	34,221	41,607	37,398
Planning Fees and Services	23,303	34,209	16,531
Mid-Year Actual to Projected Revenue	53.09%	56.38%	57.44%



Overall, an analysis of the mid-year General Fund results reveals revenues are on target with two notably higher than anticipated favorable budgetary variances. Consistent with the Contra Costa County Assessor's June 29, 2017 press release on the delivery of the FY 2017-18 county assessment rolls to the Auditor-Controller, the City of Clayton's assessed value growth was 4.05%. This figure, unknown during FY 2017-18 budget preparations, exceeds the cautionary growth predicted in the adopted budget for secured property taxes by 2.05%. The revenue line items benefiting most from this favorable variance, which are coincidentally the City's largest two revenue sources, include: (1) property tax in lieu of vehicle license fees (VLF) from the State of California, and (2) local secured property taxes. This higher than projected assessed value growth is a direct result of local sales arising in change in ownership reassessments as well as continued Proposition 8 (1978) reassessments. In the aggregate, the total favorable budgetary revenue variance arising from this good news is projected to be approximately \$35,000. Another line item positively impacted by the growth in secured real property valuations is the City's share of the Redevelopment Property Tax Trust Fund (RPTTF) residual balance. By the close of FY 2017-18, this line item is projected to exceed that of the adopted budget by approximately \$14,000.

Local sales and use tax revenues are also expected to come in higher than projected in the FY 2017-18 adopted budget. This favorable revenue variance arises from continued true-ups from the State Board of Equalization following its elimination of the "triple flip" process on January 1, 2016. Higher than anticipated FY 2016-17 sales and use tax revenue true-ups were published by the Board of Equalization in June and September of 2017. As these figures were not available during the preparation of the FY 2017-18 budget, using historical actuals known at that time resulted in slightly underestimated sales and use tax revenue projections. Accordingly, sales and use tax revenues are projected to be approximately \$14,500 higher the projection used in the FY 2017-18 adopted budget.

## 2. General Fund Expenditures

General Fund operational expenditures for mid-year are at \$2,461,621 (55.13% of budget) compared to \$2,147,985 (50.29% of budget) in the prior fiscal year's (2016-17) Mid-Year Budget Review. The table below summarizes departmental expenditures compared with results from the past two Mid-Year Budget Reviews:

<u>Description</u>	<u>2017-18</u>	<u>2016-17</u>	<u>2015-16</u>
Legislative	\$ 32,224	\$ 30,536	\$ 25,310
Administration / Finance / Legal	540,892	512,778	478,040
Maintenance - Buildings & Other Parks	53,960	71,674	53,210
Planning & Community Development	165,789	150,921	141,511
General Services	113,020	105,301	96,022
Police	1,304,328	1,081,869	1,069,364
Library	63,164	51,850	55,955
Engineering	71,393	50,479	47,000
Community Park	116,851	92,577	69,548
Total	<u>\$ 2,461,621</u>	<u>\$ 2,147,985</u>	<u>\$ 2,035,960</u>

An analysis of mid-year General Fund results shows expenditures are generally on target and in line with budgetary projections in the aggregate. The 4.84% increase in the proportion of actual to budgeted total expenditures at the mid-year year point compared to that of the prior year is primarily attributable to the City opting to pre-pay the full budgeted unfunded actuarial liability employer pension contribution to CalPERS at the start of FY 2017-18, rather than pay on an amortized monthly basis, in order to realize some savings. After taking into consideration this irregularity arising solely from a timing issue, there are two unfavorable budgetary variances at the line item level where budgetary action is recommended.

On August 14, 2017 the City Council authorized a one year professional services contract with Harris & Associates for contract city engineering services. After incorporating general engineering retainer costs incurred during FY 2017-18 with the former contract city engineer as well as the relatively higher monthly retainer included in the new Harris & Associates contract, a budgetary amendment to increase the professional engineering services line item (101-7410-08) is needed. Consideration of these two factors results in a recommended appropriation increase of \$34,735 to the professional engineering services line item, which would increase the FY 2017-18 adopted budget line item from \$90,000 to \$124,700.

The General Fund's FY 2017-18 adopted budget incorporated an appropriation for water services (101-7338-09) of \$78,800 in the Clayton Community Park (CCP) Department. This budget represents an 8.3% increase over FY 2016-17 actuals for the budgetary line item, which was designed to capture an assumed Contra Costa Water District (CCWD) rate increase as well as slight consumption hikes resulting from the Governor's lifting of drought conditions on April 7, 2017 in the middle of FY 2017-18 budget preparations. At the mid-year point of FY 2017-18 however, the CCP water services line item is at \$72,213, or 91.64% of budget, warranting a recommendation for budgetary action. This recommendation comes in consideration of several factors, including, but not limited to: input from the City's maintenance supervisor on historical experience as well as current rain conditions and future expectations, water line leaks, examination of post-drought water consumption needs during the current year to-date, and the November 16, 2017 publication by CCWD announcing a 6% water rate hike taking effect February 1, 2018. Incorporation of these factors results in a recommended appropriation increase of \$22,000 to the CCP water services line item, which would increase the FY 2017-18 adopted budget line item from \$78,800 to \$100,800.

### 3. General Fund Reserves

As reported in the audited financial statements, the General Fund began the current fiscal year with an unassigned, and available for appropriation, fund balance of **\$5,429,524** on July 1, 2017. As noted previously, the FY 2017-18 adopted budget incorporated a balanced budget with budgetary excess of \$10,830. Should the City Council approve the budget amendments being recommendation herein, the amended FY 2017-18 General Fund budget would still be balanced with a revised budgeted operating excess of **\$7,328**.

4. **Other Governmental Fund Revenues and Expenditures**

The following is a mid-year budget-to-actual revenue comparison table of the City's most significant governmental funds:

<b>Fund</b>	<b>Budgeted Revenue FY 2017-18</b>	<b>Mid-Year Actual Revenue</b>	<b>% Realized</b>
Gas Tax	\$ 355,303	\$ 147,132	41.4%
Landscape Maintenance District	1,101,277	693,845	63.0%
The Grove Park	135,385	85,281	63.0%
Presley Settlement GHAD	1,600	926	57.9%
Street Light Assessment District	127,391	80,099	62.9%
Stormwater Assessment District	135,241	36,840	27.2%
Measure J	312,500	34,320	11.0%
Grants	124,212	100,482	80.9%
Development Impact Fees	8,500	145,399	1710.6%
Successor Housing Agency	96,400	98,309	102.0%
Capital Improvement Program	3,121,254	551,845	17.7%
Oakhurst GHAD	40,041	25,192	62.9%

Annual revenues of the City's most significant Special Revenue Funds and the Capital Improvement Program Fund appear to be on target as budgeted. Consistent with prior years, Measure J Fund and Stormwater Assessment District Fund revenues are unsurprisingly under budget at mid-year as allocations from the County are annually received subsequent to mid-year.

The following is a mid-year budget-to-actual expenditure comparison table of the City's most significant governmental funds as outlined previously:

<b>Fund</b>	<b>Budgeted Expenditures FY 2017-18</b>	<b>Mid-Year Actual Expenditures</b>	<b>% Realized</b>
Gas Tax	\$ 523,341	\$ 108,479	20.7%
Landscape Maintenance District	1,499,063	411,078	27.4%
The Grove Park	133,627	58,129	43.5%
Presley Settlement GHAD	35,000	-	0.0%
Street Light Assessment District	144,770	77,818	53.8%
Stormwater Assessment District	206,177	101,478	49.2%
Measure J	706,262	54,435	7.7%
Grants	233,583	60,338	25.8%
Development Impact Fees	236,000	197,717	83.8%
Successor Housing Agency	10,500	2,389	22.8%
Capital Improvement Program	3,088,079	244,860	7.9%
Oakhurst GHAD	37,094	20,910	56.4%

Overall, annual expenditures of the City's most significant governmental funds also appear to be on target as budgeted with no budgetary action being recommended for these funds at this time. To-date, the Gas Tax and Measure J fund's actual expenditures are well under budget as significant capital projects are still in the planning and design phase. Significant capital projects currently in the planning and design phase where the expenditure pace is expected to pick up in the second half of FY 2017-18 include the: (1) Keller Ridge Collector Street Rehabilitation Project (No. 10425), (2) the 2018 Neighborhood Street Repave Project (No. 10436), and (3) El Portal Drive Rehabilitation Project (No. 10436). Similarly, expenditures of the Landscape Maintenance District Fund are under budget as significant large-scale projects are in the planning and design phase. Significant projects include the Downtown Planter Replacement Project, where engineering designs have been taken over by the new contract city engineer, and the Eucalyptus Tree Removal Project, where bids have been solicited and received but a third quote is still pending to ensure compliance with the City's competitive bid requirements outlined in the procurement policy. When focusing on non-largescale project operational and maintenance expenditures, the Landscape Maintenance District Fund expenditures are at approximately 40.2% of the FY 2017-18 budget.

5. Budget Sub-Committee Review

On February 14, 2018 the City Manager and the Finance Manager met with Vice Mayor Keith Haydon and Council Member Tuija Catalano to review the FY 2017-18 Mid-Year Budget results. The Council Budget Sub-Committee supports the analysis and recommendation herein.

**FISCAL IMPACT**

The action recommended to the City Council by staff to adopt the attached Resolution amending the annual operating budget of the City of Clayton for the 2017-2018 fiscal year will have the following fiscal impact:

- A. Increases estimated revenues of the property tax in-lieu of VLF line item (101-4100-00) of the General Fund by \$19,000 resulting in a revised and amended revenue line item of \$965,600.
- B. Increases estimated revenues of the local secured property taxes line item (101-4101-00) of the General Fund by \$16,000 resulting in a revised and amended revenue line item of \$849,300.
- C. Increases estimated revenues of the RPTTF line item (101-4108-00) of the General Fund by \$14,000 resulting in a revised and amended revenue line item of \$849,300.
- D. Increases estimated revenues of the sales and use taxes line item (101-4301-00) of the General Fund by \$14,500 resulting in a revised and amended revenue line item of \$449,000.
- E. Increases appropriations of the professional engineering services expenditure line item (101-7410-08) of the General Fund Engineering Department by \$34,700 resulting in a

revised and amended appropriations line item of \$124,700. The funding source for this proposed appropriation increase is new FY 2017-18 operating revenue.

- F. Increases appropriations of the water services expenditure line item (101-7338-09) of the General Fund Clayton Community Park Department by \$22,000 resulting in a revised and amended appropriations line item of \$100,800. The funding source for this proposed appropriation increase is new FY 2017-18 operating revenue.

Attachment 1: Resolution No. \_\_-2018 – A Resolution Amending the Annual Operating Budget of the City of Clayton for the 2017-2018 Fiscal Year Commencing July 1, 2017 [3 pp.]

- Exhibit A – Fiscal Year 2017-18 Budget Amendment Detail

Attachment 2: Mid-Year Budget-to-Actual Schedules [17 pp.]

**RESOLUTION NO. \_\_ - 2018**

**A RESOLUTION AMENDING  
THE ANNUAL OPERATING BUDGET OF  
THE CITY OF CLAYTON FOR THE 2017-2018 FISCAL YEAR  
COMMENCING JULY 1, 2017**

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

**WHEREAS**, on June 6, 2017 the City Manager and the Finance Manager did prepare, submit and present to the Clayton City Council the proposed budgets for operation of the City of Clayton in Fiscal Year 2017-18 commencing July 1, 2017; and

**WHEREAS**, on June 20, 2017, a Public Hearing was set and duly held on the proposed budgets whereat opportunities were provided accordingly for members of the public to offer comments and provide input on the fiscal plans presented; and

**WHEREAS**, on June 20, 2017, following Public Hearing the City Council did adopt a Resolution approving the budget for operation of the City of Clayton in Fiscal Year 2017-18; and

**WHEREAS**, following the Finance Manager's Mid-Year Budget Report, the City Manager has recommended amendments to the City of Clayton Adopted Budget for Fiscal Year 2017-18; and

**WHEREAS**, the amendments reflect the updated fund balances available as determined in audited comprehensive annual financial report of the City of Clayton for the prior fiscal year ended June 30, 2017; and

**NOW, THEREFORE, BE IT RESOLVED** the City Council of Clayton, California does hereby resolve as follows:

Section 1. Approves the recommendations of the City Manager with regard to amendments to the City's Budget for Fiscal Year 2017-18, as shown in Exhibit A.

Section 2. This Resolution shall become effective immediately upon its passage and adoption.

**PASSED, APPROVED AND ADOPTED** by the City Council of Clayton, California during a public hearing at a regular public meeting thereof held on the 20<sup>th</sup> day of February 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

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Keith Haydon, Mayor

ATTEST:

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Janet Brown, City Clerk

Exhibit A

Fiscal Year 2017-18 City Budget Amendment Detail

**STAFF RECOMMENDATIONS**

General Fund Revenues

1. Property Tax In-Lieu of Vehicle License Fees (101-4100-00): \$19,000
2. Secured Property Tax (101-4101-00): \$16,000
3. Redevelopment Property Tax Trust Fund Dist. (101-4108-00): \$14,000
4. Sales & Use Tax (101-4301-00): \$14,500

General Fund Appropriations

5. Professional Engineering Services (101-7410-08): \$34,700
6. Water Services (101-7338-09): \$22,000



**City of Clayton**  
**Budget-to-Actual Report**  
For Six Month Period Ending December 31, 2017

Line Item No.	Line Item Description	Actual	Budget	Variance (\$)	Variance (%)
<b>101 - General Fund</b>					
<b>Revenues</b>					
101-4100-00	Property Tax In-Lieu of VLF	\$ 482,884	\$ 946,600	(463,716)	51.01%
101-4101-00	Property Taxes - Secured	535,643	833,300	(297,657)	64.28%
101-4102-00	Property Taxes - Unsecured	37,822	39,800	(1,978)	95.03%
101-4103-00	Property Taxes - Unitary Tax	9,358	14,100	(4,742)	66.37%
101-4104-00	Property Taxes - Supplemental	3,469	28,500	(26,031)	11.76%
101-4106-00	Property Taxes - Other	-	10,500	(10,500)	0.00%
101-4108-00	Redevelopment Property Tax Trust Fund Distrib.	203,475	368,000	(164,525)	55.29%
101-4301-00	Sales and Use Tax	219,681	434,500	(214,819)	50.56%
101-4502-00	Real Property Transfer Tax	34,221	83,000	(48,779)	41.23%
101-5101-00	Business Licenses	121,949	137,000	(15,051)	89.01%
101-5103-00	Building Permit Surcharge	32,295	58,100	(25,805)	55.59%
101-5106-00	Engineering Fees	5,337	8,100	(2,763)	65.89%
101-5201-00	Public Safety Allocation	34,390	82,900	(48,510)	41.48%
101-5202-00	Abandoned Veh Abate (AVA)	1,399	5,300	(3,901)	26.40%
101-5203-00	Motor Vehicle In Lieu	-	5,100	(5,100)	0.00%
101-5205-00	Other In Lieu	80,554	161,110	(80,556)	50.00%
101-5214-00	Post Reimbursements	-	1,000	(1,000)	0.00%
101-5217-00	State Mandated Cost Reimbursement	5,273	-	5,273	100.00%
101-5301-00	Planning Fees	7,780	14,280	(6,500)	54.48%
101-5302-00	Police Service Fees	5,625	15,700	(10,075)	35.83%
101-5303-00	City Hall Rental Fees	130	200	(70)	65.00%
101-5304-00	Planning Fees (Public Hearing)	15,523	25,000	(9,477)	62.09%
101-5306-00	Well Water Usage Charge	14,797	27,940	(13,143)	52.96%
101-5319-00	Miscellaneous City Services	604	500	104	120.80%
101-5322-00	City Fiduciary Fund Overhead Recovery	134,815	269,690	(134,875)	49.99%
101-5401-00	Franchises - Comcast Cable	109,466	220,300	(110,834)	49.69%
101-5402-00	Franchises - Garbage Fees	96,278	187,700	(91,422)	51.29%
101-5403-00	Franchises - PG&E	-	121,800	(121,800)	0.00%
101-5404-00	Franchises - Equilon Pipe	14,891	14,550	341	102.34%
101-5405-00	AT&T Mobility Franchise Fees	102	200	(98)	51.00%
101-5501-00	Fines and Forfeitures	9,940	27,200	(17,260)	36.54%
101-5601-00	Interest	42,459	80,000	(37,541)	53.07%
101-5602-00	Park Use Fee	5,008	39,100	(34,092)	12.81%
101-5603-00	Meeting Room Fee	2,141	4,500	(2,359)	47.58%
101-5608-00	Cattle Grazing Lease Rent	9,972	9,970	2	100.02%
101-5609-00	Cell Tower Lease Rent	20,107	34,330	(14,223)	58.57%
101-5613-00	Community Gym Facility Use Rent	15,900	31,800	(15,900)	50.00%
101-5701-00	Reimbursements/Refunds	-	5,500	(5,500)	0.00%
101-5790-00	Other Revenues	1,379	4,990	(3,611)	27.64%
101-5791-00	Overhead cost recovery	715	1,260	(545)	56.75%
101-6002-00	Trx. From Measure J Fund	2,247	4,494	(2,247)	50.00%
101-6004-00	Trx. From Gas Tax	3,752	7,503	(3,751)	50.01%
101-6005-00	Trx. From St. Lights	5,770	11,540	(5,770)	50.00%
101-6006-00	Trx. From GHAD	3,622	7,244	(3,622)	50.00%
101-6007-00	Trx. From Landscape Mtncs.	18,048	36,095	(18,047)	50.00%
101-6011-00	Trx From Grove Park Fund	3,669	7,337	(3,668)	50.01%
101-6016-00	Trx. From Stormwater Asses.	18,624	37,247	(18,623)	50.00%
<b>Total Revenues</b>		<b>2,371,114</b>	<b>4,465,880</b>	<b>(2,094,766)</b>	<b>53.09%</b>

**City of Clayton**  
**Budget-to-Actual Report**  
For Six Month Period Ending December 31, 2017

Line Item No.	Line Item Description	Actual	Budget	Variance (\$)	Variance (%)
<b>Operating Expenses</b>					
101-7115-01	Council/Commission Compensation	14,100	28,200	14,100	50.00%
101-7220-01	PERS Retirement	683	1,350	667	50.59%
101-7221-01	PERS Retirement - Unfunded Liability	3,276	3,400	124	96.35%
101-7231-01	Workers' Compensation	1,129	1,190	61	94.87%
101-7232-01	Unemployment Compensation	675	1,750	1,075	38.57%
101-7233-01	FICA Taxes	729	1,460	731	49.93%
101-7321-01	Printing and Binding	-	500	500	0.00%
101-7324-01	Dues and Subscriptions	6,217	13,300	7,083	46.74%
101-7362-01	City Promotional Activity	1,930	4,500	2,570	42.89%
101-7363-01	Business Meeting Expense	-	500	500	0.00%
101-7372-01	Conferences/Meetings	87	500	413	17.40%
101-7419-01	Other Professional Services	3,398	9,000	5,602	37.76%
	<i>Legislative Department Subtotal:</i>	<u>32,224</u>	<u>65,650</u>	<u>33,426</u>	<u>49.08%</u>
101-7111-02	Regular Salaries	294,834	577,302	282,468	51.07%
101-7218-02	Long/Short Term Disability Insurance	3,150	9,572	6,422	32.91%
101-7220-02	PERS Retirement	31,083	63,106	32,023	49.26%
101-7221-02	PERS Retirement - Unfunded Liability	66,284	68,800	2,516	96.34%
101-7231-02	Workers' Compensation	22,761	24,000	1,239	94.84%
101-7232-02	Unemployment Compensation	1,041	2,700	1,659	38.56%
101-7233-02	FICA Taxes	4,575	8,392	3,817	54.52%
101-7241-02	Auto Allowance/Mileage	5,783	10,740	4,957	53.85%
101-7246-02	Benefit Insurance	42,069	83,000	40,931	50.69%
101-7324-02	Dues and Subscriptions	1,630	2,000	370	81.50%
101-7332-02	Telecommunications	3,757	7,300	3,543	51.47%
101-7371-02	Travel	1	100	99	1.00%
101-7372-02	Conferences/Meetings	30	600	570	5.00%
101-7373-02	Education & Training	273	1,550	1,277	17.61%
101-7411-02	Legal Services Retainer	23,638	61,200	37,562	38.62%
101-7413-02	Legal Services	3,245	3,500	255	92.71%
101-7414-02	Audit & Financial Reporting Services	23,995	23,800	(195)	100.82%
101-7415-02	Computer/IT Services	9,593	9,500	(93)	100.98%
101-7419-02	Other Professional Services	3,150	6,000	2,850	52.50%
	<i>Administrative/Finance/Legal Department Subtotal:</i>	<u>540,892</u>	<u>963,162</u>	<u>422,270</u>	<u>56.16%</u>

**City of Clayton**  
**Budget-to-Actual Report**  
For Six Month Period Ending December 31, 2017

Line Item No.	Line Item Description	Actual	Budget	Variance (\$)	Variance (%)
101-7111-03	Regular Salaries	8,950	17,400	8,450	51.44%
101-7112-03	Temporary Salaries	829	2,400	1,571	34.54%
101-7218-03	Long/Short Term Disability Insurance	103	310	207	33.23%
101-7220-03	PERS Retirement	1,091	2,000	909	54.55%
101-7221-03	PERS Retirement - Unfunded Liability	1,370	2,100	730	65.24%
101-7231-03	Workers' Compensation	787	830	43	94.82%
101-7232-03	Unemployment Compensation	85	220	135	38.64%
101-7233-03	FICA Taxes	207	500	293	41.40%
101-7246-03	Benefit Insurance	1,379	3,900	2,521	35.36%
101-7301-03	Recruitment/Pre-employment	577	500	(77)	115.40%
101-7311-03	General Supplies	2,904	5,000	2,096	58.08%
101-7332-03	Telecommunications	670	2,000	1,330	33.50%
101-7335-03	Gas & Electricity	14,683	43,100	28,417	34.07%
101-7338-03	Water Services	7,147	10,000	2,853	71.47%
101-7341-03	Buildings/Grounds Maintenance	4,951	14,000	9,049	35.36%
101-7342-03	Machinery/Equipment Maintenance	812	3,000	2,188	27.07%
101-7343-03	Vehicle Maintenance	872	1,250	378	69.76%
101-7344-03	Vehicles: Gas, Oil & Supplies	680	920	240	73.91%
101-7346-03	HVAC Mtn & Repairs	1,827	10,000	8,173	18.27%
101-7373-03	Education & Training	130	2,500	2,370	5.20%
101-7411-03	Legal Services Retainer	-	2,550	2,550	0.00%
101-7417-03	Janitorial Service	2,700	9,000	6,300	30.00%
101-7419-03	Other Professional Services	-	400	400	0.00%
101-7429-03	Animal/Pest Control Services	546	7,300	6,754	7.48%
101-7440-03	Tree Trimming Services	660	6,000	5,340	11.00%
<i>Facility and Park Maintenance Department Subtotal:</i>		53,960	147,180	93,220	38.66%
101-7111-04	Regular Salaries	89,362	184,942	95,580	48.32%
101-7115-04	Council/Commission Compensation	3,000	7,200	4,200	41.67%
101-7218-04	Long/Short Term Disability Insurance	934	3,233	2,299	28.89%
101-7220-04	PERS Retirement	7,517	17,412	9,895	43.17%
101-7221-04	PERS Retirement - Unfunded Liability	21,113	21,900	787	96.41%
101-7231-04	Workers' Compensation	7,302	7,700	398	94.83%
101-7232-04	Unemployment Compensation	347	900	553	38.56%
101-7233-04	FICA Taxes	1,124	2,743	1,619	40.98%
101-7241-04	Auto Allowance/Mileage	2,229	4,240	2,011	52.57%
101-7246-04	Benefit Insurance	12,231	34,400	22,169	35.56%
101-7323-04	Books/Periodicals	-	200	200	0.00%
101-7324-04	Dues and Subscriptions	-	700	700	0.00%
101-7332-04	Telecommunications	323	700	377	46.14%
101-7371-04	Travel	-	100	100	0.00%
101-7372-04	Conferences/Meetings	-	500	500	0.00%
101-7373-04	Education & Training	525	1,500	975	35.00%
101-7384-04	Legal Notices	3,180	2,500	(680)	127.20%
101-7411-04	Legal Services Retainer	16,602	20,400	3,798	81.38%
<i>Community Development Department Subtotal:</i>		165,789	311,270	145,481	53.26%
101-7247-05	OPEB Contributions (Health Plan)	5,107	11,500	6,393	44.41%
101-7301-05	Recruitment/Pre-employment	-	1,000	1,000	0.00%
101-7312-05	Office Supplies/Expense	3,316	7,500	4,184	44.21%
101-7314-05	Postage	2,247	4,500	2,253	49.93%
101-7321-05	Printing and Binding	733	500	(233)	146.60%
101-7331-05	Rentals/Leases	5,285	12,100	6,815	43.68%
101-7332-05	Telecommunications	2,316	4,700	2,384	49.28%
101-7351-05	Insurance Premiums	85,236	84,920	(316)	100.37%
101-7364-05	Employee Recognition	623	1,500	877	41.53%
101-7381-05	Property Tax Admin. Costs	2,755	8,400	5,645	32.80%
101-7415-05	Computer/IT Services	180	8,000	7,820	2.25%
101-7419-05	Other Professional Services	3,382	10,000	6,618	33.82%
101-7420-05	Administrative Costs	1,840	3,180	1,340	57.86%
<i>General Services Department Subtotal:</i>		113,020	157,800	44,780	71.62%

**City of Clayton**  
**Budget-to-Actual Report**  
For Six Month Period Ending December 31, 2017

Line Item No.	Line Item Description	Actual	Budget	Variance (\$)	Variance (%)
101-7111-06	Regular Salaries	493,286	1,021,000	527,714	48.31%
101-7112-06	Temporary Salaries	2,203	-	(2,203)	100.00%
101-7113-06	Overtime	34,648	90,000	55,352	38.50%
101-7116-06	Part-time Salaries	1,656	4,500	2,844	36.80%
101-7218-06	Long/Short Term Disability Insurance	5,228	17,800	12,572	29.37%
101-7219-06	Deferred Compensation Retirement	1,152	2,730	1,578	42.20%
101-7220-06	PERS Retirement	59,976	140,000	80,024	42.84%
101-7221-06	PERS Retirement - Unfunded Liability	271,954	282,000	10,046	96.44%
101-7231-06	Workers' Compensation	40,874	43,100	2,226	94.84%
101-7232-06	Unemployment Compensation	2,159	5,800	3,441	38.55%
101-7233-06	FICA Taxes	8,697	16,500	7,903	52.10%
101-7241-06	Auto Allowance/Mileage	1,898	4,440	2,542	42.75%
101-7242-06	Uniform Allowance	4,050	9,000	4,950	45.00%
101-7246-06	Benefit Insurance	63,015	140,800	77,785	44.75%
101-7301-06	Recruitment/Pre-employment	2,321	5,000	2,679	46.42%
101-7311-06	General Supplies	9,161	12,000	2,839	76.34%
101-7312-06	Office Supplies/Expense	2,164	5,000	2,836	43.28%
101-7314-06	Postage	13	500	487	2.60%
101-7323-06	Books/Periodicals	-	250	250	0.00%
101-7324-06	Dues and Subscriptions	3,503	8,000	4,497	43.79%
101-7325-06	EBRCSA System Subscription	-	9,000	9,000	0.00%
101-7332-06	Telecommunications	7,477	10,000	2,523	74.77%
101-7342-06	Machinery/Equipment Maintenance	575	2,500	1,925	23.00%
101-7343-06	Vehicle Maintenance	11,574	24,000	12,426	48.23%
101-7344-06	Vehicles: Gas, Oil & Supplies	17,234	30,000	12,766	57.45%
101-7345-06	Office Equip-Maint/Repairs	2,174	2,200	26	98.82%
101-7363-06	Business Meeting Expense	-	200	200	0.00%
101-7364-06	Employee Recognition	285	1,500	1,215	19.00%
101-7365-06	CC Volunteer Recognition	-	500	500	0.00%
101-7373-06	Education & Training	3,247	10,000	6,753	32.47%
101-7408-06	Crossing guard services	4,433	10,000	5,567	44.33%
101-7411-06	Legal Services Retainer	6,816	15,300	8,484	44.55%
101-7413-06	Legal Services	4,460	5,000	540	89.20%
101-7417-06	Janitorial Service	1,350	3,000	1,650	45.00%
101-7419-06	Other Professional Services	1,649	7,500	5,851	21.99%
101-7424-06	Dispatch Services	120,537	253,140	132,603	47.62%
101-7425-06	Crime Lab	5,980	25,000	19,020	23.92%
101-7426-06	Jail Booking Fee	-	5,500	5,500	0.00%
101-7427-06	CAL ID	11,618	14,900	3,282	77.97%
101-7429-06	Animal/Pest Control Services	33,291	68,500	35,209	48.60%
101-7433-06	Integrated Justice System	8,770	12,500	3,730	70.16%
101-7486-06	CERF Charges	55,000	55,000	-	100.00%
<i>Police Department Subtotal:</i>		1,304,328	2,373,460	1,069,132	54.95%

**City of Clayton**  
**Budget-to-Actual Report**  
For Six Month Period Ending December 31, 2017

Line Item No.	Line Item Description	Actual	Budget	Variance (\$)	Variance (%)
101-7111-07	Regular Salaries	2,851	11,000	8,149	25.92%
101-7112-07	Temporary Salaries	44	400	356	11.00%
101-7218-07	Long/Short Term Disability Insurance	37	200	163	18.50%
101-7220-07	PERS Retirement	390	1,300	910	30.00%
101-7221-07	PERS Retirement - Unfunded Liability	505	1,400	894	36.14%
101-7231-07	Workers' Compensation	474	500	26	94.80%
101-7232-07	Unemployment Compensation	39	100	61	39.00%
101-7233-07	FICA Taxes	68	200	132	34.00%
101-7246-07	Benefit Insurance	678	2,500	1,822	27.12%
101-7332-07	Telecommunications	1,010	3,000	1,990	33.67%
101-7335-07	Gas & Electricity	27,572	44,000	16,428	62.66%
101-7338-07	Water Services	1,160	1,800	640	64.44%
101-7341-07	Buildings/Grounds Maintenance	5,833	12,700	6,867	45.93%
101-7343-07	Vehicle Maintenance	325	950	625	34.21%
101-7344-07	Vehicles: Gas, Oil & Supplies	243	700	457	34.71%
101-7346-07	HVAC Mtn & Repairs	3,434	8,000	4,566	42.93%
101-7417-07	Janitorial Service	15,272	29,500	14,228	51.77%
101-7423-07	Library Additional Hours	2,643	13,900	11,257	19.01%
101-7429-07	Animal/Pest Control Services	585	1,400	815	41.79%
101-7440-07	Tree Trimming Services	-	2,000	2,000	0.00%
<i>Library Department Subtotal:</i>		63,164	135,550	72,386	46.60%
101-7324-08	Dues and Subscriptions	585	1,550	965	37.74%
101-7410-08	Professional Engineering Services	67,225	90,000	22,775	74.69%
101-7411-08	Legal Services Retainer	3,344	2,550	(794)	131.14%
101-7412-08	Engineering Inspection Service	239	500	261	47.80%
<i>Engineering Department Subtotal:</i>		71,393	94,600	23,207	75.47%
101-7111-09	Regular Salaries	11,778	45,000	33,222	26.17%
101-7112-09	Temporary Salaries	10,528	14,000	3,472	75.20%
101-7113-09	Overtime	161	2,000	1,839	8.05%
101-7218-09	Long/Short Term Disability Insurance	143	800	657	17.88%
101-7220-09	PERS Retirement	1,482	5,200	3,718	28.50%
101-7221-09	PERS Retirement - Unfunded Liability	1,934	5,500	3,566	35.16%
101-7231-09	Workers' Compensation	2,371	2,500	129	94.84%
101-7232-09	Unemployment Compensation	347	900	553	38.56%
101-7233-09	FICA Taxes	552	1,700	1,148	32.47%
101-7246-09	Benefit Insurance	2,584	10,000	7,416	25.84%
101-7311-09	General Supplies	2,507	14,000	11,493	17.91%
101-7331-09	Rentals/Leases	-	500	500	0.00%
101-7335-09	Gas & Electricity	724	1,700	976	42.59%
101-7338-09	Water Services	72,213	78,800	6,587	91.64%
101-7341-09	Buildings/Grounds Maintenance	695	5,000	4,305	13.90%
101-7343-09	Vehicle Maintenance	1,242	3,740	2,498	33.21%
101-7344-09	Vehicles: Gas, Oil & Supplies	927	2,740	1,813	33.83%
101-7417-09	Janitorial Service	6,663	13,500	6,837	49.36%
101-7429-09	Animal/Pest Control Services	-	6,100	6,100	0.00%
101-7440-09	Tree Trimming Services	-	3,000	3,000	0.00%
<i>Community Park Department Subtotal:</i>		116,851	216,680	99,829	53.93%
<b>Total Operating Expenses</b>		<b>2,461,621</b>	<b>4,465,352</b>	<b>2,003,731</b>	<b>55.13%</b>
<b>Beginning Fund Balance</b>		<b>5,917,281</b>	<b>5,917,281</b>		
<b>Net Increase/(Decrease) In Fund Balance</b>		<b>(90,507)</b>	<b>528</b>		
<b>Ending Fund Balance (At Mid Year)</b>		<b>5,826,774</b>	<b>5,917,809</b>		

**City of Clayton**  
**Budget-to-Actual Report**  
For Six Month Period Ending December 31, 2017

Line Item No.	Line Item Description	Actual	Budget	Variance (\$)	Variance (%)
<b>201 - Gas Tax Fund</b>					
<b>Revenues</b>					
201-4607-00	Street Light Assessment	21,867	34,500	(12,633)	63.38%
201-5209-00	State Gasoline 2105	30,866	65,149	(34,283)	47.38%
201-5210-00	State Gasoline 2106	22,306	44,148	(21,842)	50.53%
201-5211-00	State Gasoline 2107	40,359	84,164	(43,805)	47.95%
201-5212-00	State Gasoline 2107.5	3,000	3,000	-	100.00%
201-5216-00	State Gasoline 2103	24,918	44,878	(19,960)	55.52%
201-5218-00	State Gasoline 2030 (RMRA)	1,903	64,639	(62,736)	2.94%
201-5219-00	State Gasoline Loan Repayments	-	12,825	(12,825)	0.00%
201-5601-00	Interest	1,913	2,000	(87)	95.65%
<b>Total Revenues</b>		<b>147,132</b>	<b>355,303</b>	<b>(208,171)</b>	<b>41.41%</b>
<b>Operating Expenses</b>					
201-7111-00	Regular Salaries	12,572	10,000	(2,572)	125.72%
201-7112-00	Temporary Salaries	535	3,000	2,465	17.83%
201-7113-00	Overtime	-	3,000	3,000	0.00%
201-7218-00	Long/Short Term Disability Insurance	142	200	58	71.00%
201-7220-00	PERS Retirement	1,542	1,100	(442)	140.18%
201-7221-00	PERS Retirement - Unfunded Liability	1,852	1,200	(652)	154.33%
201-7231-00	Workers' Compensation	474	500	26	94.80%
201-7232-00	Unemployment Compensation	77	200	123	38.50%
201-7233-00	FICA Taxes	273	300	27	91.00%
201-7246-00	Benefit Insurance	2,565	3,000	435	85.50%
201-7311-00	General Supplies	1,610	12,000	10,390	13.42%
201-7324-00	Dues and Subscriptions	-	1,500	1,500	0.00%
201-7327-00	Arterial Street Light Supplies	-	1,500	1,500	0.00%
201-7335-00	Gas & Electricity	23,567	52,100	28,533	45.23%
201-7340-00	Traffic Safety Supplies	-	500	500	0.00%
201-7343-00	Vehicle Maintenance	1,168	880	(288)	132.73%
201-7344-00	Vehicles: Gas, Oil & Supplies	956	650	(306)	147.08%
201-7349-00	Traffic Signal Maintenance	4,789	26,300	21,511	18.21%
201-7350-00	Pavement Repairs/Maintenance	17,342	20,000	2,658	86.71%
201-7381-00	Property Tax Admin. Costs	-	350	350	0.00%
201-7419-00	Other Professional Services	2,800	4,540	1,740	61.67%
201-7450-00	Street Light Maintenance	2,515	-	(2,515)	100.00%
201-7486-00	CERF Charges	2,230	2,230	-	100.00%
201-8101-00	Transfer To General Fund	3,752	7,503	3,751	50.01%
201-8111-00	Transfer to CIP Fund	27,718	370,788	343,070	7.48%
<b>Total Operating Expenses</b>		<b>108,479</b>	<b>523,341</b>	<b>414,862</b>	<b>20.73%</b>
<b>Beginning Fund Balance</b>		<b>228,689</b>	<b>228,689</b>		
<b>Net Increase/(Decrease) in Fund Balance</b>		<b>38,653</b>	<b>(168,038)</b>		
<b>Ending Fund Balance (At Mid Year)</b>		<b>267,342</b>	<b>60,651</b>		

**City of Clayton**  
**Budget-to-Actual Report**  
For Six Month Period Ending December 31, 2017

Line Item No.	Line Item Description	Actual	Budget	Variance (\$)	Variance (%)
<b>210 - Landscape Maintenance CFD</b>					
<b>Revenues</b>					
210-4604-00	Clayton LMD Assessment	686,116	1,089,277	(403,161)	62.99%
210-5601-00	Interest	7,729	12,000	(4,271)	64.41%
<b>Total Revenues</b>		<b>693,845</b>	<b>1,101,277</b>	<b>(407,432)</b>	<b>63.00%</b>
<b>Operating Expenses</b>					
210-7111-00	Regular Salaries	81,741	202,000	120,259	40.47%
210-7112-00	Temporary Salaries	52,854	149,000	96,146	35.47%
210-7113-00	Overtime	476	1,000	524	47.60%
210-7218-00	Long/Short Term Disability Insurance	943	3,500	2,557	26.94%
210-7220-00	PERS Retirement	9,962	23,300	13,338	42.76%
210-7221-00	PERS Retirement - Unfunded Liability	12,618	24,300	11,682	51.93%
210-7231-00	Workers' Compensation	12,175	12,700	525	95.87%
210-7232-00	Unemployment Compensation	1,927	5,000	3,073	38.54%
210-7233-00	FICA Taxes	2,680	10,500	7,820	25.52%
210-7246-00	Benefit Insurance	17,075	44,700	27,625	38.20%
210-7301-00	Recruitment/Pre-employment	223	1,000	777	22.30%
210-7311-00	General Supplies	11,784	50,100	38,316	23.52%
210-7316-00	Landscape Replacement	600	40,000	39,400	1.50%
210-7335-00	Gas & Electricity	14,773	30,000	15,227	49.24%
210-7338-00	Water Services	88,721	130,000	41,279	68.25%
210-7341-00	Buildings/Grounds Maintenance	3,900	20,000	16,100	19.50%
210-7342-00	Machinery/Equipment Maintenance	2,949	19,000	16,051	15.52%
210-7343-00	Vehicle Maintenance	8,050	18,000	9,950	44.72%
210-7344-00	Vehicle Gas, Oil, and Supplies	6,210	13,000	6,790	47.77%
210-7381-00	Property Tax Admin. Costs	2,353	4,000	1,647	58.83%
210-7411-00	Legal Services Retainer	-	2,000	2,000	0.00%
210-7419-00	Other Professional Services	2,570	6,560	3,990	39.18%
210-7429-00	Animal/Pest Control Services	175	5,000	4,825	3.50%
210-7440-00	Tree Trimming Services	26,550	25,000	(1,550)	106.20%
210-7445-00	Weed Abatement Services	11,873	122,000	110,127	9.73%
210-7486-00	CERF Charges/Depreciation	14,500	14,500	-	100.00%
210-7520-00	Landscape Projects	1,549	483,000	481,451	0.32%
210-7615-00	CCC Property Tax	2,791	2,800	9	99.68%
210-8101-00	Transfer To General Fund	18,048	36,095	18,047	50.00%
210-8113-00	Transfer to Stormwater Fund	1,008	1,008	-	100.00%
<b>Total Operating Expenses</b>		<b>411,078</b>	<b>1,499,063</b>	<b>1,087,985</b>	<b>27.42%</b>
<b>Beginning Fund Balance</b>		<b>1,096,083</b>	<b>1,096,083</b>		
<b>Net Increase/(Decrease) in Fund Balance</b>		<b>282,767</b>	<b>(397,786)</b>		
<b>Ending Fund Balance (At Mid Year)</b>		<b>1,378,850</b>	<b>698,297</b>		

**City of Clayton**  
**Budget-to-Actual Report**  
For Six Month Period Ending December 31, 2017

Line Item No.	Line Item Description	Actual	Budget	Variance (\$)	Variance (%)
<b>211 - The Grove Park CFD 2006-1</b>					
<b>Revenues</b>					
211-4613-00	Clayton DT Park Assessment	82,077	130,285	(48,208)	63.00%
211-5601-00	Interest	1,942	3,500	(1,558)	55.49%
211-5602-00	Park Use Fee	1,262	1,600	(338)	78.88%
<b>Total Revenues</b>		<b>85,281</b>	<b>135,385</b>	<b>(50,104)</b>	<b>62.99%</b>
<b>Operating Expenses</b>					
211-7111-00	Regular Salaries	5,454	20,000	14,546	27.27%
211-7112-00	Temporary Salaries	9,238	10,000	762	92.38%
211-7113-00	Overtime	201	500	299	40.20%
211-7218-00	Long/Short Term Disability Insurance	82	350	288	17.71%
211-7220-00	PERS Retirement	665	2,300	1,635	28.91%
211-7221-00	PERS Retirement - Unfunded Liability	827	2,400	1,573	34.46%
211-7231-00	Workers' Compensation	1,233	1,300	67	94.85%
211-7232-00	Unemployment Compensation	193	500	307	38.60%
211-7233-00	FICA Taxes	417	1,000	583	41.70%
211-7246-00	Benefit Insurance	1,128	4,500	3,372	25.07%
211-7311-00	General Supplies	-	6,250	6,250	0.00%
211-7331-00	Rentals/leases	-	500	500	0.00%
211-7335-00	Gas & Electricity	805	1,800	995	44.72%
211-7338-00	Water Services	16,053	36,700	20,647	43.74%
211-7341-00	Buildings/Grounds Maintenance	345	5,860	5,515	5.89%
211-7342-00	Machinery/Equip Maintenance	-	700	700	0.00%
211-7343-00	Vehicle Maintenance	526	1,800	1,274	29.22%
211-7344-00	Vehicle Gas, Oil and Supplies	414	1,400	986	29.57%
211-7381-00	Property Tax Admin. Costs	2,355	3,800	1,445	61.97%
211-7413-00	Legal Services	-	1,000	1,000	0.00%
211-7417-00	Janitorial Services	5,888	14,000	8,112	42.06%
211-7419-00	Other Professional Services	2,084	4,530	2,446	46.00%
211-7429-00	Animal/Pest Control Services	255	1,000	745	25.50%
211-7440-00	Tree Trimming Services	3,720	1,500	(2,220)	248.00%
211-7486-00	CERF Charges	2,100	2,100	-	100.00%
211-7615-00	CCC Property Tax	497	500	3	99.40%
211-8101-00	Transfer To General Fund	3,669	7,337	3,668	50.01%
<b>Total Operating Expenses</b>		<b>58,129</b>	<b>133,627</b>	<b>75,498</b>	<b>43.50%</b>
<b>Beginning Fund Balance</b>		<b>276,948</b>	<b>276,948</b>		
<b>Net Increase/(Decrease) In Fund Balance</b>		<b>27,152</b>	<b>1,758</b>		
<b>Ending Fund Balance (At Mid Year)</b>		<b>304,100</b>	<b>278,706</b>		



**City of Clayton**  
**Budget-to-Actual Report**  
For Six Month Period Ending December 31, 2017

Line Item No.	Line Item Description	Actual	Budget	Variance (\$)	Variance (%)
<b>212 - Oakhurst GHAD</b>					
<b>Revenues</b>					
212-4606-00	Oakhurst GHAD Assessment	25,064	39,841	(14,777)	62.91%
212-5601-00	Interest	128	200	(72)	64.00%
<b>Total Revenues</b>		<b>25,192</b>	<b>40,041</b>	<b>(14,849)</b>	<b>62.92%</b>
<b>Operating Expenses</b>					
212-7314-00	Postage	-	750	750	0.00%
212-7351-00	Liability Insurance	7,000	7,000	-	100.00%
212-7381-00	Property Tax Admin. Costs	91	1,200	1,109	7.58%
212-7384-00	Legal Notices	-	100	100	0.00%
212-7389-00	Misc. Expense	-	300	300	0.00%
212-7412-00	Engineering/Inspection Service	5,897	5,000	(897)	117.94%
212-7413-00	Legal Services	-	1,000	1,000	0.00%
212-7520-00	Projects	4,300	14,500	10,200	29.66%
212-8101-00	Transfer To General Fund	3,622	7,244	3,622	50.00%
<b>Total Operating Expenses</b>		<b>20,910</b>	<b>37,094</b>	<b>16,184</b>	<b>56.37%</b>
<b>Beginning Fund Balance</b>		<b>23,965</b>	<b>23,965</b>		
<b>Net Increase/(Decrease) In Fund Balance</b>		<b>4,282</b>	<b>2,947</b>		
<b>Ending Fund Balance (At Mid Year)</b>		<b>28,247</b>	<b>26,912</b>		

**City of Clayton**  
**Budget-to-Actual Report**  
For Six Month Period Ending December 31, 2017

Line Item No.	Line Item Description	Actual	Budget	Variance (\$)	Variance (%)
<b>213 - Presley GHAD Settlement</b>					
<b>Revenues</b>					
213-5601-00	Interest	926	1,600	(376)	57.88%
	<b>Total Revenues</b>	<b>926</b>	<b>1,600</b>	<b>(376)</b>	<b>57.88%</b>
<b>Operating Expenses</b>					
213-7520-00	Projects	-	35,000	35,000	0.00%
	<b>Total Operating Expenses</b>	<b>-</b>	<b>35,000</b>	<b>35,000</b>	<b>0.00%</b>
<b>Beginning Fund Balance</b>		<b>123,593</b>	<b>123,593</b>		
<b>Net Increase/(Decrease) In Fund Balance</b>		<b>926</b>	<b>(33,400)</b>		
<b>Ending Fund Balance (At Mid Year)</b>		<b>124,519</b>	<b>90,193</b>		

**City of Clayton**  
**Budget-to-Actual Report**  
For Six Month Period Ending December 31, 2017

Line Item No.	Line Item Description	Actual	Budget	Variance (\$)	Variance (%)
<b>214 - Street Lighting Assessment</b>					
<b>Revenues</b>					
214-4607-00	Street Light Assessment	79,374	125,991	(56,696)	63.00%
214-5601-00	Interest	725	1,400	(376)	51.79%
<b>Total Revenues</b>		<b>80,099</b>	<b>127,391</b>	<b>(57,072)</b>	<b>62.88%</b>
<b>Operating Expenses</b>					
214-7311-00	General Supplies	-	1,000	1,000	0.00%
214-7335-00	Gas & Electricity	62,030	112,000	49,970	55.38%
214-7381-00	Property Tax Admin. Costs	287	3,700	3,413	7.76%
214-7389-00	Misc. Expense	-	330	330	0.00%
214-7412-00	Engineering/Inspection Service	-	1,000	1,000	0.00%
214-7419-00	Other Professional Services	-	200	200	0.00%
214-7450-00	Street Light Maintenance	9,731	15,000	5,269	64.87%
214-8101-00	Transfer To General Fund	5,770	11,540	5,770	50.00%
<b>Total Operating Expenses</b>		<b>77,818</b>	<b>144,770</b>	<b>66,952</b>	<b>53.75%</b>
<b>Beginning Fund Balance</b>		<b>108,849</b>	<b>108,849</b>		
<b>Net Increase/(Decrease) in Fund Balance</b>		<b>2,281</b>	<b>(17,379)</b>		
<b>Ending Fund Balance (At Mid Year)</b>		<b>111,130</b>	<b>91,470</b>		

**City of Clayton**  
**Budget-to-Actual Report**  
For Six Month Period Ending December 31, 2017

Line Item No.	Line Item Description	Actual	Budget	Variance (\$)	Variance (%)
<b>216 - Stormwater Assessment</b>					
<b>Revenues</b>					
216-4602-00	Stormwater Assessment	10,626	82,473	(71,847)	12.88%
216-4603-00	Stormwater O&M Annual Fee	-	4,060	(4,060)	0.00%
216-5324-00	Street Sweeping Fees	24,732	46,400	(21,668)	53.30%
216-5601-00	Interest	474	1,300	(826)	36.46%
216-6007-00	Trx. From Landscape Mtnc.	1,008	1,008	-	100.00%
<b>Total Revenues</b>		<b>36,840</b>	<b>135,241</b>	<b>(98,401)</b>	<b>27.24%</b>
<b>Operating Expenses</b>					
216-7111-00	Regular Salaries	12,293	28,420	16,127	43.25%
216-7112-00	Temporary Salaries	16,752	9,840	(6,912)	170.24%
216-7218-00	Long/Short Term Disability Insurance	138	500	362	27.60%
216-7220-00	PERS Retirement	1,620	3,280	1,660	49.39%
216-7221-00	PERS Retirement - Unfunded Liability	1,658	3,430	1,772	48.34%
216-7231-00	Workers' Compensation	1,527	1,610	83	94.84%
216-7232-00	Unemployment Compensation	254	660	406	38.48%
216-7233-00	FICA Taxes	447	1,170	723	38.21%
216-7246-00	Benefit Insurance	2,471	6,310	3,839	39.16%
216-7311-00	General Supplies	291	9,000	8,709	3.23%
216-7343-00	Vehicle Maintenance	-	10,500	10,500	0.00%
216-7344-00	Vehicle Gas, Oil and Supplies	1,003	3,000	1,997	33.43%
216-7373-00	Education & Training	990	2,300	1,310	43.04%
216-7389-00	Misc. Expense	-	500	500	0.00%
216-7409-00	Street Sweeping	22,500	46,400	23,900	48.49%
216-7412-00	Engineering/Inspection Service	-	2,000	2,000	0.00%
216-7419-00	Other Professional Services	9,171	24,810	15,639	36.96%
216-7481-00	Permit Fees	8,539	10,000	1,461	85.39%
216-7486-00	CERF Charges	3,200	3,200	-	100.00%
216-7520-00	Projects	-	2,000	2,000	0.00%
216-8101-00	Transfer To General Fund	18,624	37,247	18,623	50.00%
<b>Total Operating Expenses</b>		<b>101,476</b>	<b>206,177</b>	<b>104,699</b>	<b>49.22%</b>
<b>Beginning Fund Balance</b>		<b>91,231</b>	<b>91,231</b>		
<b>Net Increase/(Decrease) in Fund Balance</b>		<b>(64,638)</b>	<b>(70,936)</b>		
<b>Ending Fund Balance (At Mid Year)</b>		<b>26,593</b>	<b>20,295</b>		

**City of Clayton**  
**Budget-to-Actual Report**  
For Six Month Period Ending December 31, 2017

Line Item No.	Line Item Description	Actual	Budget	Variance (\$)	Variance (%)
<b>220 - Measure J Fund</b>					
<b>Revenues</b>					
220-5223-00	Measure J Funds	2,471	280,000	(277,529)	0.88%
220-5225-00	Measure J Program 28a	29,994	31,500	(1,506)	95.22%
220-5601-00	Interest	1,855	1,000	855	185.50%
<b>Total Revenues</b>		<b>34,320</b>	<b>312,500</b>	<b>(278,180)</b>	<b>10.98%</b>
<b>Operating Expenses</b>					
220-7385-00	TRANSPAC Fees	-	2,000	2,000	0.00%
220-7419-00	Other Professional Services	25,628	23,000	(2,628)	111.43%
220-8101-00	Transfer To General Fund	2,247	4,494	2,247	50.00%
220-8111-00	Transfer to CIP Fund	26,560	676,768	650,208	3.92%
<b>Total Operating Expenses</b>		<b>54,435</b>	<b>706,262</b>	<b>651,827</b>	<b>7.71%</b>
<b>Beginning Fund Balance</b>		<b>424,464</b>	<b>424,464</b>		
<b>Net Increase/(Decrease) in Fund Balance</b>		<b>(20,115)</b>	<b>(393,762)</b>		
<b>Ending Fund Balance (At Mid Year)</b>		<b>404,349</b>	<b>30,702</b>		

**City of Clayton**  
**Budget-to-Actual Report**  
For Six Month Period Ending December 31, 2017

Line Item No.	Line Item Description	Actual	Budget	Variance (\$)	Variance (%)
<b>230 - Restricted Grants</b>					
<b>Revenues</b>					
230-5222-00	Avoid the 25 Grant	-	2,000	(2,000)	0.00%
230-5250-00	Public Education Government (PEG)	7,096	15,500	(8,404)	45.78%
230-5260-00	Suppl. Law Enforcement Services Fund (SLESF)	90,760	100,000	(9,240)	90.76%
230-5281-00	DOJ Body Armor Grant	-	2,712	(2,712)	0.00%
230-5601-00	Interest Income	2,626	4,000	(1,374)	65.65%
<b>Total Revenues</b>		<b>100,482</b>	<b>124,212</b>	<b>(23,730)</b>	<b>80.90%</b>
<b>Operating Expenses</b>					
230-7111-00	Regular Salaries	33,894	73,100	39,206	46.37%
230-7113-00	Overtime	7,572	20,020	12,448	37.82%
230-7218-00	Long/Short Term Disability Insurance	375	1,270	895	29.53%
230-7220-00	PERS Retirement	3,678	8,900	5,222	41.33%
230-7231-00	Workers' Compensation	2,940	3,100	160	94.84%
230-7232-00	Unemployment Compensation	170	440	270	38.64%
230-7233-00	FICA Taxes	616	1,060	444	58.11%
230-7242-00	Uniform Allowance	450	900	450	50.00%
230-7246-00	Benefit Insurance	882	1,800	918	49.00%
230-7311-00	General Supplies	1,158	6,139	4,981	18.86%
230-7420-00	Administrative Costs	136	-	(136)	100.00%
230-7485-00	Capital Equipment	8,467	111,454	102,987	7.60%
230-7520-00	Projects	-	5,400	5,400	0.00%
<b>Total Operating Expenses</b>		<b>60,338</b>	<b>233,583</b>	<b>173,245</b>	<b>25.83%</b>
<b>Beginning Fund Balance</b>		<b>352,824</b>	<b>352,824</b>		
<b>Net Increase/(Decrease) in Fund Balance</b>		<b>40,144</b>	<b>(109,371)</b>		
<b>Ending Fund Balance (At Mid Year)</b>		<b>392,968</b>	<b>243,453</b>		

**City of Clayton**  
**Budget-to-Actual Report**  
For Six Month Period Ending December 31, 2017

Line Item No.	Line Item Description	Actual	Budget	Variance (\$)	Variance (%)
<b>304 - Clayton Development Impact Fees</b>					
<b>Revenues</b>					
304-5307-00	Childcare Facility Fees	1,640	-	1,640	100.00%
304-5312-00	Open Space In-Lieu Fee	28,508	-	28,508	100.00%
304-5313-00	Parkland Dedication Fees	20,552	-	20,552	100.00%
304-5314-00	Off Site Improvement Fees	11,648	-	11,648	100.00%
304-5315-00	Tree Mitigation Fee	59,828	-	59,828	100.00%
304-5317-00	Fire Protection Fees	600	-	600	100.00%
304-5323-00	Community Facilities Fees	3,600	-	3,600	100.00%
304-5326-00	Habitat Conservation Fee (PT CCC)	14,418	-	14,418	100.00%
304-5601-00	Interest	4,605	8,500	(3,895)	54.18%
<b>Total Revenues</b>		<b>145,399</b>	<b>8,500</b>	<b>136,899</b>	<b>1710.58%</b>
<b>Operating Expenses</b>					
304-7113-00	Overtime	22,299	30,000	7,701	74.33%
304-7313-00	Small Tools and Equipment	-	-	-	100.00%
304-7485-00	Capital Equipment	-	45,000	45,000	0.00%
304-7520-00	Projects	14,418	-	(14,418)	100.00%
304-8111-00	Transfer to CIP Fund	161,000	161,000	-	100.00%
<b>Total Operating Expenses</b>		<b>197,717</b>	<b>236,000</b>	<b>38,283</b>	<b>83.78%</b>
<b>Beginning Fund Balance</b>		<b>579,148</b>	<b>579,148</b>		
<b>Net Increase/(Decrease) in Fund Balance</b>		<b>(52,318)</b>	<b>(227,500)</b>		
<b>Ending Fund Balance (At Mid Year)</b>		<b>526,830</b>	<b>351,648</b>		

**City of Clayton**  
**Budget-to-Actual Report**  
For Six Month Period Ending December 31, 2017

Line Item No.	Line Item Description	Actual	Budget	Variance (\$)	Variance (%)
<b>616 - Successor Housing Agency</b>					
<b>Revenues</b>					
616-4110-00	Program Revenue	91,400	91,400	-	100.00%
616-5601-00	Interest	6,909	5,000	(1,909)	138.18%
<b>Total Revenues</b>		<b>98,309</b>	<b>96,400</b>	<b>(1,909)</b>	<b>101.98%</b>
<b>Operating Expenses</b>					
616-7411-00	Legal Services Retainer	-	500	500	0.00%
616-7413-00	Legal Services	2,389	10,000	7,611	23.89%
<b>Total Operating Expenses</b>		<b>2,389</b>	<b>10,500</b>	<b>8,111</b>	<b>22.75%</b>
<b>Beginning Fund Balance</b>		<b>4,427,228</b>	<b>4,427,228</b>		
<b>Net Increase/(Decrease) in Fund Balance</b>		<b>95,920</b>	<b>85,900</b>		
<b>Ending Fund Balance (At Mid Year)</b>		<b>4,523,148</b>	<b>4,513,128</b>		



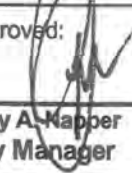
**City of Clayton**  
**Budget-to-Actual Report**  
For Six Month Period Ending December 31, 2017

Line Item No.	Line Item Description	Actual	Budget	Variance (\$)	Variance (%)
<b>303 - Capital Improvements Fund</b>					
<b>Revenues</b>					
303-5220-00	Restricted Grants	-	308,000	(308,000)	0.00%
303-5230-00	Measure J Grant	2,583	375,000	(372,417)	0.69%
303-5281-00	Federal Grant - Local Streets & Roads Shortfall	-	385,000	(385,000)	0.00%
303-5601-00	Interest	12,786	-	12,786	100.00%
303-6001-00	Transfer from General Fund	101,072	101,072	-	100.00%
303-6002-00	Transfer from Measure J Fund	26,560	696,768	(670,208)	3.81%
303-6004-00	Transfer from Gas Tax Fund	27,718	370,788	(343,070)	7.48%
303-6023-00	Transfer from Developer Impact Fund	161,000	161,000	-	100.00%
303-6099-00	Capital Contributions	220,126	220,126	-	100.00%
303-6100-00	Intergovernmental Capital Contributions (Sewer)	-	503,500	(503,500)	0.00%
<b>Total Revenues</b>		<b>551,845</b>	<b>3,121,254</b>	<b>(2,569,409)</b>	<b>17.68%</b>
<b>Operating Expenses</b>					
303-7413-00	Special Legal Services	236	-	(236)	100.00%
303-7520-00	Project Expenses	2,450	-	(2,450)	100.00%
303-7551-00	Project Costs - Planning/Design	39,818	28,500	(11,318)	139.71%
303-7552-00	Project Costs - Construction/Execution	202,356	2,861,804	2,659,448	7.07%
303-7553-00	Project Costs - Monitoring/Inspections	-	180,275	180,275	0.00%
303-7554-00	Project Costs - Close-out/Punch List	-	17,500	17,500	0.00%
<b>Total Operating Expenses</b>		<b>244,660</b>	<b>3,088,079</b>	<b>2,843,219</b>	<b>7.93%</b>
<b>Beginning Fund Balance</b>		<b>1,606,900</b>	<b>1,606,900</b>		
<b>Net Increase/(Decrease) in Fund Balance</b>		<b>306,985</b>	<b>33,175</b>		
<b>Ending Fund Balance (At Mid Year)</b>		<b>1,913,885</b>	<b>1,640,075</b>		



Agenda Date: 2-20-2018

Agenda Item: 8a

Approved:   
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Gary A. Mapper  
City Manager

# AGENDA REPORT

**TO: HONORABLE MAYOR AND COUNCIL MEMBERS**

**FROM: MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR** 

**DATE: FEBRUARY 20, 2018**

**SUBJECT: DISCUSSION OF SMOKING REGULATIONS**

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## RECOMMENDATION

It is recommended the City Council discuss and provide direction on the various staff recommendations regarding an update to the City's smoking regulations.

## BACKGROUND

On December 5, 2017, the City Council addressed the issues associated with the State of California's legalization of adult-use cannabis (Proposition 64) by adopting an Ordinance prohibiting all commercial cannabis uses within the City, except for the delivery of cannabis and cannabis products originating outside of the city limits. It also banned the personal outdoor cultivation of cannabis.

As part of the discussion regarding the regulation of cannabis, the City Council provided direction to staff to bring back an update to the City's smoking ordinance in order to more thoroughly address the smoking and ingesting of cannabis. Current State law, Health and Safety Code, section 11362.3, contains limitations on public consumption of cannabis including, but not limited to the following prohibitions:

- Smoking and ingesting cannabis or cannabis products in a public place;
- Smoking cannabis or cannabis products in a location where smoking tobacco is prohibited; and
- Smoking cannabis or cannabis products within 1,000 feet of a school, day care center, or youth center while children are present (except in or upon the grounds of a

private residence and only if such smoking is not detectable by others on the grounds of the school, day care center, or youth center while children are present) or upon the grounds of a school, day care center, or youth center while children are present.

While State law attempts to address the appropriate locations for the use of cannabis to some degree, it also contains vague language such as the smoking of cannabis or cannabis products in a location where smoking tobacco is prohibited. The ambiguity of the State law language prompted staff to look at the City's current smoking ordinance to determine if there were any changes that should be considered not only to address the smoking and ingesting of cannabis, but also to consider shifting prevailing sentiments towards tobacco use as well as to address any health concerns that may not have been day lighted when the City's smoking ordinance was last updated.

The City's smoking ordinance was last updated in 1993 (**Attachment 1**) and since that time there have been significant changes to State law regarding tobacco use, significant changes to the smoking industry in how tobacco products are consumed, as well as societal shifts in acceptable behavior related to the use of tobacco products, particularly as it pertains to secondhand smoke. Further, the American Lung Association recently gave Clayton an overall grade of a "D" as it pertains to tobacco control (**Attachment 2**).

#### *Secondhand Smoke Health Concerns*

It has been proven that secondhand smoke leads to numerous health issues in both children and adults. The California Air Resources Board has also declared secondhand smoke as a toxic air contaminant and a report from the U.S. Surgeon General indicates there is no risk-free level of exposure to secondhand smoke. Further, Stanford University researchers conducted an in-depth study on how smoking affects air quality at sidewalk cafes, park benches, and other outdoor locations. The Stanford researchers concluded that a non-smoker sitting a few feet downwind from a smoldering cigarette is likely to be exposed to substantial levels of contaminated air for brief periods of time.

In addition, while there is not a voluminous amount of research yet on the effects of secondhand smoke produced from electronic smoking devices as compared to the research on secondhand smoke from cigarettes/cannabis, there are studies being published finding that vaping worsens indoor air quality and that products contain harmful chemicals for both the person directly ingesting the tobacco/cannabis as well as for those exposed to the secondhand vapor or aerosol.

#### **POLICY QUESTIONS AND DISCUSSION**

State law prohibits the smoking of tobacco, including electronic smoking devices, in many locations and circumstances; however over the last ten years local jurisdictions, in compliance with State law, have been enacting more stringent laws to address a myriad of complaints and health concerns received from their respective communities. Since the City's smoking ordinance has not been updated since 1993, staff seeks policy direction from

the Clayton City Council on the topics below in order to appropriately revise our local Ordinance and to determine if a more stringent smoking ordinance should be drafted for consideration to address health and community concerns related to the smoking and/or ingesting of tobacco and/or cannabis.

***POLICY QUESTION 1: SHOULD THE CITY FURTHER REGULATE TOBACCO AND CANNABIS PRODUCTS THAT DO NOT CREATE VAPOR OR SMOKE?***

The City Council not only has the authority to further regulate the smoking of tobacco and cannabis products but it can also regulate the use of other tobacco and cannabis products that do not produce smoke or vapor. These types of products would include, but are not limited to, chewing tobacco, snuff, or edibles.

**STAFF RECOMMENDATION:** Given these products do not produce an involuntary impact like secondhand smoke or vapor and that State law also currently prohibits the ingesting of cannabis and cannabis products in a public place, staff suggests these products not be further regulated.

***POLICY QUESTION 2: SHOULD THE CITY FURTHER REGULATE SMOKING AT PLACES OF EMPLOYMENT?***

California Labor Code Section 6404.5 prohibits smoking in most indoor workplaces, but exempts the following:

- 1) Twenty percent (20%) of guestroom accommodations in a hotel, motel, or similar transient lodging establishment.
- 2) Retail or wholesale tobacco shops and private smokers' lounges.
- 3) Cabs of trucks, or tractors, if nonsmoking employees are not present.
- 4) Theatrical production sites, if smoking is integral part of the story.
- 5) Medical research or treatment sites, if smoking is integral to the research and treatment being conducted.
- 6) Private residences, except for private residences licensed as family day care homes where smoking is prohibited pursuant to the California Health and Safety Code Section 1596.795.
- 7) Patient smoking areas in long-term health facilities.

**STAFF RECOMMENDATION:** Prohibit the smoking of all places exempted by the State except for retail or wholesale tobacco establishments with a private smokers' lounge as defined in the California Labor Code. Staff would further recommend restricting this exemption by not allowing the sale of food and drink, or allow such products to be consumed onsite; prohibiting minors from entering the store at all times; and the tobacco store must be an independent freestanding building unattached to any other building, establishment, or use.

**POLICY QUESTION 3: SHOULD THE CITY REGULATE SMOKING IN MULTIFAMILY RESIDENTIAL USES?**

Due to smoke migrating from neighboring apartments or condominium through cracks in shared walls, vents, and open windows and involuntarily subjecting others to secondhand, jurisdictions have routinely adopted ordinances to prohibit the smoking in not only the common areas of all multifamily residences, but also all units within multi-unit residences. As of April 2017, the American Lung Association has documented 51 California jurisdictions having adopted strong ordinances for smoke-free housing with the majority of those 51 jurisdictions requiring 100 percent of the units to be smoke-free (**Attachment 3**). Another 39 jurisdictions have smoke-free policies that cover common areas and those that require disclosure in lease and rental agreements.

**STAFF RECOMMENDATION:** Prohibit the smoking in the enclosed and unenclosed common areas of multifamily residences and within the units of all multifamily residences, including balconies and patios. Staff recommends a threshold of two or more units, including condominiums, be established due to the sharing of common walls and the impacts of secondhand smoke. However, staff proposes allowing landlords to designate outdoor smoking areas a reasonable distance away from any doors or operable windows in compliance with state and federal laws regarding changes to the terms of a lease or rental agreement. Such designated smoking areas would be subject to appropriate criteria as having a clearly marked perimeter and identified by the appropriate signage. Lastly, staff recommends these restrictions be effective immediately for any new multifamily development projects and provide a one-year timeframe for these regulations to be phased in for existing multifamily residential units. These regulations would also be required to be disclosed in the lease or rental agreement.

It should be noted, these proposed restrictions would not allow residents to smoke cannabis, including medical cannabis without a reasonable accommodation, within these housing units and State law does not allow the smoking or consumption of cannabis in public. Oddly, the growing of cannabis for personal use and edible cannabis products would still be permissible within multifamily residential units.

**POLICY QUESTION 4: SHOULD THE CITY REGULATE SMOKING IN UNENCLOSED SPACES?**

- 1) The current Ordinance prohibits smoking in City parks, open space, and trails, which staff proposes to remain in effect; however additional policy questions arise to determine if the Council wants to further restrict smoking in public unenclosed spaces beyond State law. For example, smoking within 25 feet of a playground (park or recreational area specifically design for use by children that has play equipment installed) or tot lot sandbox area (a public park designated for use by children under

five years of age) is prohibited; however the law does not apply to public sidewalks. The City Council may want to further restrict smoking in the Town Center by establishing a 25 foot buffer around The Grove Park because it is conceivable someone could be smoking within 25 feet of the playground at The Grove Park by standing on the sidewalk on Center Street and exposing children and youth to secondhand smoke. This also raises a similar issue during the Concerts at The Grove, where secondhand smoke can drift from the sidewalk into the park. It should be noted, a person may have to move nearly 23 feet away from the source of the smoke to be completely free from exposure to secondhand smoke.

- 2) Other places for the City Council to consider the prohibition of smoking would be at all outdoor public events such as parades, concerts, and festivals (4<sup>th</sup> of July parade, Oktoberfest, Art & Wine, etc.) as well as recreational areas, such as swimming pools, ball fields, and gymnasiums. Please note state law already prohibits smoking, including the use of electronic smoking devices, within 25 feet of the common commerce area of a certified farmers' market.
- 3) Staff also seeks direction from the City Council on the prohibition of smoking at unenclosed dining areas. Some restaurants in the Town Center already prohibit smoking on the dining patios; however this restriction could be enforceable and memorialized in the Clayton Municipal Code (CMC).
- 4) Lastly, should a reasonable smoking distance be required from any doorway, window, opening, crack, or vent into an enclosed area in which smoking is prohibited? This buffer zone would minimize smoking entering into an enclosed area where smoking is prohibited as well as minimize those exiting or entering an enclosed area from being exposed to secondhand smoke.

**STAFF RECOMMENDATIONS:** 1) Establish a 25-foot smoking prohibition around the exterior perimeter of The Grove Park to eliminate or reduce children and youth exposure to secondhand smoke. 2) Prohibit smoking at outdoor public events and recreational areas, except for private recreational areas not open to the public, including golf courses, to the extent as permitted by state law. 3) Prohibit smoking in unenclosed dining areas, except for private restaurants not open to the public. 4) Establish a 25-foot buffer zone from any doorway, window, opening, crack, or vent into an enclosed area where smoking is prohibited.

***POLICY QUESTION 5: WHAT LEVEL OF PENALTY SHOULD BE APPLIED FOR VIOLATIONS?***

The City Council has the authority within the proposed Ordinance to determine the level of penalty for violations of the proposed regulations. The penalty could be considered an infraction or a misdemeanor, or it could be drafted as a "wobbler" with the level of penalty at the discretion of the enforcing officer. Section 36900 of the California Government Code

requires municipalities to have the same amount for infractions: first violation is \$100; second violation within the same year is \$200; and a fine not exceeding \$500 for each additional violation of the same ordinance in the same year; however a misdemeanor allows a higher fine ceiling at \$1,000. Another option for consideration would be allowing private citizens to obtain an injunction against individuals or businesses for repeat violations of the ordinance.

**STAFF RECOMMENDATION:** Staff recommends allowing the penalty to be a wobbler between an infraction and a misdemeanor, thereby allowing the police officer to make the determination in regards to the penalty depending on the situation. Further, language allowing a private citizen to obtain an injunction against individuals or businesses for repeat violations of the ordinance would provide additional enforcement, but at no real additional expense to the City.

### **CANNABIS**

As indicated earlier in the staff report, the California Health and Safety Code prohibits the smoking and ingesting of cannabis or cannabis products in a public place; in a location where smoking tobacco is prohibited; and within 1,000 feet of a school, day care center, or youth center while children are present. A concern from staff is that State law does not provide a definition of "public place". Until further guidance is provided by the State, it would be prudent to include the applicable definition of "public place" in the CMC.

**STAFF RECOMMENDATION:** It is recommended the Council direct staff to include a definition of "public place" in the Ordinance for clarity and enforcement purposes. Also, given the high level of restrictions at the State level and depending on direction to staff regarding the smoking Ordinance, staff is merely recommending reiterating state law as it pertains to the consumption of cannabis and cannabis products and further specify cannabis is not allowed on any City property.

### ***ISSUES CONSIDERED BUT NOT INCORPORATED BY STAFF***

- 1) Staff considered a prohibition on smoking in all of the Clayton Town Center area to encourage pedestrian-friendly policies to support the City's goal of an attractive and vibrant downtown, similar to the prohibition established in downtown Walnut Creek. After further consideration, this was ultimately not recommended due to its restrictive nature and possible economic impacts to downtown businesses.
- 2) Another consideration was only applying the prohibition of smoking to the common areas of multifamily residences; however after considering that smoking is not a constitutional right and the health risks associated with secondhand smoke, staff felt it was more appropriate to prohibit smoking in all multifamily residential units and adjacent outdoor spaces. Additionally, staff felt that only requiring the disclosure of smoking policies within a lease or rental agreement did not go far enough to eliminate the exposure to secondhand smoke, particularly since there is a housing

supply shortage in the State of California, which could further limit the choice of those looking for a place to live.

- 3) In regards to enforcement, City staff considered recommending allowing the city to file a civil action for any violation seeking a monetary fine, injunctive relief, or nuisance abatement. Given the costs associated with filing a civil action, staff did not believe it was prudent to make this recommendation. Another option considered, but not recommended, was to declare violations of the ordinance constitute a nuisance, but the corresponding level of evidence required makes it hard to prove and the other recommended enforcement mechanisms would adequate to manage violations.

### **FISCAL IMPACTS**

The City Council's policy direction will determine whether the costs will be more or less impactful. It is anticipated there will be more costs initially for enforcement and public education and outreach after the passage of the proposed Ordinance; however once the CMC requirements have been circulated and understood by the general public, it is anticipated enforcement and education costs would decrease. There could also be an initial investment in signage costs to ensure public areas are appropriately signed. For example, the no-smoking perimeter around The Grove Park recommended by staff will necessitate the placement of "No Smoking" signs on the perimeter street light poles.

Overall, the long term impacts compared to the City's existing smoking regulations are expected to be nominal.

### **ATTACHMENTS**

1. CMC Section 8.14 [pp. 7]
2. American Lung Association Tobacco Control Grades [pp. 1]
3. American Lung Association Matrix of Strong Local 2017 Smoke-free Multifamily Housing [pp. 6]



## Sections:

## 8.14.010 - Findings.

The City Council of the City of Clayton hereby finds that:

- A. The U.S. Environmental Protection Agency has determined that tobacco smoke is the major contributor of particulate indoor air pollution; and
- B. Reliable studies have shown that breathing side stream or secondhand smoke is a significant health hazard, in particular for elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function; including asthmatics and those with obstructive airway disease; and
- C. Health hazards induced by breathing side stream or secondhand smoke include heart disease, lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, broncho constriction, and broncho spasm; and
- D. Nonsmokers with allergies, respiratory diseases and those who suffer other ill effects of breathing side stream or secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions to same; and
- E. The smoking of tobacco, or any other weed or plant, is a danger to health; and
- F. The health care costs and lost productivity incurred by smoking-related disease and death represent a heavy and avoidable financial drain on our community; and
- G. The free distribution of cigarettes and other tobacco products encourages people to begin smoking and using tobacco products, and tempts those who had quit smoking to begin smoking again; and
- H. Free distribution of cigarettes and other tobacco products promotes unsightly litter, thereby increasing the costs to the public in cleaning the streets; and also causes pedestrian traffic congestion.

(Ord. 295, § 1, 1992)

## 8.14.020 - Purpose.

The compelling purpose and intent of this chapter includes, but is not limited to, generally promoting the health, safety, and welfare of all people in the community against the health hazards and harmful effects of the use of addictive tobacco products.

(Ord. 295, § 1, 1992)

## 8.14.030 - Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as hereafter set out, unless it is apparent that they have a different meaning:

- A. "Area Open to the Public" shall mean any area available to and customarily used by the general public.
- B. "Bar" means an establishment that is primarily devoted to the serving of alcoholic beverages and in

which the service of food is minimal and only incidental to the consumption of such beverages (Department of Alcoholic Beverage Control Type 61, 42 or 48 licenses - "stand alone" bars). A "bar area" means that portion of a restaurant establishment where alcoholic beverages are sold and from which tobacco smoke can filter into the dining area of the restaurant through a passageway, ventilation system, or any other means.

- C. "Bowlers' settee" means the area immediately behind the bowling lane in which score is kept and seating is provided for bowlers waiting their turn to bowl.
- D. "Bowling center concourse" means that area separated from the bowling lane, bowlers' settee, and visitors' settee by at least one step or a physical barrier.
- E. "Bowling lane" means the bowler's approach, the foul line and the lanes.
- F. "Distribute" means to give, sell, deliver, dispense, issue, or cause or hire any person to give, sell, deliver, dispense, issue or offer to give, sell, deliver, dispense or issue.
- G. "Employee" means any person who is employed by an employer in consideration for direct or indirect monetary wages or profit.
- H. "Employer" means any person, partnership, corporation, including municipal corporation or public entity, who employs the services of two (2) or more persons or two (2) or more people conduct business within the establishment.
- I. "Enclosed" means closed in by a roof and walls with appropriate openings for ingress and egress.
- J. "General Public" shall mean shoppers, customers, patrons, patients, students, clients and other similar invitees of a Commercial Enterprise or Non-Profit Entity.
- K. "Open Space" means land left basically in its natural, undeveloped state to promote scenic and aesthetic beauty and used for the preservation of natural resources, managed production of resources and outdoor recreation.
- L. "Park" means all public open spaces, recreation areas and trails owned and maintained by the City of Clayton, whose primary purpose is recreation, either passive or active.
- M. "Place of employment" means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including but not limited to, work areas, employee lounges, conference rooms, and employee cafeterias. A private residence is not a place of employment unless it is used as a childcare or health care facility.
- N. "Smoking" means the carrying or holding of a lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment or the lighting or emitting or exhaling the smoke of a pipe, cigar, or cigarette of any kind.
- O. "Sports Arena" means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling centers, halls, ball fields and other playing fields, stadiums, and other similar facilities and places, whether indoor or outdoor, but excluding the outdoor areas of golf courses, where members of the public assemble to engage in physical exercise, participate in athletic competition, or witness sports events.
- P. "Trail" means a marked or established path or route, paved or unpaved, used for the recreational activities of walking, hiking, bicycling, and/or horseback riding.
- Q. "Vending machine" means any electronic or mechanical device or appliance the operation of which depends upon the insertion of money, whether in coin or paper bill, or other thing representative of

value, which dispenses or releases a tobacco product and/or tobacco accessories.

R. "Visitors' settee" means seating provided immediately behind the bowlers' settee.

(Ord. 295, § 1, 1992; Ord. 307, 1993)

#### 8.14.040 - Regulation of Smoking in City-Owned Facilities.

Smoking is prohibited in all buildings, vehicles, or other areas occupied by city employees, owned or leased by the city, or otherwise operated by the city.

(Ord. 295, § 1, 1992; Ord. 307, 1993)

#### 8.14.050 - Prohibition of Smoking.

Smoking is prohibited in the following places within the City of Clayton:

- A. All enclosed areas available to and customarily used by the general public and all businesses patronized by the public, including, but not limited to, retail stores, the common areas of hotels and motels, pharmacies, banks, shopping malls, and other offices;
- B. All indoor areas of restaurants, including but not limited to indoor dining areas, waiting areas, restrooms, offices, break rooms, food preparation areas, and bar areas. The owner, manager or operator of the restaurant shall post signs as prescribed by Section 8.14.080(A) and remove all ashtrays from tables. Smoking is permitted in any outdoor areas of restaurants, and also in the bar and dining indoor areas of restaurants after the consumption of all meals therein has ceased.
- C. Waiting rooms, hallways, wards, and semi-private rooms of health facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, doctors' offices, except that health facilities shall also be subject to the provisions of Section 8.14.060 regulating smoking in places of employment;
- D. Elevators, public rest rooms, indoor services lines, buses, taxicabs and other means of public transit under the authority of public entities, and in ticket, boarding, and waiting areas of public transit depot; provided, however, that this prohibition does not prevent the establishment of separate waiting areas for smokers and non-smokers, provided that at least sixty percent (60%) of a given waiting area shall be designated as a non-smoking area.
- E. In public area of museums and galleries;
- F. Theaters, auditoriums, concert facilities and halls which are used for motion pictures, stage dramas and musical performances, ballets or other exhibitions, both indoor and outdoor, except when smoking is part of any such production, provided however, in outdoor facilities, designated smoking areas may be provided which shall be segregated from non-smoking areas. Where seating area is provided in an outdoor facility, no more than forty percent (40%) of the total seats of the facility may be designated as smoking seats;
- G. Retail food marketing establishments, including grocery stores, and supermarkets;
- H. Public schools and other public facilities under the control of another public agency, which are available to and customarily used by the general public, to the extent that the same are subject to the jurisdiction of the city;
- I. Sports facilities, both indoor and outdoor, and convention halls.

- J. Bowling centers, including but not limited to bowling lanes, bowlers' settees, visitors' settees and game room provided however, that a designated smoking area may be provided on the bowling center concourse. The manager or operator of the bowling center shall post signs as prescribed by Section 8.14.080.A. and remove ashtrays from non-smoking areas;
- K. Private residences when used as child care or health care facilities. Board and care facilities shall provide smoke-free living quarters for non-smoking boarders;
- L. Bingo parlors, except a separate enclosed room may be designated as a smoking room. The owner, manager or operator of the bingo parlor shall post signs as prescribed by Section 8.14.080 and remove all ashtrays from the non-smoking room.
- M. Parks, Trails, and Open Space.

Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment described in this section may declare that entire establishment as a non-smoking establishment.

(Ord. 295, § 1, 1992; Ord. 307, 1993)

#### 8.14.060 - Regulation of Smoking in Places of Employment.

- A. Smoking is prohibited in any place of employment, including, but not limited to, open office areas, shared offices and private offices occupied by employees performing clerical, technical, administrative or other business or work functions; and, conference and meeting rooms, classrooms, auditoriums, rest rooms, medical facilities, hallways, and elevators.
- B. The provisions of this division shall be communicated to all employees within three (3) weeks of its adoption, and at least annually thereafter.

(Ord. 295, § 1, 1992)

#### 8.14.070 - Optional Smoking Areas.

Notwithstanding any other provisions of this division to the contrary, the following areas shall not be subject to the smoking restrictions of this division:

- A. A private residence, including one which may serve as a place of employment, except when covered by Section 8.14.030.H;
- B. Bars, except as provided otherwise in this division;
- C. Licensed cardrooms;
- D. Hotel and motel rooms rented to guests, provided however, that each hotel and motel designates not less than thirty percent (30%) of their guest rooms as non-smoking rooms and removes ashtrays from these rooms;
- E. Rooms in restaurants, hotel and motel conference or meeting rooms and public and private assembly rooms while these rooms are being used for private functions;
- F. Retail stores that deal exclusively in the sale of tobacco and smoking paraphernalia;
- G. In places of employment, employers may provide specific smoking areas for employees provided all of the following conditions are met:
  1. The smoking area shall be provided with a heating, ventilating and air-conditioning (HVAC) system

designed such that none of the air from the smoking area will be recirculated into the other areas of the building.

2. The smoking area shall be completely separated from the remainder of the building by solid partitions or glazing without openings other than doors, and all doors leading to the smoking area shall be self-closing. The doors shall be provided with a gasket so installed as to provide a seal where the door meets the stop on both sides and across the top.
3. The smoking areas shall maintain a minimum negative pressure of 0.005-inch water column relative to non-smoking areas.
4. The employer shall submit written verification and test results to the city manager or his/her designees prepared by a licensed mechanical contractor or engineer that the HVAC system has been designed and tested and meets the requirements set forth in subsections 1. through 3. above.
5. If the HVAC system is part of a smoke removal system or pressurization system, any modifications to these systems to provide smoking areas will require approval from the Consolidated Fire Department. Written verification of this approval shall be provided to the city manager.
6. If the specific smoking area is an employee break room, lunch room or other area which may be used by non-smoking employees, then a separate non-smoking break room, lunch room or other area shall be provided of equal or larger size and include at least equal facilities.

(Ord. 295, § 1, 1992)

#### 8.14.080 - Posting Requirements.

- A. "Smoking" or "No Smoking" signs, whichever are appropriate, with letters of not less than one inch in height or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted in every building or other place where smoking is controlled by this division, by the owner, operator, manager or other person having control of such building or other place.
- B. Every hotel or motel regulated by this division will have posted at its entrance a sign clearly stating that non-smoking rooms are available, and every patron shall be asked as to his or her preference.

(Ord. 295, § 1, 1992)

#### 8.14.090 - Vending Machines.

Coin-operated cigarette vending machines may be located only on those premises which have either a type 61, type 42 or type 48 license from the Department of Alcoholic Beverage Control. Cigarette vending machines must be located at least 25 feet from any entry into the premise.

(Ord. 295, § 1, 1992)

#### 8.14.100 - Distribution of Free Samples and Coupons.

- A. No person, firm, association or corporation in the business of selling or otherwise distributing cigarettes or other tobacco or smoking products for commercial purposes shall in the course of such business distribute, or direct, authorize, or permit any agent or employee to distribute: (1) any cigarette or other tobacco or smoking product, including any smokeless tobacco product, or (2) coupons, certificates, or

other written material which may be redeemed for tobacco products without charge, to any person on any public street or sidewalk or in any public park or playground or on any other public ground or in any public building.

- B. No agent or employee of any person, firm, association or corporation in the business of selling or otherwise distributing cigarettes or other tobacco or smoking products for commercial purposes shall in the course of such business distribute, (1) any cigarette or product, or (2) coupons, certificates, or other written material which may be redeemed for tobacco products without charge, to any person on any public street or sidewalk or in any public park or playground or on any other public ground or in any public building.
- C. For purposes of this section, "public ground" and "public building" include sports arenas as defined in Section 8.14.030.J. and any entertainment facility whether enclosed or not, except a bar, for which a charge is made for admission, whether publicly or privately owned.

(Ord. 295, § 1, 1992)

#### 8.14.110 - Out of Package Sales.

No person shall sell or offer for sale cigarettes or smokeless tobacco not in the original packaging provided by the manufacturer.

(Ord. 295, § 1, 1992)

#### 8.14.120 - Enforcement.

- A. Administration of this chapter shall be by the city manager or his/her designees.
- B. Any citizen who desires to register a complaint hereunder may initiate enforcement consideration with the city manager or his/her designees.
- C. Any owner, manager, operator or employer of any establishment controlled by this chapter may inform persons violating this division of the appropriate provisions thereof.

(Ord. 295, § 1, 1992)

#### 8.14.130 - Penalties.

- A. It is unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to the restrictions of this section to fail to properly post signs required hereunder.
- B. It shall be unlawful for any person to smoke in any area restricted by the provisions of this section.
- C. Any person or business who violates subsection A. or B. herein, or any other provision of this section, shall be guilty of an infraction, punishable by:
  1. A fine, not exceeding one hundred dollars (\$100.00), for the first violation;
  2. A fine, not exceeding two hundred dollars (\$200.00), for a second violation of this ordinance within one year;
  3. A fine, not exceeding five hundred dollars (\$500.00), for each additional violation of this ordinance within one year.

(Ord. 295, § 1, 1992)

8.14.140 - Non-Retaliation.

No person or employer shall discharge, refuse to hire, or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises any rights afforded by this division.

(Ord. 295, § 1, 1992)

8.14.150 - Other Applicable Laws.

This division shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

(Ord. 295, § 1, 1992)



## Contra Costa County

	Antioch	Brentwood	Clayton	Concord	Danville	El Cerrito	Hercules	Lafayette	Martinez	Moraga	Oakley	Orinda	Pinole	Pittsburg	Pleasant Hill	Richmond	San Pablo	San Ramon	Walnut Creek	Contra Costa County Unincorporated
<b>Overall Tobacco Control Grade</b>	F	F	D	C	C	A	F	C	C	F	C	D	C	F	C	A	D	C	B	A
<b>TOTAL POINTS</b>	0	0	2	6	6	13	0	7	6	0	6	3	7	1	5	13	4	7	8	11
<b>Smokefree Outdoor Air</b>	F	F	D	C	D	A	F	A	A	F	A	B	A	D	B	A	F	A	A	A
Dining	0	0	0	2	0	4	0	4	4	0	4	4	4	0	2	4	0	4	4	4
Entryways	0	0	0	0	0	4	0	4	4	0	4	4	4	0	3	4	0	4	4	4
Public Events	0	0	0	2	0	4	0	4	4	0	4	4	4	0	3	4	0	4	0	4
Recreation Areas	0	0	4	2	4	4	0	4	4	0	4	4	4	4	4	4	0	4	4	4
Service Areas	0	0	0	2	0	4	0	4	4	0	4	0	4	0	4	4	0	4	4	4
Sidewalks	0	0	0	1	0	1	0	1	0	0	0	0	0	1	0	0	0	1	0	0
Worksites	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	1	0
<b>TOTAL POINTS</b>	0	0	4	9	4	22	0	21	21	0	20	16	20	4	17	20	0	20	18	20
<b>Smokefree Housing</b>	F	F	F	F	A	A	F	B	C	F	C	F	C	F	C	A	F	C	A	C
Nonsmoking Apartments	0	0	0	0	4	4	0	2	0	0	1	0	1	0	1	4	0	0	4	1
Nonsmoking Condominiums	0	0	0	0	4	4	0	2	0	0	1	0	1	0	0	4	0	0	4	1
Nonsmoking Common Areas	0	0	0	0	4	4	0	4	4	0	4	0	4	0	4	4	0	4	4	4
<b>TOTAL POINTS</b>	0	0	0	0	12	12	0	8	4	0	6	0	6	0	5	12	0	4	12	6
<b>Reducing Sales of Tobacco Products</b>	F	F	D	A	D	A	F	F	F	F	F	F	F	F	F	A	A	D	F	A
Tobacco Retailer Licensing	0	0	1	4	1	4	0	0	0	0	0	0	0	0	0	4	4	1	0	4
<b>TOTAL POINTS</b>	0	0	1	4	1	4	0	0	0	0	0	0	0	0	0	4	4	1	0	4
<b>Emerging Issues Bonus Points</b>																				
Emerging Products Definition - <i>Secondhand Smoke</i>	0	0	0	1	1	1	0	0	0	0	1	0	0	1	1	1	0	0	1	1
Emerging Products Definition - <i>Licensing</i>	0	0	0	1	0	1	0	0	0	0	0	0	1	0	1	1	0	0	0	1
Retailer Location Restrictions	1	0	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1
Flavored Tobacco Products	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Minimum Pack Size of Cigars	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
<b>TOTAL POINTS</b>	1	0	0	2	1	5	0	0	0	0	1	0	1	2	2	3	0	0	1	6

Overall Tobacco Control Grade  
A: 11-12 D: 2-4  
B: 8-10 F: 0-1  
C: 5-7

Determined by grades and points from other three categories  
A: 4 C: 2 F: 0  
B: 3 D: 1

Smokefree Outdoor Air Grade  
A: 18+ D: 3-7  
B: 13-17 F: 0-2  
C: 8-12

Smokefree Housing Grade  
A: 10+ D: 1-3  
B: 7-9 F: 0  
C: 4-6

Reducing Sales of Tobacco Products Grade  
A: 4 D: 1  
B: 3 F: 0  
C: 2





# Matrix of Strong Local Smokefree Multi-Unit Housing



## April 2017

Cities and counties in California have led the way on many secondhand smoke issues throughout the years by passing groundbreaking local ordinances to restrict smoking in certain areas. On the issue of smokefree housing, California's communities are once again paving the way. Secondhand smoke exposure in multi-unit housing is a serious health threat because secondhand smoke drifts into housing units from neighboring units, balconies, patios and common areas. The most effective way to address this problem is to pass a strong policy that prohibits smoking in at least 75% of new and existing units in multi-unit housing. As local regulation of multi-unit housing has grown considerably stronger over the last few years, we have more accurately tailored this list to highlight the most health-protective policies being passed that are effectively improving the public health of those living in these environments.

There are 51 jurisdictions in California that have adopted a strong ordinance that prohibits smoking in multi-unit housing, with fourteen new policies passed since the last update (September 2015). The table on the following pages lists policy and enforcement provisions of smokefree housing ordinances and provides policy details for each of the 51 jurisdictions. This table makes it easier to learn more about and understand in detail these ordinances, as well as provides guidance on the types of issues that need to be addressed by other communities working on a smokefree housing ordinance.

More information about all smokefree housing policies regardless of strength can be found in the Center's Local California Smokefree Housing Policies: Detailed Analysis, which contains the full details on the policy and enforcement provisions in each smokefree housing ordinance. These documents and other smokefree housing documents are all available on the Center's website, [www.Center4TobaccoPolicy.org/smokefree-multi-unit-housing/](http://www.Center4TobaccoPolicy.org/smokefree-multi-unit-housing/).

## Breakdown of Smokefree Housing Units Ordinances

POLICY PROVISIONS							ENFORCEMENT PROVISIONS				
	Date Passed/ Population	Percentage & Minimum # of Units	Implementation	Grandfathering	Includes condominiums	Includes electronic cigarettes	Nuisance	Eviction provisions for the landlord	Enforced by tenant	Enforced by public	Violations
Novato	January 2017 54,749	100% 2 units	Existing: 1 year New: 30 days		Yes	Yes	Yes		X		Civil fines starting at \$250
Palo Alto	January 2017 68,207	100% 2 units	Existing: 1 year New: 1 year		Yes	Yes	Yes		X		Infraction with fines starting at \$100
San Bruno	November 2016 45,360	100% 2 units	Existing: 15 months New: Immediately		Yes	Yes	Yes	X	X		Misdemeanor or infraction with fines starting at \$100/ subject to civil action
Belvedere	October 2016 2,162	100% 2 units	Existing: 13 months New: 1 month		Yes	No	No		X		Infraction with fines starting at \$100
Brisbane	October 2016 4,699	100% 2 units	7 months		Yes	Yes	Yes		X		Misdemeanor or infraction with fines starting at \$100
Saratoga	August 2016 30,219	100% 2 units	1 month		Not listed	Yes	Yes				Infraction with fines starting at \$100
Los Gatos	May 2016 31,376	100% 2 units	Existing: 1 year New: 1 month		Yes	Yes	Yes		X		Infraction with fines starting at \$100
Sunnyvale	February 2016 148,372	100% 2 units	7 months		Yes	Yes	No	X	X	X	Misdemeanor or infraction with fines starting at \$100/ subject to civil action
El Monte	January 2016 113,885	100% 3 units	Existing: 7 months New: immediately		Yes	Yes	Yes	X	X	X	In accordance with the municipal code
Danville	November 2015 42,865	100% 3 units	6 months		Yes	Yes	No	X	X		Infraction with fines starting at \$100
Mill Valley	October 2015 14,880	100% 2 units	Existing: 1 year New: 1 month		Yes	Yes	Yes		X		In accordance with the municipal code

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Manhattan Beach	October 2015 35,297	100% 3 units	30 months		Yes	Yes	No			X	Misdemeanor or infraction with fines starting at \$100/ subject to civil action
San Mateo	October 2015 102,659	100% 2 units	1 month		Yes	Yes	Yes			X	Misdemeanor or infraction with fines starting at \$100
Cotati	October 2015 7,153	100% 2 units	15 months		Yes	Yes	Yes	X	X	X	Misdemeanor or infraction with fines starting at \$100/ subject to civil action
Burlingame	July 2015 29,724	100% 2 units	180 days		X		X				Infraction w/fines starting at \$100, civil and criminal penalties
Santa Rosa	June 2015 175,667	100% 2 units	Existing: 1 year New: Immediately		X	X	X			X	Infraction w/fines starting at \$100, civil and criminal penalties
San Anselmo	December 2014 12,867	100% 2 units	Existing: 1 year New: 180 days		X	X	X		X	X	Infraction w/fines starting at \$250, civil and criminal penalties
Foster City	December 2014 33,201	100% 2 units	Existing: 1 year New: Immediately		X	X	X		X	X	Infraction w/fines starting at \$250
Culver City	October 2014 40,448	100% 2 units	Existing: 18 months New: Immediately		X		X		X	X	Infraction w/fines starting at \$100, civil and criminal penalties
San Mateo County	October 2014 65,201	100% 2 units	Existing: 14 months New 6 months		X	X	X		X		Infraction w/fines starting at \$100 and criminal penalties
El Cerrito	September 2014 24,378	100% 2 units	Existing: 1 year* New: Immediately		X	X			X	X	Infraction w/fines starting at \$100, civil and criminal penalties
Corte Madera	May 2014 9,344	100%* 2 units	Existing: 1 year New: Immediately		X	X	X		X	X	Infraction w/fines starting at \$100/civil and criminal penalties

\*Corte Madera: For existing units, provides option where landlord may designate fewer than 100% units as nonsmoking units, but no less than 80%.

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Berkeley	December 2013 119,915	100% 2 units	4 months		X	X				X	Infraction w/fines starting at \$100/civil and criminal penalties
Lafayette	October 2013 24,924	New: 100% 3 units	New: Immediately	X	X						Infraction with fines starting at \$100
Walnut Creek	October 2013 70,018	100% 2 units	4 Months		X	X	X		X	X	Infraction with a \$100 fine/subject to civil action
Glendale	May 2013 201,668	New: 100% 2 units	New: 1 month	X	X	X	X			X	Infraction with fines starting at \$100
Petaluma	January 2013 60,375	100% 2 units	Existing: 1 year New: 7 months		X	X	X		X		In accordance with the municipal code
Daly City	October 2012 109,139	100% 2 units	Existing: 14 months New: Immediately			X	X		X		Infraction with fines starting at \$100/subject to civil action/in accordance to municipal code
Santa Monica	October 2012 93,640	100% 2 units	Existing: 180 days New: Immediately	X	X	X				X	N/A
San Rafael	October 2012 60,582	100% 3 units	Existing: 1 year New: 180 days		X				X		In accordance with the municipal code
Sausalito	August 2012 7,217	Existing: 80% New: 100% 2 units	Existing: 14 months New: Immediately		X		X		X		In accordance with the citation schedule in the municipal code
Huntington Park	April 2012 59,718	Existing: 80% New: 100% 2 units	Existing: 14 months New: 1 month		X	X	X		X	X	Civil penalties of \$250 - \$1000/ subject to civil action
Marin County	May 2012 68,572	Existing: 85% New: 100% 2 units	Existing: 12 months New: Immediately		X	X	X		X	X	Infraction with fines starting at \$100

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Alameda	November 2011 79,277	100% 2 units	Existing: 14 months New: Immediately		X				X	X	Infraction with fines starting at \$100/ subject to civil action
Baldwin Park	November 2011 74,738	Existing: 80% New: 100% 2 units	Existing: 3 years New: 6 months		X	X	X		X	X	Infraction with fines starting at \$500
Compton	October 2011 101,226	100% 3 units	Existing: 14 months New: Immediately		X	X			X	X	Infraction with a fine of \$100
Sonoma County	September 2011 150,814	100% 2 units	Existing: 14 months New: 5 months		X						Infraction with fines starting at \$100/ subject to civil action
Tiburon	July 2011 9,503	100% 4 units	Existing: 35 months New: Immediately			X			X	X	Infraction with a fine up to \$100
Pasadena	July 2011 141,023	100% 2 units	Existing: 18 months New: Immediately		X						In accordance with the citation schedule in the municipal code
Dublin	July 2011 (orig. Dec 2008) 57,349	75% 16 units	25 months			X	X		X	X	Infraction with fine starting at \$100
Fairfax	May 2011 7,426	75% 4 units	14 months		X		X		X	X	In accordance with the town code/ Requires written warning
Larkspur	April 2011 12,455	Existing: 80% New: 100% 2 units	Existing: 13 months New: Immediately		X		X		X	X	Infraction with a fine of \$100/subject to civil enforcement
Union City	November 2010 72,952	100% 2 units	Existing: 14 months New: Immediately			X	X		X	X	Infraction with a fine of \$100/subject to civil action
Santa Clara County	November 2010 87,352	100% 2 units	Existing: 14 months New: Immediately		X	X			X		Infraction with fines starting at \$100/ subject to civil action
Contra Costa County	October 2010 171,122	New: 100% 4 units	New: 15 months	N/A	X	X		X			In accordance with the municipal code

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Sebastopol	August 2010 7,527	100% 2 units	14 months		X	X	X		X	X	Infraction with fine of \$100
South Pasadena	August 2010 26,028	Existing: 80%	3 Years		X	X	X		X	X	Infraction with fine of \$100
Pinole	April 2010 18,739	New: 100% 2 units	Immediately	N/A	X						Infraction with fines starting at \$100
Richmond	July 2009 110,378	100% 2 units	Existing: 17 months New: Immediately		X				X	X	\$100 fine
Calabasas	January 2008 24,263	80% 2 units	4 years	X		X	X	X	X	X	Misdemeanor or infraction/subject to civil action
Belmont	October 2007 27,834	100% 2 units	14 months		X		X		X		Infraction subject to a \$100 penalty/civil action