AGENDA

REGULAR JOINT MEETING OF THE OAKLEY CITY COUNCIL/OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY/ OAKLEY PUBLIC FINANCING AUTHORITY

Tuesday, December 14, 2021
6:30 PM

Oakley City Council Chambers located at 3231 Main Street, Oakley, California 94561
Per the Health Officer of the County of Contra Costa, ORDER NO. HO-COVID19-51 dated August 2, 2021, mandates the wearing of face coverings in indoor public setting by all persons.
We highly recommend all visitors do a self-administered temperature check before entering the Council Chambers. A touchless temperature kiosk is located in the City Hall Administrative Lobby for visitor use.

MISSION STATEMENT: The City of Oakley exists to build and enhance a quality community and to serve the public in a friendly, efficient, responsive manner.

VISION STATEMENT: The City of Oakley will be recognized as a model of civic participation and a vibrant Delta community where families live, work, play, shop and visit.

Agendas are posted in Oakley at Oakley City Hall-3231 Main Street, outside the gym at Delta Vista Middle School-4901 Frank Hengel Way and outside the Library at Freedom High School-1050 Neroly Road; agendas are also posted on the City's Internet Website www.ci.oakley.ca.us.

A complete packet of information containing staff reports and exhibits related to each item is available for public review prior to an Oakley City Council and/or City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority meeting at Oakley City Hall, 3231 Main Street, Oakley, CA 94561. Any writings or documents provided to a majority of the Oakley City Council, Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency or Oakley Public Financing Authority regarding any item on this agenda will be made available for public inspection, during regular business hours, at the front counter in the Main Lobby of the Oakley City Hall located at 3231 Main Street, Oakley, CA 94561.

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If you have a physically challenging condition and require special accommodations, please call the City Clerk's office at (925) 625-7013.

Please keep cell phones/electronic devices turned off during the meeting. Please be advised that City Council meetings are video recorded and attendees may appear on video.

Members of the public may address the Council on items of interest that are within the City's jurisdiction. Public comment on items not listed on the agenda will be heard under the Public Comments section of the agenda. In compliance with State law, the Council may not take action on an item that is not specifically listed on the agenda. If you would like to speak on any agenda item, please fill out a blue speaker card available in the lobby and submit it to the City Clerk prior to the agenda item being called. The Mayor will call you by name to the podium to hear your comments and you have up to 3 minutes to speak.

1.OPENING MATTERS

Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority

1.1 Call to Order and Roll Call of the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority

1.2 Pledge of Allegiance to the Flag

2.PUBLIC COMMENTS

At this time, the public is permitted to address the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority on non-agendized items. PUBLIC COMMENTS ARE LIMITED TO THREE (3) MINUTES. In accordance with State Law, however, no action or discussion may take place on any item not appearing on the posted agenda.

3.CONSENT CALENDAR

Consent Calendar items are typically non-controversial in nature and are considered for approval by the Oakley City Council/ Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority with one single action. Members of the audience, Staff or the Oakley City Council/ Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority who would like an item removed from the Consent Calendar for purposes of public input may request the Mayor remove the item. Members of the public should submit any Speaker Cards related to the Consent Calendar in advance of the Consent Calendar being considered.

3.1 Approve Minutes of the Special City Council Meeting held October 26, 2021 (Libby Vreonis, City Clerk)
Minutes 10-26-21 Sp

3.2 Approve Minutes of the Regular Joint City Council/City Council Acting as the Successor Agency to the Redevelopment Agency and Special Public Financing Authority Meeting Held November 9, 2021 (Libby Vreonis, City Clerk)
Minutes 11-09-21

3.3 Waive the Second Reading and Adopt an Ordinance to Amend Chapter 20 of Title 4 of the Oakley Municipal Code Dealing with Solid Waste and Recycling (Joshua McMurray, City Manager)
Ordinance

3.4 Approve 2022 Meeting Dates (Libby Vreonis, City Clerk)
Staff Report
1. List of Proposed 2022 Meeting Dates
2. City Council Resolution Approving 2022 Meeting Dates
3. Successor Agency Resolution Approving 2022 Meeting Dates
4. Oakley Public Financing Authority Resolution Approving 2022 Meeting Dates

3.5 Award of Construction Contract to Mercoza for the Fiscal Year 2021/22 Curb, Gutter, & Sidewalk Repair & Replacement Project – Capital Improvement Project No. 257 (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Resolution
2. Exhibit A - Bid Summary

3.6 Ratify Election: Adopt Ordinance No. 09-21 Authorizing the Levy of a Special Tax on Parcels of Land within Tax Area Zone 182 within the Oakley Special Police Tax Area for Police Protection Services for the Ranchettes at Neroly project (APNs 041-080-001 and 041-080-002) (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report
1. Zone 182 - Signed Ballot.pdf
2. Ordinance
2A. Exhibit A
2B. Exhibit B

3.7 Approve the Subdivision Improvement Agreement with Forecast Land Investment, LLC, a California Limited Liability Company, for Public

Improvements of Rosalina Park (Parcel A) within Vintner View Subdivision 8836 and adjacent to Pheasant Meadows Subdivision 8736 (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report
1. Resolution
2. Rosalina Park Vicinity Map
3. Agreement

3.8 Consideration of a Resolution Accepting the Five-Year Development Impact Fee Report and Making Required Findings (Tim Przybyla, Finance Director)

Staff Report
1. Resolution
2. Five-Year Report

3.9 Approval of Contract Amendment No. 2 with BSK Associates for On-Call Consulting Services Related to Materials Testing and Inspection of Private Development Projects for Fiscal Year 2021/2022 (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report
1. Resolution
2. Amendment No. 2 Agreement

3.10 Resolution Approving an Agreement for Consulting Services with Ascent Environmental, Inc. ("Consultant") for the "City of Oakley 2023-2031 6th Cycle Housing Element Update" in an Amount not to Exceed $187,521, and Authorizing the City Manager to Execute the Agreement. (Ken Strelo, Principal Planner).

Staff Report
1. Ascent's Proposal for City of Oakley's 6th Cycle Housing Element Update
2. Draft Resolution
2a. Exhibit to Draft Resolution (Services Agreement)

3.11 Annexation No. 29 The Ranchettes at Neroly (Subdivision 9284) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report
1. Unanimous Approval Form
2. Resolution
3. Amended Boundary Map
4. Amendment to Notice of Special Tax Lien

3.12 Annexation No. 7 (The Ranchettes at Neroly - Subdivision 9284) to the City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services) (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report
1. Unanimous Approval Form
2. Resolution
3. Amended Boundary Map
4. Amendment to Notice of Special Tax Lien

3.13 Award of a contract to Waterworks Industries, Inc. for Lake, Aeration Fountain, Pump Station, and Generator Maintenance Services at Cypress Grove Subdivision, Emerson Ranch Subdivision, Delaney Park Subdivision, City Hall and Oakley Plaza (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report
1. Resolution
2. Proposal

3.14 Adopt Resolution Amending the 2021-2022 Employee Salary Schedule adding New Job Classifications and Revising Existing Job Classifications and approving a budget appropriation (Jeri Tejeda, Interim HR Director)

Staff Report
1. Resolution
2. Amended Salary Ranges for Fiscal Year 2021-2022
3. Budget Appropriation
4. Compensation Policy

3.15 Resolution Naming the Parcel of Land, Parcel K of the substantial Conformance Exhibit dated February 17, 2021 for Subdivision 9307 Summer Lake North as "Dal Porto Ranch Park" (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report
1. Resolution
2. Dal Porto Ranch Park Vicinity Map.pdf
3. Park and Facilities Naming Policy
4. Articles

3.16 California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 Per Capita Program Funding (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report

1. Resolution
2. Holly Creek Park PC Match Calculator Report

3.17 Approving the Agreement with Elm Lane Oakley L.P. a California Limited Partnership, for "Stormwater Management Facility Operations and Maintenance Agreement, and Right of Entry" for the Elm Lane Workforce Housing project located on 5301 Elm Lane (APNs 051-210-019 and 051-220-005) and authorizing the City Manager to execute the agreement (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report
1. Resolution
2. Vicinity Map
3. Agreement

3.18 Approval of Project Assessment and Annexation Authorization Deferral Agreement for the Elm Lane Work Force Housing Project located at 5301 Elm Lane (APN 051-210-019 & 051-220-005) (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Resolution
2. Vicinity Map
3. Annexation deferral agreement

3.19 Adopt a Resolution that would formally accept the Oakley Governance Guidelines + Protocols Policy Framework (Joshua McMurray, City Manager)
Staff Report
1. Oakley Governance Guidelines + Protocols Policy Framework
2. Draft Resolution

4.PUBLIC HEARINGS

4.1 Waiver of the Second Reading and Enactment of an Ordinance Enacting District Elections for the Elections of the City Council of the City of Oakley; Proposed District Map(s) (TIMED ITEM AT 7:00 PM OR AS SOON THEREAFTER) (Derek Cole, City Attorney)

***THOSE WISHING TO LISTEN IN/OR PARTICIPATE IN THE PUBLIC HEARING MAY DO SO BY CALLING: 1 (669) 900-9128 AND USING ID# 858 0900 5401. CALLERS ARE ASKED TO MUTE PHONES UNLESS SPEAKING.**
Staff Report
1. Final Ordinance
2. Resolution Adopting District Elections

2A - Exhibit A

4.2 Two-Residential Units and Urban Lot Splits Urgency Ordinance (RZ 05-21) – Compliance with Senate Bill 9 (2021). (FOUR-FIFTHS VOTE REQUIRED)(Ken Strelo, Principal Planner).

Suggested Action: Staff Recommendation: 1) Receive the Staff Report, 2) Receive Questions from the City Council, 3) Open the Public Hearing, 4) Receive Public Testimony, 5) Close the Public Hearing, 6) Deliberate, 7) Summarize the Deliberation 8) Waive the First Reading and Introduce the Ordinance

Staff Report

1. Notice of Public Hearing
2. Proposed Ordinance

4.3 Chevron Sign Exception Permit (SEP 01-21) - Request for the Proposed Freestanding Monument Sign to Exceed the Maximum Height Permitted per the Oakley Municipal Code (APN 051-220-056) (Ariana Ruiz, Planning Technician)

Suggested Action: Staff Recommendation: 1) Receive the Staff Report, 2) Receive Questions from the City Council, 3) Open the Public Hearing, 4) Receive Comments from the Applicant, 5) Receive Public Testimony, 6) Close the Public Hearing, 7) Deliberate, 8) Summarize the Deliberation 9) Adopt the Resolution

Staff Report

1. Vicinity Map
2. Public Hearing Notice
3. Applicant's Plans
4. Draft Resolution

4.4 7 Mares Grill Restaurant – Modification to Condition of Approval No. 7 (Council Resolution No. 47-20) located at property address 200 W. Cypress Avenue (APN: 035-282-048) (Ariana Ruiz, Planning Technician)

Suggested Action: Staff Recommendation: 1) Receive the Staff Report, 2) Receive Questions from the City Council, 3) Open the Public Hearing, 4) Receive Comments from the Applicant, 5) Receive Public Testimony, 6) Close the Public Hearing, 7) Deliberate, 8) Summarize the Deliberation 9) Adopt the Resolution

Staff Report

1. Vicinity Map
2. Public Hearing Notice
3. Applicant's Plans
4. City Council Resolution No. 47-20 (7 Mares Grill Restaurant Conditional Use Permit (CUP 03-19)
5. Draft Resolution

5.REGULAR CALENDAR

5.1 Consideration of a Resolution Accepting the Annual Comprehensive Financial

Report (ACFR), Memorandum on Internal Control, Required Communications and Report on Agreed Upon Procedures for Fiscal Year 2020-2021 (Tim Przybyla, Finance Director)

Staff Report
1. Resolution
2. FY 2020-2021 ACFR
3. FY 2020-2021 Memorandum on Internal Control
4. FY 2020-2021 Required Communications
5. FY 2020-2021 Gann Limit Report

5.2 Continued from November 9, 2021, Hearing for Special Assessment Regarding 87 Concannon Court, Oakley, California (APN 037-234-033) (Libby Vreonis, City Clerk)

Staff Report
1. Photo taken June 15, 2020
2. Notice of Violation dated June 16, 2020
3. Photos taken July 16, 2020
4. Notice of Violation dated July 16, 2020
5. Photos taken August 13, 2020
6. Administrative Citation dated August 18, 2020
7. Photos taken September 23, 2020
8. Administrative Citation dated September 23, 2020
9. Final Demand dated September 24, 2020
10. Photos taken October 8, 2020
11. Administrative Citation dated October 8, 2020
12. Notice of Violation dated October 8, 2020
13. Receipt of Payment ($200.00)
14. Photo taken November 12, 2020
15. Administrative Citation dated January 25, 2021
16. Notice of Violation dated January 25, 2021
17. Photos taken January 26, 2021
18. Notice of Violation and Order to Abate dated February 22, 2021
19. Photos taken February 25, 2021
20. Photos taken March 31, 2021
21. Photo taken April 21, 2021
22. Photos taken May 4, 2021
23. Photos taken May 5, 2021 (pre-abatement and post-abatement)
24. Report of Costs (Revised)
25. Notice of Hearing of Special Assessment of Costs dated October 14, 2021 and Report of Costs
26. Revised Notice of Hearing of Special Assessment of Costs dated October 21, 2021 and Report of Costs
27. Resolution

5.3 Adopt a Resolution to Approve the City Council Committee Appointment List for 2022 (Libby Vreonis, City Clerk)

Staff Report

1. Proposed 2022 City Council Appointment List
2. Resolution

6.REPORTS

6.1 CITY MANAGER

(a) City Manager

6.2 OAKLEY CITY COUNCIL/OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY

(a) Reports from Council Liaisons to Regional Committees, Commissions and Boards AND Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency

(b) Requests for Future Agendas

7.WORK SESSIONS

8.CLOSED SESSION

8.1 CITY ATTORNEY PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

9.ADJOURN

Minutes of Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority held October 26, 2021

1) Call to Order and Roll Call

Mayor Sue Higgins called the special meeting to order at 4:00 p.m. in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. Vice Mayor Randy Pope and Councilmembers Aaron Meadows, Anissa Williams and George Fuller were in attendance.

2) Closed Session

City Attorney Derek Cole announced no one (from the public) is in attendance at the meeting. He mentioned the Council will go into closed session.

2.1 PUBLIC EMPLOYEE APPOINTMENT
Title: City Manager
Pursuant to Government Code Section 54954.5(e)

2.2 Report Out of Closed Session (Derek Cole, City Attorney)

There was no reportable action. Direction was provided to staff.

3) Adjourn

There being no further business, the meeting was adjourned at 6:15 p.m.

Respectively Submitted,

Libby Vreonis
City Clerk

Minutes of Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority held November 9, 2021

1) OPENING MATTERS

1.1 Call to Order and Roll Call of the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority

Mayor Sue Higgins called the meeting to order at 6:30 p.m. in the Oakley City Council Chamber located at 3231 Main Street, Oakley, California. Vice Mayor Pope and Councilmembers Aaron Meadows and George Fuller were also in attendance. Mayor Higgins announced Councilmember Williams joined the meeting by teleconference.

1.2 Pledge of Allegiance to the Flag (Mayor Higgins)

Mayor Higgins led the Pledge of Allegiance.

1.3 Proclamation Recognizing Law Enforcement Records and Support Staff Appreciation Day

Mayor Higgins presented the proclamation to Police staff including Marisa Aguilar, Yvette Fagardo and Jennifer Padavana.

1.4 Proclamation Proclaiming the Month of November as Epilepsy Awareness Month

Mayor Higgins read the proclamation. Councilmember Williams accepted it via teleconference.

1.5 Proclamation Supporting United Against Hate Week November 14-20, 2021

Mayor Higgins mentioned the proclamation will be entered into the meeting record.

1.6 Update by Zain Mehmood, Contra Costa Transportation Authority Citizen Advisory Committee

Contra Costa Transportation Authority (CCTA) Citizen Advisory Committee Member Zain Mehmood provided an update regarding its 3 basic goals and what they have been working on during the past year. He mentioned the CCTA manages, plans, and provides strategy, growth and grants to cities to formulate policy in relation to transportation. He mentioned there are two types of transportation, private (vehicle) and public (sidewalks, bikeways, BART and buses). He shared these two types of transportation are balanced with regard to their objectives for funding and innovation. He mentioned at this point one of the major items for CCTA is to implement the Measure J Growth Management Plan. He explained that Measure J funding is a return to source funding, meaning they get a portion of sales tax to spend on forms of innovation to make transportation easier and to provide maintenance. He mentioned there is a density element where they try to mix in modern public transportation with city planning initiatives and each city provides a 1-2 year overview of how they have been using funds. He mentioned they also

discuss projects for the future of transportation. He commented that transportation was very different from his last presentation a couple of years ago He mentioned cars, routes and habits are changing and there may come a time when a large population work and go to school from home so traffic patterns are changing and they have to adapt. He shared there has been a 50-60% increase in people using public transport which may include sidewalks and bike paths. He provided an example when he moved to Oakley 20 years ago, he could walk to the high school across open fields and it was safe because no one drove on those fields. He mentioned the City will develop more in the next 20 years and things will need to be managed. He explained that maintenance of roads is shared between the City, Caltrans, CCTA and various institutions to ensure safety. He shared their innovation includes an autonomous driving station which began several years ago, involving private companies to model how a local road looks like and how an autonomous vehicle could work in the future. He mentioned there may come a day in age where an autonomous pod may pick up people from public transportation instead of a vehicle. He shared CCTA has a plan for multi-modal transportation including roadways, pedestrians, bicyclists, auto pods, legacy vehicles, and new transport, all which have to be balanced with safety. He commented it takes a lot of balancing and as a CCTA-CAC, he will continue to weigh in on initiatives. He shared Verizon, CCTA, and local e-car and physical car companies are working on a pilot program for connective car service.

2) PUBLIC COMMENTS

Mayor Higgins comment one online comment was received and will be made part of the meeting record.

The public comment was submitted by Mike Burkholder. He commented that given what transpired at the Nov. 4 meeting with Councilmember Fuller, the City Council has no choice but to take action—whether it be a censure or something else, as he is out of control. He suggested the City issue press releases refuting Councilmember Fuller's erroneous blog posts. He indicated Councilmember Fuller made false claims of Vice Mayor Pope and Councilmember Williams calling for a censure of Councilmember Fuller which is lying because it didn't happen the way Councilmember Fuller claimed and it intentionally misleads the community. He mentioned Councilmember Fuller's November 8 post shares how he will not vote for Randy Pope as Mayor and instead will support Aaron Meadows which is inappropriate and petty. He indicated it is ironic that Councilmember Fuller writes it while the Council works on good governance and reducing fear at City Hall. He encouraged the Council to take action immediately with creating a social media policy, ethics and integrity in an effort to stop the madness. He commented that Councilmember Fuller is racking up the amount of people he needs to make amends with and should start with an apology first to the community for lying, next, to his fellow Council, and last, to the community for blocking people online.

Mayor Higgins announced items 5.1 and 5.2 will be heard before the Consent Calendar.

5) REGULAR CALENDAR

5.1 Adoption of a Resolution of the City Council of the City of Oakley Appointing Joshua McMurray as City Manager and Authorizing the Mayor to Execute an Employment Agreement with Mr. McMurray for City-Manager Services (Derek Cole, City Attorney)

City Attorney Derek Cole presented the staff report. He outlined the process, mentioning there was a request for proposals for an executive search firm, the Council selected Peckham & McKenney, and Maria Hurtado with that firm lead that search which was a robust process and she consulted with the City Council and staff. He mentioned surveys were conducted and results were provided to the City Council as part of the decision-making process. He also mentioned it was broadcast broadly to the public through recruiting materials what they were looking for in the City Manager position and they received over 30 applications which is good for a city the size of Oakley; both the quality and number of applications was good. He shared that Ms. Hurtado performed screening, 8 applications were presented to the city, and 3 finalists were scheduled for interviews. He mentioned of the 3 finalists, 1 accepted a position prior to the interview and 2 interviewed, Joshua McMurray and someone who is a City Manager in Northern California with outstanding qualifications. He shared that the City Council chose to move forward with Mr. McMurray as the preferred candidate and the employment agreement is being presented to the Council publicly for formal approval. He indicated that approval of the employment agreement appoints the Interim City Manager as the City Manager and it is effective tomorrow through the end of Fiscal Year 2024, a term of approximately 2.5 years, which the Council can extend. He shared that the City Council has high aspirations for Mr. McMurray based on what it has seen since his appointment as interim City Manager. He mentioned the employment agreement has standard provisions, a labor specialist from his firm did the bulk of the agreement, and there were some modifications to address unique terms for Mr. McMurray. He shared that Mr. McMurray will keep his current benefits through CalPERS and where he changes is in his salary. He explained that when the interim appointment was made, he mentioned a 2016 State law that requires disclosure anytime executive salary and benefits change; they must be formally put on the record in a public meeting. He commented he appreciates the Finance Director who provided the fiscal impact portion of the staff report. He mentioned the City Manager salary is currently $230k and will increase to $250k per year. He shared that the $20k increase is consistent with other city manager salaries in the area and is probably on the lower end, but it is competitive and well within reason if judge by city peers similarly situated in geography, size and in population. He shared that when raise an employee's salary is raised, CalPERS contributions are increased and he while he doesn't have that exact number, there will be a $20k difference on an annual basis and some additional contribution based on CalPERS contributions and the benefits Mr. McMurray is currently receiving will not change. He indicated a severance package of 8 months is provided and is very standard. He mentioned it is not unusual for it to be 9 months to 1 year; 8 months is reasonable and not at the top end of the scale. He mentioned it is their assessment that Mr. McMurray is stellar and outstanding candidate for the job and this is a reasonable contract.

There were no public comments.

It was moved by Councilmember Fuller and seconded by Councilmember Meadows to approve item 5.1 Motion was unanimous and so ordered. (5-0)

City Manager Joshua McMurray thanked the City Council for their support and trust in him. He mentioned he will work every day to prove to them that he is the right candidate. He thanked the community for its support and commented this is a great community, it can only improve, and he is glad to be part of that improvement. He thanked his family for its support.

5.2 Administer Oath of Office to Newly Appointed City Manager Joshua McMurray (Libby Vreonis, City Clerk)

City Clerk Libby Vreonis administered the oath of office to newly appointed City Manager Joshua McMurray.

Mayor Higgins called for a recess for a brief reception.

Mayor Higgins mentioned Pete Zirkle has something he would like to present.

Mr. Zirkle presented Mr. McMurray with an engraved name plate at the staff table for his new position.

After a brief recess, the City Council reconvened.

3) CONSENT CALENDAR

3.1 Approve Minutes from the Regular Joint City Council/City Council Acting as the Successor Agency to the Redevelopment Agency and Special Public Financing Authority Meeting held October 26, 2021 (Libby Vreonis, City Clerk)

3.2 Approve Minutes from the Special City Council Meeting held November 2, 2021 (Libby Vreonis, City Clerk)

3.3 Accept Report out of Closed Session Memo from October 26, 2021 Special Meeting (Derek Cole, City Attorney)

3.4 Accept Report out of Closed Session Memo from October 26, 2021 Regular Meeting (Derek Cole, City Attorney)

3.5 Accept Report out of Closed Session Memo from November 2, 2021 Special Meeting (Derek Cole, City Attorney)

3.6 Authorize the City Manager to Execute a Consulting Services Agreement with BKF Engineers Inc., to Provide Preliminary Engineering Design Services for Capital Improvement Project Number 270 – Hall Street Extension Project (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.7 Fiscal Year (FY) 2021/22 First Quarter Report on the Capital Improvement Program (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.8 City of Oakley Investment Report (1st Quarter FY 2021/22) (Tim Przybyla, Finance Director)

3.9 City of Oakley as Successor Agency to the Oakley Redevelopment Agency Quarterly Investment Report (1st Quarter FY 2021/22) (Tim Przybyla, Finance Director)

3.10 Acceptance of Subdivision Improvements Associated with the Stonewood Unit 1B Subdivision 8760, Subdivision 8807, and Subdivision 9534 for the Carpenter Road

extension Improvements between Cinnamon Ridge Drive to Rose Avenue (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.11 Accepting a portion of Subdivision Improvements Associated with the Gilbert Property (Delaney Ranch) Phase 1 Subdivision 9473 located at the southeast corner of Sellers Avenue and Golden State Parkway (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.12 Accepting a portion of Subdivision Improvements Associated with the Gilbert Property (Delaney Ranch) Phase 2B Subdivision 9481 located at the northeast corner of Sellers Avenue and Golden State Parkway (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.13 Approving the Agreement with Bridgehead Gas & Oil Corporation for "Stormwater Management Facility Operations and Maintenance Agreement and Right of Entry" for the 5433 Neroly Road Chevron (DR 01-18) project located at 5433 Neroly Road and authorizing the City Manager to execute the agreement (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.14 Adopt the Resolution that would authorize the City Manager to submit a grant application to Sacramento-San Joaquin Delta Conservancy for approximately $2M to fund the implementation of restoration of Marsh Creek upstream of Oakley Creekside Park. (Joshua McMurray, Interim City Manager)

Councilmember Meadows requested item 3.6 be pulled.

Councilmember Fuller requested items 3.6, 3.7 and 3.13 be pulled.

It was moved by Vice Mayor Pope and seconded by Councilmember Meadows to approve the remainder of the Consent Calendar. Motion was unanimous and so ordered. (5-0)

Item 3.6

Councilmember Fuller requested the location of Hall Street and what is involved.

Director of Public Works/City Engineer Kevin Rohani explained that Hall Street is a very short street going from Main Street to Acme Street. He mentioned as part of the Downtown progression started several years ago, Hall Street will go in a northerly direction to connect to the new parking lot to provide roadway infrastructure to the future train platform. He explained that the elevation of the parking lot will be initially lower than Main Street but is being designed so that a second story to the parking area can be added should parking needs require in the future and Hall Street will extend to the second level of the parking lot. He mentioned staff will have to review the alignment before getting into a detailed design. He shared that this is part of the Downtown renovation project and construction would not occur immediately; this is a preliminary step and he anticipates final design would not occur for 1-2 more years.

Councilmember Fuller commented that Mr. Rohani is aware of his position regarding the train platform and while he still holds that position, he does not want to be stubborn and end up with a jigsaw puzzle. He mentioned the question that comes up in conjunction with this in regard to governance and the Downtown design is if the Council alters the design, if they would be able to incorporate any changes to extend Hall Street.

Mr. McMurray explained that the City made commitments to the railway authority in their grant application for the train platform to construct a parking lot for the future train platform, consisting of 300 parking spaces in a configuration that has been laid out for some time. He mentioned there may be some flexibility in terms of ingress and egress to the facility and how it is laid out, but the overall plan is somewhat far down the line and everyone involved has been using this concept for some time.

Councilmember Fuller inquired if someone else wants to move it.

Councilmember Meadows commented he will abstain.

Vice Mayor Pope commented that he understands that the Hall extension is not imminent; it is a future project to occur after the first phase of the parking lot construction and to connect to the second level parking lot.

Mr. Rohani explained that is correct and the future second level could depend on other factors and demand for parking. He mentioned 300 spaces will be available once the train platform is completed as more customers are expected in the Downtown. He shared that the parking lot will accommodate a future second deck if needed.

Vice Mayor Pope commended staff for their future planning for the second deck so the City does not have to tear up the new parking lot.

Mr. Rohani responded that it is not easy to tear up concrete.

It was moved by Vice Mayor Pope and seconded by Councilmember Williams to approve item 3.6. AYES: Higgins, Pope, Williams. NOES: Fuller. ABSTENTION: Meadows. (3-1-1)

Item 3.7

Councilmember Fuller commented he prefers to accept the report as presented rather than approving the report because it is an update. It was moved by Councilmember Fuller and seconded by Councilmember Meadows to accept the report. Motion was unanimous and so ordered. (5-0)

Item 3.13

Councilmember Fuller commented it seems in the last year that Chevron has gone through many different approval processes. He inquired why there have been so many approvals with designs and if it has been burdensome for the Chevron owner.

Mr. Rohani explained that the design components have been approved and the developer has taken longer than they expected, but he doesn't believe the design has changed. He mentioned it has been approved through the formal process and his understanding there have been no changes. He commented that with the ebb and flow of construction, many projects have slowed down due to shortages or delayed labor and material, but the project is moving forward.

It was moved by Councilmember Fuller and seconded by Councilmember Meadows to approve item 3.7. Motion was unanimous and so ordered. (5-0)

Mayor Higgins mentioned there is a question from constituents. She inquired if Councilmember Williams is at the Tri-Delta Transit conference.

Councilmember Williams confirmed she is attending the conference.

Mayor Higgins thanked her for representing Oakley there.

Councilmember Williams commented it has been an exciting conference and she will share more during Council reports.

4) PUBLIC HEARINGS

4.1 Introduction of An Ordinance of the City Council of Oakley Enacting Section 2.7.003 of the Oakley Municipal Code Adopting a By-District System for (i) Electing Five Members of the City Council, or (ii) Electing Four Member of the City Council and an Elected Mayor (TIMED ITEM AT 7:00 PM OR AS SOON THEREAFTER) (Derek Cole, City Attorney)

***THOSE WISHING TO LISTEN IN/OR PARTICIPATE IN THE PUBLIC HEARING MAY DO SO BY CALLING: 1 (669) 900-9128 AND USING ID# 858 0900 5401. CALLERS ARE ASKED TO MUTE PHONES UNLESS SPEAKING.**

City Attorney Derek Cole mentioned the City Council is bringing this process to a close. He explained this process is to convert from the current at-large election system to a by-district election system because the City has received a threatened lawsuit under the California Voting Rights Act (CVRA) and is following the process. He mentioned he has explained the process at multiple meetings so he won't go through that again, but to summarize, once the City Council made a decision to convert to a district election system, there is an Election Code to follow which requires a five-step/hearing process. He mentioned Oakley is going above that standard by having six hearings. He explained the first two meetings are to receive input on Communities of Interest (COIs) and then two additional meetings were held to work with a demographer to draft district maps. He mentioned during the last meeting, the City Council confirmed it was happy with the two district maps that were proposed. He mentioned the Council has completed four hearings and the next meeting in December will be the end. He explained that tonight the Council will be introducing the ordinance as they must change some language in the City code because it doesn't talk about at-large elections, and the Council clearly has legislative authority to make the change. He shared that two district maps have been presented to the Council: 1) four districts with an at-large mayor and 2) five districts. He mentioned he heard from Councilmembers that they may have a difference of opinion on which is preferred, but it appears they are mostly settled on what the maps will look like. He mentioned tonight is the time to make a decision which system to implement. He also mentioned a secondary, but important matter, will be for the Council to identify which districts will run first. He shared that the Council currently has a 3-2 stagger of terms. He mentioned those elected in 2020 will remain at-large and finish their terms to 2024, and two will be up at the end of 2022 when elections are held next November. He explained that if five districts are chosen, two Council seats will be up for election in 2022 and then they run the other three. He indicated the Council needs to pick which districts to run for 2022 before they vote to introduce the map. He mentioned with four districts; two districts would run in 2022 and they could run the mayor seat in 2024, otherwise they won't have a stagger. He mentioned they could keep the current arrangement with the mayor appointment through the end of 2024 and in December 2024, the mayor would be seated

formally. He mentioned they would also need to pick which two districts will run first in that scenario as well. He suggested there are different ways to approach it such as having three odd numbers, 1, 3, and 5 in 2024, and even numbers, 2 and 4, in 2022, or another way would be to pick it out of a hat. He explained there is no specific legal way to do it. He mentioned consultant Jane Hood could not be here today so consultant Seth Neill is in attendance and he can present the two maps to refresh their understanding, but it is his understanding that the Council is pretty set with it, but if new folks are in attendance, they can see the maps. He mentioned the goal is to take public comments and the end game is to pick a system and which two seats will run first in 2022.

Mr. Neill pulled up finalist maps showing the number of districts and percentage deviation. He mentioned all of this information is available online. He mentioned the City received public comments for Map B for five districts and also received 9 additional public comments and of those, there were four whom expressed preference for Map C and three whom expressed preference for Map B, with five specifically mentioning an at-large mayor, two were opposed and three were in favor. He shared two submissions addressed specific areas of interest: 1) the area north of the railroad should be kept together and 2) Bridgehead Road and the Brownfield mitigation of interest to the Vintage Parkway neighborhood. He mentioned another potential COI was in favor of Plan B because it kept California Dawn separate from Emerson Ranch and Summer Lakes. He thanked members of the public whom participated.

Councilmember Fuller commented the consultant did a great job of establishing COIs to meet boundary and demographic requirements and keeping COIs together, now the question is how to select which districts run. He mentioned if a Councilmember is up for election in 2024 and runs for re-election in the district he/she is in and run for Mayor, and get elected to both, the Councilmember can go to the mayor seat and the City Council appoints a Councilmember.

City Attorney Derek Cole commented that a Councilmember can only run for one office at a time; he/she can't run for a district and the seat of mayor in the same election.

Councilmember Fuller mentioned if the election is in his district in 2022, he can run, but if not elected, he could still sit there and there would be two representatives in the same district. He mentioned regardless of 5 or 4 (districts), there will people on the dais in one or two districts to run for 2022. He inquired if their districts run in 2024 if they will have to give up their seats.

Mr. Cole responded that no one surrenders their seat. He explained if a Councilmember has a seat now until 2024, he/she holds the seat until then, but the issue is if the district in which the Councilmember lives runs in 2022 and he/she is at-large until 2024; if he/she does not run for election in 2022, when his/her at-large election is up in 2024, he/she won't be able to run again until 2026 and he/she may be running against an incumbent for that district. He indicated clearly that the Council has to make its decision based on what is best for compliance with the CVRA, not for convenience of when to run for districts.

Councilmember Fuller commented he appreciates that. He mentioned in 2024, a Councilmember can run for Mayor at-large and come back in 2026 and he is in a comfort zone if in 2022 he will have seat until 2024. He inquired if Councilmembers in impacted districts whose terms expire in 2022 will have an opportunity to run.

Mr. Cole explained that if a Councilmember's term expires in 2022, a Councilmember can only run if his/her district is selected to run in 2022. He mentioned for example, if a Councilmember is

in district 5 and his/her term expires in 2022, and district 5 is not selected to run in 2022, that Councilmember will have to wait until 2024 to run if he/she even wants to run.

Councilmember Williams commented she wants to look at implications of four districts and being fiscally responsible. She inquired what the cost would be of having an at-large Mayor, if he/she would get paid more, and if the Council would make that decision.

Mr. Cole explained they have not addressed that and the City Council can address it, but they are not obligated to. He mentioned if they keep things as is or with 4 districts, the only change to the code would be to remove the part about selection of the Mayor and the Council would need to decide if it wants to keep the Vice Mayor rotation the same. He added that the Council does not have to give the Mayor a larger stipend or additional duties; the Mayor is responsible for working with the City Manager for coordination of agenda items, chairs the meetings and conducts parliamentary procedure. He mentioned there is nothing different about the Mayor than other City Councilmembers than these few things mentioned. He added there is no different stipend unless this City Council wants to decide that and give more to the Mayor. He explained a majority would have to want to do that and changes to the stipend would not take place until the next term.

Councilmember Williams mentioned what he has explained further reinforces to keep five districts. She mentioned an at-large Mayor helps with the agenda and works with the City Manager, similar to other cities which pay more to their Mayor, but she does not see there is a lot of additional action happening because of that. She mentioned with an at-large Mayor, there are points in time where only some people in the city voted for them, whereas with a rotational Mayor, at one point there will always be a Mayor in office that people from that district voted for and moved forward; it gets to the heart of what the CVRA is for, equity across and making sure everyone's voice is heard. She commented that she has mentioned it before that she supports that. She mentioned she knows what neighboring cities do and she doesn't want the Council to be held fiscally to something that doesn't make sense to her.

Mayor Higgins called for public comments. She mentioned online comments were submitted but no one indicated they wanted to speak. The comments will be made part of the meeting record. Mayor Higgins provided call-in information for anyone wanting to make comments by phone on this item.

Recreation Manager Lindsey Bruno was managing the call-in line. She indicated only Councilmember Williams and consultant Jane Hood were on the line.

Mayor Higgins commented that the City Councilmembers all have the public comments and the comments either say no they do not wish to speak or they did not indicate if they want to speak.

Online comments were submitted by Jeffrey Bird, Elsa Santiago, Nate Pinter, Mike Munoz, Liz Munoz, Dawn Morrow, Michael Stewart, Brett Williams and Karen Riach.

Jeffrey Bird commented that Oakley is too small for districts and it makes no sense. He mentioned he wants to be closer to his fellow Oakleyites; separating everyone by districts will drive everyone further apart and he does not think that is a good thing for Oakley. He shared he strongly rejects this notion and indicated we need to go back to the 90s mentality of seeing each other as equals. He also shared he has lived here for 37 years and this kind of division makes him sick; no matter how the lines are drawn, it will only serve as a subject of contention and not the intended goal of representation. He indicated everyone is equal and he will continue to vote

based on policy position, and never on race. He expressed he does not think anyone in Oakley is voting based on race and he finds that notion appalling, offensive, and disgusting. He mentioned such absurdities have no place in this quiet city or this great nation.

Elsa Santiago commented her preference is for Map C.

Nate Pinter commented his preference is for Map B as it is a much better choice, even though he wishes Oakley could have it with 4 elected officials like with Map C. He shared his home is in the California Dawn neighborhood and these houses were built well before the mass expansion out to West Cypress and shouldn't be clumped in with the more expensive houses out towards Emerson Ranch and Summer Lakes. He explained if his subdivision is folded in with them then they could be subject to not being heard about traffic and speeding issues on East Cypress. He mentioned they welcomed the new traffic flow pattern at the intersection of Main Street and Cypress, but also wish more could be done for the speeding problems on West Cypress.

Mike Munoz commented he supports an at-large Mayor selection in elections.

Liz Munoz commented she supports the map that allows for a Mayor at-large position.

Dawn Morrow requested the Council consider the entire area on the north side of the BNSF railroad tracks be kept together. She mentioned what happens to property on Bridgehead Road (to include remediation of brownfields) is of interest to the Vintage Parkway neighborhood directly adjacent and bordered by the Delta.

Michael Stewart commented he completely supports the 4 district/1 Mayor ordinance. He also commented the 5 district map looks like a typical gerrymandered political map. He expressed that the 4 district ordinance also gives the entire population the opportunity to vote for Mayor.

Brett Williams expressed preference for the 5 district map mentioning it ensures equity across the City as each district would have a chance at having a mayor that sits in their district and Oakley is not a mayor-run city; it just makes more sense to make it equitable.

Karen Riach commented she would like to keep the rotation schedule of mayors; it seems more fair to each district and also makes each Councilmember a little more professional.

Vice Mayor Pope commented it is a lot to unpack. He inquired how the voting age number was determined.

Mr. Neill responded the Citizen Voting Age Population was tabulated by the Census Bureau and released as a special tabulation.

Vice Mayor Pope inquired how race is calculated.

Mr. Neill indicated it is part of the Citizen Voting Age Population and is also tabulated by the Census Bureau.

Vice Mayor Pope inquired if this information is from the most recent census.

Mr. Neill responded that the Citizen Voting Age Population is a separate data set that is not part of the 10-year census. He mentioned this data set covers a 5-year period ending in 2019 and is the most recent data.

Vice Mayor Pope mentioned there was an accusation about racially polarized voting in the City and that is how all of this started. He explained if there is evidence he would support districting, but if there is no evidence, he doesn't support it. He mentioned he still doesn't support it because there is no evidence of racially polarized voting. He mentioned the demographer said it herself when they reviewed the maps that they need to get each district as close as possible in regard to population and racial breakdown, but if they move the line just a little, it skews the numbers greatly. He commented that the demographer said something along the line that with a city as small as Oakley, there are such small districts that small changes make drastic percentage differences which is basically saying Oakley is too small to cut up into all of these little pieces. With that being said, he shared he believes the fewer smaller pieces Oakley is cut into, the better, so he would support the four district model. He mentioned the five district model does a poor job of adhering to the goal of communities of interest and voting and being in the same district as your neighbor. He mentioned the district lines (in the five district model) jut in and out and cut through neighborhoods and the four district model does a lot less of that. He commented that he believes if they divide the City up, it would be critically important to have a least one person who represents the entire City as they all should. He added that elected answer to people who elect them or they don't get re-elected so it is natural to have that home base mentality. He mentioned that one person would be the Mayor to represent the entire city. He mentioned as Councilmember Williams said, the City doesn't have to pay the Mayor more or impose more duties; the Mayor provides a voice for the whole city and typically provides a tie breaker which is important that it comes from the whole city, not just another district.

Councilmember Fuller commented he believes in elections for all persons and has doubts. He mentioned there are standards for the selection of the Mayor and without going into detail, he does not believe the Council has acted to hold the Mayor accountable to that which is not good and it means the person who represents the City as Mayor may not meet the standards for an at-large election. He commented in those cities that have elected mayors, when they meet they have strong representation of their city and they are backed by citizens. He expressed he likes that and he thinks it is in the best interest of the City to do that. He provided comments regarding which districts he would like to see run and when.

Mayor Higgins inquired if he wants a four-district map.

Councilmember Fuller confirmed that is what he wants with districts 1C and 3C running in 2024 with an at-large mayoral election, and districts 2C and 4C running in 2022.

Mayor Higgins mentioned the Council can decide on 5 or 4 districts first and decide when specific districts will run.

Mr. Cole advised it is best to hear 4 or 5 districts first and then address specific districts to form how the motion will be made. He mentioned someone will need to make one of two options for the motion. He suggested they hear what Councilmember Meadows and Mayor Higgins have to say.

Councilmember Meadows expressed his preference is five districts and he does not think an elected Mayor is needed.

Mayor Higgins mentioned the Mayor is the tie breaker. She mentioned the Mayor sets standards even if Councilmember Fuller says she doesn't. She made a motion for five district map that was seconded by Councilmember Williams.

Mr. Cole commented that procedurally this does not introduce the ordinance, but this is a good way to proceed toward that.

Mayor Higgins commented this gets us half way there.

Mr. Cole commented that they need a formal introduction of the ordinance.

AYES: Higgins, Meadows, Williams. NOES: Fuller, Pope. (3-2)

Mayor Higgins commented the Council will now decide which districts run next.

Mr. Cole mentioned the Council should pick two districts for 2022. He provided options: the Council can pick 1 and 2, or do odd seats for three (2024) and even seats for two (2022) for a stagger, or draw from a hat, or the first two can run in 2022 and other three can run in 2024, or draw straws, or Rochambeau, or even arm wrestle.

Councilmember Meadows proposed districts 2 and 4 run in 2022, and proposed 1, 3 and 5 run in 2024.

Councilmember Williams commented she likes the simplicity of that to make sense to voters. She mentioned it is hard to keep track where the numbers are and what year; this numbering scheme makes sense.

Vice Mayor Pope commented he is fine with the odd and even approach. He expressed his only reservation if they don't put a little more fun into it, they might create chaos. He mentioned if he has a 2024 seat but lives in a 2022 election district, he has to run in the election, sitting in the 2022 seat and vacating the 2024 seat, then the Council will have to appoint someone to fill his vacancy.

Mr. Cole responded that if a Councilmember is a 2024 person and his/her district is in 2022, the question is whether or not the Councilmember can run. He explained if he/she is already on the Council in an at-large seat, he is not sure if he/she would have to resign from the at-large seat to run for the district seat.

Vice Mayor Pope commented he thinks you only have to resign only if you win, the same as if you are a seated Councilmember running for another special district or board.

Mr. Cole commented he can't disagree with that, the appointment would be only for two years; there will be start up for this and changing the way voters interact with the Council. He mentioned it could be that an at-large seat would have to be appointed in that scenario.

Vice Mayor Pope commented that if he/she loses, the district has double representation for two years. He mentioned he just wants to make sure the Council is aware of potential chaos it could create. He added if they dive into it too much more, they could be accused of gerrymandering.

Mr. Cole advised that incumbency cannot be a factor considered in this exercise. He mentioned the odd/even approach suggested is a coherent, rational and explainable way to do this. He expressed in his view, it is rational and supportive.

Vice Mayor Pope commented he is okay with that approach as long as the Council is okay with the potential chaos.

Councilmember Fuller suggested they keep it simple. He mentioned he is okay with 2 and 4 in 2022 and 1, 3, and 5 in 2024.

It was moved by Councilmember Meadows and seconded by Councilmember Fuller that districts 2 and 4 are up for election in 2022 and districts 1, 3, and 5 are up for election in 2024. Motion was unanimous and so ordered. (5-0)

Mr. Cole advised procedurally the next vote is to formally introduce the five district option ordinance. He explained that Section 1 of the ordinance would enact Oakley Municipal Code section 2.7.003 and subparagraph d where there are blanks should read “In the November 2022 general election, districts 2 and 4 shall first be open for election. In the November 2024 general election, districts 1, 3, and 5 shall be open for election. He mentioned if the motion is to introduce and waive the first reading of the 5 district option ordinance with those changes, the Council can take a vote on that and if approved, he can get the final ordinance with those changes to the City Clerk and it will come back to the Council during its December meeting for consideration of adoption.

It was moved by Councilmember Fuller and seconded by Councilmember Meadows to waive the first reading and introduce the five district option ordinance with the changes mentioned. AYES: Fuller, Higgins, Meadows, Williams. NOES: Pope. (4-1)

Mr. Cole mentioned during the next City Council meeting to be held in December that the ordinance will be brought back for consideration of adoption and there will be a resolution to adopt the finalist Map B that will be in effect until 2030.

4.2 Oakley Village Subdivision 9577 (TM 05-20) - request for Approval of a Vesting Tentative Map to Subdivide an Approximately 14.75-Acre Site into 42 Single Family Residential Lots of Minimum 10,000 sf lot size. APNs 033-150-011 and 033-150-018 (Ken Strelo, Principal Planner)

Councilmember Fuller recused himself for property ownership and left the room.

Principal Planner Ken Strelo presented the staff report.

Mayor Higgins commented that the subdivision is really close to the railroad tracks. She inquired how the report can say there are no health issues with the train going by and its vibrations which are a potential health hazard.

Mr. Strelo explained that this is a subdivision of the land which would not create a health hazard, but later when building plans come in and when there is a geotechnical analysis done there will be grading and impaction will have to meet requirements. He mentioned the homes will be subject to the California Building Code and codes the City has adopted. He mentioned health issues may not be addressed with any studies they do with vibration, but the building

should be safe and the grading should be adequate to address any vibrations the trains may cause.

Councilmember Meadows commented he likes the look of the project and the lot size, but expressed some concern about left turns into the project from Sellers.

Mr. Strelo responded that he will take note of that and speak with the Public Works and Engineering Department and there may be opportunity for certain striping. He mentioned south of where the Laurel connection is, this will be an undivided two-lane road.

It was moved by Vice Mayor Pope and seconded by Councilmember Meadows to approve item 4.2. AYES: Higgins, Meadows, Pope, Williams. ABSTENTION: Fuller. (4-0-1)

Mayor Higgins announced Councilmember Fuller is joining again to the meeting.

5) REGULAR CALENDAR

5.3 Hearing for Special Assessment Regarding 87 Concannon Court, Oakley, California (APN 037-234-033) (Libby Vreonis, City Clerk)

Items 5.3 through 5.5 were heard after the Consent Calendar and Public Hearings.

City Clerk Libby Vreonis provided a brief introduction of the matter. She inquired if the property owner was present. Hearing no response, she mentioned she spoke with property owner a couple of weeks ago and he indicated he would be attending the hearing. She added that the hearing was initially scheduled and noticed for October 26; however, the property owner indicated he had a conflicting medical appointment on that date so staff re-noticed the hearing for November 9 and the property owner indicated he would attend. She mentioned she can move forward to present the staff report or the Council may consider to continue the matter.

Mayor Higgins commented she would like to continue with the staff report as this is an issue that started in June 2020 and it is now 2021 so this has been long ongoing.

City Attorney Derek Cole commented that as a matter of precedence, the Council recently allowed a continuance of a hearing on a different matter where someone said they would be present and were not. He mentioned it was continued to be on the safe side in case someone did not communicate with staff. He added it is not to say they cannot move forward tonight, but the Council previously provided one “benefit of the doubt” continuance.

Mayor Higgins called for public comments.

Ms. Bruno indicated there are none; however, she needs to reconnect Councilmember Williams who was disconnected.

Vice Mayor Pope mentioned there was a change in the executor and inquired if the person they are looking for to attend is the son.

Ms. Vreonis explained that the legal team has performed its due diligence to confirm whom the City was properly noticing and it is still the actual property owner.

Vice Mayor Pope inquired if for this hearing it is the father, the property owner, not the son.

Ms. Vreonis indicated that is correct.

Councilmember Williams was reconnected.

It was moved by Vice Mayor Pope and seconded by Mayor Higgins to continue the item to the Council meeting to be held December 14, 2021. Motion was unanimous and so ordered. (5-0)

5.4 American Rescue Plan Act (ARPA) Update (Tim Przybyla, Finance Manager)

Finance Manager Tim Przybyla shared the Council has received one presentation already from Sandra Meyer, Senior Advisor with HDL Econ Solutions, in which she gathered information and took recommendations from the Council to put together a proposal. He mentioned a business survey was also completed. He explained the recommendation this evening is for the Council to provide guidance and based on that guidance staff can at a later date prepare any necessary budget amendments. He shared there already is a budget in place for ARPA funds in which $8 million is budgeted, but the direction the Council provides may require budget amendments in the future.

Sandra Meyer provided a PowerPoint presentation with information regarding ARPA funds, the amount of ARPA funds Oakley has and will receive, eligibility requirements for use of ARPA funds, results of the Business Needs Survey and recommended funding allocations of ARPA funds.

Councilmember Meadows inquired if the City really needs a new website.

City Manager Joshua McMurray responded that the City needs a new website. He explained the current website is outdated, not very intuitive, and should be redone with the frame of mind to make it as transparent as possible to easily display information for public access. He mentioned it has been planned for a while and ARPA funds would allow the City to not use General Fund money.

Councilmember Meadows inquired if Broadband was looked at.

Mr. McMurray explained that staff has not explored it, but there is time, and staff could bring it back if the direction of Council is to look at it further, but staff would propose a feasibility analysis to understand the need and where it can be provided. He mentioned the feasibility analysis would look at options and its impact on commercial or homeowners. He mentioned ARPA funds can be used for that analysis.

Councilmember Meadows commented that the City didn't get a good response from businesses on the survey with only 5% response. He shared that he received the surveys for his businesses, but didn't want to throw them in there. He commented that it sounded like 17 businesses got PPP money in this whole city and he knows what he got for his; the City should have helped businesses go after that money. He inquired how this $800,000 amount breaks down.

Mr. McMurray mentioned with a large chunk of that money, they thought initially it could only be used for outdoor dining which would have come in at a much lower number. He explained funding would be to make outdoor dining more permanent with more seating capacity. He

mentioned now the understanding is that this can be used for broader facade improvements. He mentioned over the past year he has heard comments from the Council that it would like to see the Downtown Facade Improvement Project to expand to be City-wide and this would provide seed money to expand that program and seating as well. He mentioned it can help spur on the economic development side business retention and hopefully growth. He explained that is why the amount is provided at $800,000 and staff is looking for direction from the Council if there are item it wants to pull out or add to the list.

Councilmember Meadows commented he is not aware of any outdoor dining in the City other than across the street, but he is okay with the business facade improvement program. He mentioned he has never utilized it and does not plan to based on some of the strings attached but that is his choice. He commented he is not too sure about the e-gift card program.

Mr. McMurray indicated it can be a revenue generator for businesses that use it. He shared there is a varied level of interest in the communities that HDL is working with. He suggested staff can explore it and bring back more information.

Councilmember Meadows commented he wants more information if he is going to support it.

Councilmember Williams supported Councilmember Meadows suggestion about looking into broadband and the feasibility study. She mentioned the system was taxed with the pandemic and she would like to place a more rigorous emphasis on technology. She shared she has the benefit of having her business in Brentwood and the e-gift card program is utilized heavily there, but she wants more information how it would work in Oakley. She mentioned she has suggested before not only expanding the façade program city-wide, but also expanding grants as offered in Downtown. She inquired if ARPA funds can be used to support expansion of grants for any business wanting to start up in Oakley so they can get what Main Street businesses get. She suggested if other businesses could get the grant program Skipolini's has, for example, where someone could get a low interest grant and leverage it to locate anywhere in the City.

Mr. McMurray commented the City has used the program in the past and staff can look into how to expand it city-wide.

Councilmember Fuller requested Mr. McMurray go over the ERP software.

Mr. McMurray explained the current ERP software the City has will no longer be provided support within the next 3-4 years, the current ERP software has been around for more than 13 years, it is very hard to use for some departments and they want efficiency. He mentioned there are better systems out there, staff knows $2 million will have to be spent on this system, and it will take 1-2 years to migrate over, but it is needed.

Councilmember Fuller commented that citizen hardware and software are needed here and are becoming critical. He shared disability is the area of his doctorate and there is no more excuse; someone who is vision or hearing impaired must be able to have access and the public system should be up and running to provide civil rights. He added that morally the City has to provide access or could eventually face legal issues if people want to know what is going on in their city but do not have access. He mentioned he burdens some people in the city because he cannot find public records in the system and he think it would be good overall for the public to have access. He mentioned he would like to see a survey of families to have a sampling; he is not sure how to get that out, but would like to hear from them. He mentioned the Council and staff are taking shots at what they see as needing funding, but he wants to keep all families here and

know of their needs to be taken care of. He commented that CoCo child care has months on waiting lists due to facilities.

Ms. Meyer shared that they have conducted community surveys for other cities such as Pinole and Lafayette; in Lafayette, they received 1300 responses, but Pinole was much lower.

Councilmember Fuller commented that families are already experiencing hard times because of this situation and he wants to see if the Council can address them.

Vice Mayor Pope commented he is really disappointed in the response rate; it is less than 1% of businesses (15 responses out of 300+). He inquired if the City did something wrong in the presentation of it to businesses because the City is basically saying to businesses, we have $8 million and we want you to tell us how you want us to spend it. He inquired if something can be done to follow up with businesses to determine why there was low response.

Mr. Przybyla shared that Economic Development Specialist Harumi Murata reached out to businesses through multiple venues and they didn't want to participate even when she went out to the businesses.

Councilmember Meadows shared he didn't want to influence results because he is on the Council so he did not participate.

Ms. Meyer shared that Lafayette had over 1,000 businesses they contacted and received 70 responses. She also shared that Pinole used a data base they have to contact every business within the city and only received responses from only a fraction of businesses they have.

Vice Mayor Pope commented that Oakley's survey results were not the outlier; this is consistent.

Ms. Meyer commented that businesses are struggling and may not be able to participate.

Councilmember Meadows commented that part of the problem is businesses don't have employees right now so they may not be able to stop and complete a questionnaire.

Vice Mayor Pope commented that this survey was not asking a lot of questions and did not ask for personal information such as gross receipts. He inquired what an ERP system does.

Mr. McMurray explained it is a system used primarily by the Finance Department and Building Division but there are components of it that can be used for other departments and it encompasses a broad range of the City's operations.

Vice Mayor Pope commented he wants to make sure staff has tools to do the job, but $2.2 million is a lot of money with changing technology.

Mr. McMurray mentioned it includes the cost of migration. He commented if the Council agrees with some of these items, staff must release a Request for Proposals, the market will dictate cost, it will be done through the proper open and transparent process, and the Council will have the opportunity to review those proposals.

Vice Mayor Pope mentioned the City's website is poor and needs to be more user-friendly to the public with as much information as can be legally provided on there; it will help staff if people

can self-serve. He mentioned the City is not hiding anything, it is all here. He expressed he is disappointed with restrictions as the City is unable to spend money on real resiliency. He mentioned the City can try to fix some of the things that are broken like helping businesses and repaying the City for expenses it had with people that got sick with COVID or for related testing. He agreed with making taxpayers whole first, but with some of the other things he believes the City's hands are tied. He mentioned before talking about broadband, he wants to see a needs assessment. He shared that private companies such as Xfinity Comcast, AT&T, and Sonic Fiber are in the area and usually do a better job at these things than the government. He expressed he wants to know what the feasibility is and what it would take to get private industry partners to come to Oakley to lay that ground work. He mentioned last night when the cell reception and internet went down, it shows the resiliency component of the broadband background is needed, no single points of failure. He added that cell phone towers that don't go out when power is lost are needed as well as internet that stays up. He explained that law response and the City are dependent on these systems so it is essential that these things stay up and there is resiliency. He inquired how distribution of funding would work and if businesses that responded to the survey get a first shot at funds. He expressed he would like to be focused on fixing what is broken and then to help businesses spring back and hire people. He mentioned he does not want a subsidy that would encourage people to not go back to work. He commented that he is not sure if businesses need assistance with job training and/or recruiting; it is hard to know without businesses telling the City what they need. He mentioned he agrees with social services, but it must be one-time assistance, nothing with ongoing cost. He mentioned that may help them to restart, but a needs assessment is needed to know how to get businesses back in line. He commented he is not sure how the e-gift card system works and requested information regarding a successful model.

Ms. Meyer responded that a number of cities in the Bay Area have been using e-gift card programs, including Benicia and Concord. She mentioned Lafayette has a pilot program. She indicated the e-gift card program benefits businesses and residents.

Vice Mayor Pope commented it gets the economic engine running again. He requested more information on it. He agreed the facade improvement program should be extended city- wide and he would like to know if ARPA money can help.

Ms. Meyer responded to Vice Mayor Pope's comment regarding his frustration with the limitations on use of ARPA funds. She explained that if the City had more revenue loss, the money could be transferred to the General Fund so its use could be greatly broadened. She further explained pursuant to SB 3111, if adopted, the City would be allowed to utilize a $10 million revenue loss or if greater, the City would use the normal calculation method.

Vice Mayor Pope commented that rather than itemized, you get to use the standard deduction.

Ms. Meyer commented it is similar. She mentioned they don't know if or when that will be adopted, but it would provide more flexibility.

Vice Mayor Pope commented the City had a loss, its sales tax went down, but with building activity, it compensated for that loss.

Councilmember Fuller commented an assessment of computers the City has is accurate, but its' system is behind what is available and it needs to be functioning up to date and at maximum capacity.

Mayor Higgins inquired if any of the money can be used for disaster planning.

Ms. Meyer responded it cannot under ARPA rules; the money is really for economic recovery.

Mayor Higgins commented that when they are talking about economic recovery, they are not talking about individuals receiving money; it has to be provided through an agency such as CoCo Kids or a food bank.

Ms. Meyer indicated that is correct.

Mayor Higgins thanked staff and Ms. Meyer for the update. She announced a brief recess.

The City Council reconvened.

5.5 Ordinance to Amend Chapter 20 of Title 4 of the Oakley Municipal Code Dealing with Solid Waste and Recycling (Joshua McMurray, Interim City Manager)

Mr. McMurray presented the staff report. He mentioned the franchise hauler is present, has a presentation if necessary, and is available for any questions.

Councilmember Fuller suggested a video instruction or something simple for residents to understand. He commented this seems very complicated.

Mr. McMurray indicated Mt. Diablo Resource Recovery (MDRR) has been a great partner, it has a great staff focused on outreach and education, this is the first step, and the real work begins after.

Councilmember Meadows commented this is an unfunded mandate by the State of California. He explained that the State mandates this, the City has to implement it, and it pushes costs to residents. He expressed he doesn't like it, but he understands the City has no choice.

Vice Mayor Pope commented he couldn't get the strike-out language on his computer; the version uploaded didn't show it. He commented this is initiated by the State and the City is responding which results in raising fees. He agreed a lot sounds great and these are good goals, but he sees that it will be increasing the illegal dumping problem the City already has because it will be making it hard and expensive for people who would comply and are complying now to comply with increased costs. He mentioned self-haulers are not going to self-haul and the clean-up expense will be to the residents. With that said, he mentioned the City must comply with the law.

Councilmember Williams commented it is important for residents to know this is not City-initiated. She shared she has had numerous conversations with MDRR and businesses will be first impacted by this, but she has great faith in the education and partnership of MDRR.

It was moved by Councilmember Williams and seconded by Councilmember Fuller to waive the first reading and introduce the ordinance. Motion was unanimous and so ordered. (5-0)

6) REPORTS

6.1 CITY MANAGER
(a) City Manager

City Manager Joshua McMurray reported that the Laurel Road resurfacing project is coming to an end; striping will be completed in the next few weeks. He announced the City will hold a Veterans Day memorial at City Hall on Thursday at 11 a.m.

6.2 OAKLEY CITY COUNCIL/OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY

(a) Reports from Council Liaisons to Regional Committees, Commissions and Boards AND Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency

Councilmember Fuller reported he attended a Delta Protection Commission meeting on September 16 where there was discussion regarding the national historic preservation. He mentioned California state parks have been giving and will continue to give presentations on the Delta. He shared Lookout Slough was in the process for reconfiguring for habitat protection and requested corrections which the Delta stewards corrected. He mentioned they are also big on broadband coming in as there are a lot of places out there without broadband or adequate internet connection. He shared there is a survey for trail preferences that will be upcoming or is there. He also shared Assemblymember Frazier gave $11 million for Delta water cleanup for abandoned boats and other debris. He mentioned those on the Delta Protection Commission are not happy with Water Resources regarding the conveyance project, also known as the canal or tunnel project. He announced Diablo Water District is having a special joint meeting tonight with Rural Community Assistance Corporation and Neighboring Small Water Systems of the Bethel Island and Sandmound Area to discuss consolidation on Bethel Island up through the northeast on water service.

Vice Mayor Pope commented in the spirit of the good governance meeting the Council and staff had last week where this Council discussed holding themselves accountable to high ethical standards, he wants to correct the public record. He mentioned someone forwarded a post to him titled “Oakley Vice Mayor and One City Councilmember Call for Censorship of Councilmember’s Free Speech”. He indicated this is a gross mischaracterization and it is either an intentional act to deceive the public or out of ignorance. He mentioned there is difference between censorship (as in censoring someone’s free speech) and censure (identifying someone’s ill deeds with an official resolution). He commented unless his memory of what he said last week is way off, he never, and neither did Councilmember Williams, say anything about censoring anybody’s free speech. He expressed he thinks he said the exact opposite in that public transparency could be furthered and is very important, and social media can be used correctly for that.

Councilmember Fuller commented it is always good to hear from Brentwood.

Mayor Higgins announced the Diablo Water District consolidation kick-off meeting is tomorrow, November 10, at 3:45pm, not tonight. She shared she had a great Halloween. She announced local Veteran John Amie will speak at the City's Veterans Day event Thursday and she is excited for that.

Councilmember Williams reported she is attending the APTA conference with Tri-Delta Transit, the largest gathering of all transportation agencies across the country. She shared the $1.2 trillion infrastructure package passed and is expected to be signed soon, including a significant budget for transportation. She also shared some of the key things the workshops have been focused on are to improve equity and to address climate change across all modes of public transport. She mentioned the keynote speaker was former NASA astronaut Dr. Cady Coleman who talked about how transformative it was when a train stop recently came to her small town which provided greater economic and mobility access. Councilmember Williams commented she thought this was fitting with Oakley's proposed train stop. She reported there has been a lot of great information shared and she is sure Tri-Delta will come away from this conference with innovative ideas for the community.

Councilmember Fuller announced tomorrow is the most important military celebration, the USMC birthday. He shared he has always been proud to wear the globe anchor and with the following day being Veterans Day, he is glad to join fellow veterans.

Mayor Higgins requested the City Manager work with the C.O.R.E. to speak with Oakley's unhoused. She explained residents are paying for this service through taxes and need to know what is happening in that area.

Vice Mayor Pope inquired what the City is doing for Veterans Day and if it is open to the public.

Mayor Higgins confirmed it is open to the public and she shared the event information with him.

Councilmember Fuller inquired what C.O.R.E. is.

Mayor Higgins responded it is a county service paid through our taxes to help with unhoused. She mentioned they see and count homeless every year and provide updates.

(b) Requests for Future Agendas

Councilmember Fuller mentioned during item 5.4 that he would like to see a survey for families regarding ARPA funds.

Councilmember Williams requested staff look into offering both in-person and virtual (hybrid) meetings. She commented she feels like there is more public engagement when people are able to participate virtually as they are able to log on during their busy schedules, especially with Oakley being a commuter city. She suggested if Oakley wants a city to model it after, Clayton is successfully doing this.

7) WORK SESSIONS

None.

8) CLOSED SESSION

None.

9) ADJOURN

There being no further business, the meeting was adjourned at 9:41 p.m.

Respectively Submitted,

Libby Vreonis
City Clerk

ORDINANCE NO. 11-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY AMENDING THE ORDINANCE REGARDING SOLID WASTE COLLECTION AND REGULATIONS

The City Council of the City of Oakley, California does ordain as follows:

Section 1. The Oakley Municipal Code is hereby amended by amending Title 4, Chapter 20, entitled "SOLID WASTE COLLECTION AND REGULATIONS" to read in its entirety as follows:

CHAPTER 20
SOLID WASTE COLLECTION AND REGULATIONS

Article 1. DEFINITIONS

4.20.102 Definitions.

For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Act. The California Integrated Waste Management Act of 1989 (sometimes referred to as "AB 939"), Public Resources Code § 40000 and following as it may be amended, including but not limited to, the Jobs and Recycling Act of 2011 (AB 341), SB 1016 (Chapter 343, Statutes of 2008 [Wiggins, SB 1016]), the Mandatory Commercial Organics Recycling Act of 2014 (AB 1826), and the Short-Lived Climate Pollutants Bill of 2016 (SB 1383), and as implemented by the regulations of CalRecycle.

Bulky Items. Discarded large household appliances such as washers and dryers, dishwashers and other appliances without freon (white goods), E-Waste, furniture, tires, carpets, mattresses and similar large items which require special handling due to their size, but can be collected without special loading equipment (such as forklifts or cranes) and without violating vehicle load limits. It does not include abandoned vehicles.

City. The City of Oakley.

City Franchise Hauler. Any Person with whom the City shall have duly contracted under the terms hereinafter set out in this Article to collect and transport Solid Waste, Recyclables, and/or Organic Materials in, through, and from the City.

Construction and Demolition Debris (C&D Debris). Solid wastes such as building materials, packaging and Inert Debris resulting from C&D projects. Common C&D Debris include but are not limited to: lumber, metals, pipe, wire, sheet metal, asphalt, concrete, stone, brick, slate, masonry, drywall, carpet, carpet padding and foam, packing materials,

cardboard, paper, building materials, doors, windows, fixtures, plastics, appliances, ceiling or floor tiles, and Green Waste or landscape debris related to land development such as soil, brush, trees, rock, branches and stumps.

E-Waste. Discarded electronics equipment such as cell phones, personal digital assistant (PDA), computers, monitors, televisions, and other items containing cathode ray tubes (CRTS), LCD, LED or plasma screens and monitors.

Edible Food. Food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste or Organics if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

Exempt Waste. Biohazardous or biomedical waste, Hazardous Waste, waste treatment or processing sludge, contaminated soil and dirt, contaminated concrete, contaminated asphalt, automobiles, automobile parts, boats, boat parts, boat trailers, internal combustion engines, lead-acid batteries, any matter or materials which are not acceptable for disposal at a Solid Waste landfill as defined in AB 939 and subsequent legislation, and those wastes under the control of the Nuclear Regulatory Commission.

Food Recovery Organization(s). An entity that engages in the collection or receipt of Edible Food from commercial edible food generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including food recovery services that transport food for recovery. This includes, but is not limited to:

a. A food bank as defined in Section 113783 of the Health and Safety Code;
b. A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and
c. A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

Garbage. All putrescible and nonputrescible solid, semisolid, and liquid wastes generated or accumulated through the normal activities of a premises. All non-recyclable packaging and putrescible waste attributed to normal activities of a premises. Garbage must be generated by and at the Premises wherein the garbage is collected. Garbage does not include Recyclable Materials, Organic Materials, Construction and Demolition Debris, Bulky Items, E-Waste, Universal Waste, Hazardous Waste, Household Hazardous Waste or Exempt Waste.

Green Waste. Organic material from trees, shrubs, plants, weeds, branches, grass, lawn clippings, other vegetation, and material capable of being composted; provided that trees may not be more than six inches in diameter. Green Waste does not include plastic bags, bricks, rocks, gravel, large quantities of dirt, concrete, sod, non-organic wastes, loose

fruits and vegetables, tree trunks, stumps, branches more than six inches in diameter or three feet in length, or pet waste.

Hazardous Waste. Any waste materials or mixture of wastes defined as such pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq. ("RCRA"), or the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. §§9601 et seq., and all future amendments to either of them, or as defined by the California Environmental Protection Agency or the California Department of Resources, Recycling and Recovery, or either of them. Where there is a conflict in the definitions employed by two or more agencies having jurisdiction thereover, the term Hazardous Waste shall be construed to have the broader, more encompassing definition. Hazardous Waste shall also have the meaning as that term is defined in Public Resources Code Section 40141.

Household Hazardous Waste. Hazardous Waste generated at residential sites in the City, including normal residential amounts of household chemicals, pesticides, motor oil, paint, products containing mercury, E-Waste categorized as Universal Waste (such as television tubes or monitors), anti-freeze, and lead-acid batteries.

Inert Debris. Asphalt, brick, concrete, cinder block and other masonry products, stone, slate, or rock, whether reinforced or unreinforced. All Inert Debris materials are contained within the definition of "C&D Debris" for purposes of this article.

Multifamily Residential Dwelling ("MFD"). Residential premises with five (5) or more dwelling units located on a single parcel of land and any mobile home park located within the city. Multifamily Residential Dwellings do not include hotels, motels, or other transient occupancy facilities, which are considered commercial businesses.

Organic Materials and Organics. Organic material that can biologically decompose into a specific mixture of decayed matter, including without limitation, Green Waste and food waste which means food scraps separated from Solid Waste that will decompose and/or putrefy including all residential and commercial kitchen and table food waste, and animal or vegetable waste that attends or results from the storage, preparation, cooking or handling of food stuffs. The terms Organic Materials and Organics are used interchangeably.

Organic Waste Generator. A Person or entity that is responsible for the initial creation of Organic Materials, or as otherwise defined in 14 CCR Section 18982(a)(48) of SB 1383.

Person. Includes any individual, firm, partnership, co-partnership, corporation, limited liability company, trust, association,or any other form of business enterprise.

Premises. Any dwelling, place of residence, roominghouse, hotel, club, restaurant, boardinghouse, eating place, shop, place of business, and any other building, grounds, or location where Solid Waste is or may be produced or accumulated, including all sidewalk, curb, gutter, and street and alley areas adjacent thereto.

Recoverable Material. Material which is capable of being retrieved or diverted from disposal or transformation for the purpose of Recycling, Reuse, and composting. Recoverable Material does not include those materials generated from and reused on-site for manufacturing purposes.

Recyclable Materials. Any materials or by-products that are set aside, handled, and/or packaged for purposes of Recycling, including without limitation, glass, paper, cardboard, wood, concrete, plastic, used motor oil & filters, ferrous and non-ferrous metal, aluminum, and any other waste materials that are capable of being recycled. This definition includes Construction and Demolition Debris, including Inert Debris but excludes Hazardous Waste.

Recycling. The process by which material which would otherwise be disposed of is collected, sorted, cleansed, treated, reconstituted, and reused to make another product after its first use is completed and for which a market is identified for the collected materials.

Reuse. The recovery or reapplication of the material for uses similar or identical to its originally intended application, without manufacturing or preparation processes that significantly alter the material.

SB 1383. The Short-Lived Climate Pollutants: Methane Emissions: Dairy and Livestock: Organic Waste: Landfills Act of 2016. Article 4 Title 14, Division 4, Chapter 12 of the California Code of Regulations.

Self-Hauler(s). Means a Person who hauls Solid Waste, Recyclable Materials, or Organic Materials that he or she has generated to another Person. Self-Hauler also includes a Person who back-hauls Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Materials to a destination owned and operated by the generator using the generator's own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).

Solid Waste. Garbage, Recyclable Materials, Organic Materials, Construction and Demolition Debris, Bulky Items, E-Waste, Universal Waste, and other discarded solid and semi-solid wastes as defined in the California Public Resource Code Section 40191, as that section may be amended from time to time. Solid Waste means all such materials defined in PRC 40191. Solid Waste does not include Exempt Waste or any of the following wastes: (1) Hazardous Waste other than E-Waste; (2) radioactive waste; and (3) medical waste regulated pursuant to the Medical Waste Management Act.

Source Reduction. Efforts taken to minimize the quantity of waste generated and entering the waste stream.

Special Handling Materials. All materials which are defined as requiring special handling for the public health and safety by federal, state or county laws or regulations.

Subscriber. All Persons, firms, corporations, or entities which generate, keep, or accumulate Solid Waste, Recyclable Materials, Organic Materials or salvageable materials, Hazardous Waste, infectious wastes or Special Handling Materials within the boundaries of the City.

Tier One Commercial Edible Food Generator*.* A commercial edible food generator that is one of the following:

A. Supermarkets with gross annual sales of $2,000,000 or more.
B. Grocery store with a total facility size equal to or greater than 10,000 square feet.
C. Food service provider.
D. Wholesale food vendor.

SB 1383 Tier One Commercial Edible Food Generators are required to comply with SB 1383 regulations by January 1, 2022 or face significant financial penalties.

Tier Two Commercial Edible Food Generator*.* A commercial edible food generator that is one of the following:

A. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
B. Hotel with an on-site food facility and 200 or more rooms.
C. Health facility with an on-site food facility and 100 or more beds.
D. Large venue.
E. Large event.
F. A state agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
G. A local education agency facility with an on-site food facility.

SB 1383 Tier Two Commercial Edible Food Generators are required to comply with SB 1383 regulations by January 1, 2024 or face significant financial penalties.

Universal Waste. Televisions, computer monitors, consumer electronics with circuit boards, fluorescent lamps, cathode ray tubes, non-empty aerosol cans, instruments and switches that contain mercury, and dry cell batteries containing cadmium copper or mercury.

Wastestream. The process of placing Solid Waste, Organic Materials, and Recyclable Materials for collection, the collection of same by the City Franchise Hauler, and the delivery of same by the City Franchise Hauler to a licensed sanitary landfill.

Article 2. SOLID WASTE COLLECTION FRANCHISES

4.20.202. Collection Franchises; Purpose and Declarations.

A. It is hereby declared and determined that the business of collecting, transporting, disposing and/or Recycling of Solid Waste, Recyclable Materials, and Organic Materials affects the health, safety and public welfare and quality of life of residents of the City. Therefore, one purpose of this Chapter is to regulate this business in order to ensure its orderly operation and to minimize any adverse effects on the environment.

B. It is also the intent of this Chapter to generate revenue for municipal purposes, including but not limited to, the maintenance of public streets and roadways impacted by the heavily-laden vehicles used in this business.

C. The City is required by state law to adopt and implement an integrated waste management plan and to reduce the Wastestream going into landfills. The Chapter is also designed to assist with these goals and further the City's compliance with the Act and SB 1383.

D. The City, by adoption of this Chapter, has elected to utilize the authority in state law to have the ability to grant franchises for the collection, transporting, disposing and/or Recycling of Solid Waste, Organic Materials, and Recyclable Materials.

4.20.204 Activities Which Are Unlawful Unless Authorized.

Except as specifically exempted in this Chapter, it is unlawful for any Person to engage in the business of collecting, transporting, removing, disposing, processing, and/or Recycling of Solid Waste, Recyclable Materials, and Organic Materials kept, accumulated or produced in the City unless a franchise therefore has been granted in writing pursuant to the provisions of this Chapter, and unless a written franchise agreement therefore has been signed between such City Franchise Hauler and the City, and unless such franchise and agreement is in full force and effect.

4.20.206 Exemptions.

The provisions of this Chapter shall not apply to:

A. The City of Oakley or any person employed by the City.

B. Persons or their employees hauling no more than one ton per month of Solid Waste which they generate pursuant to a construction project for whichthat Person holds a valid building permit.

C. Persons hauling source-separated Recyclable Materials who operate one vehicle and without an established route or billing system.

D. Persons operating a small collection facility and/or recycling center, to which

customers themselves deliver Recyclable Materials in exchange for cash orother consideration.

E. Self Haulers, as defined herein.

F. Persons collecting, transporting or disposing of Hazardous Wasteregulated by federal or state law when engaged in that activity.

4.20.208 City Council Authority To Grant Franchise.

The City Council may and is hereby empowered to grant to any Person, whether operating under an existing franchise agreement or not, a franchise, either exclusive or non-exclusive, to engage in the business of collecting, transporting, removing, disposing, processing, and/or Recycling of Solid Waste, Organic Materials, and Recyclable Materials kept, accumulated, or produced in the City.

4.20.210 Franchise; Terms and Conditions.

A. The services provided by the City Franchise Hauler do not constitute a "public work" and are not subject to California Labor Code Secs. 1720 - 1901.

B. All franchises granted pursuant to this Article shall be subject to the terms of the franchise agreement approved by the City Council and also by the terms of this Chapter and of the Oakley Municipal Code.

4.20.212 Granting of Franchise .

If the City Council wishes to grant a franchise agreement pursuant to this Article, it shall do so at a regular City Council meeting. No franchise shall be effective until a written franchise agreement has been presented at a regular CityCouncil meeting and approved by a majority vote of the City Council and has been signed and delivered by the person authorized by the City Franchise Hauler to do so, and until all other requirements set forth in this Chapter and in the franchise agreement have been satisfied, including but not limited to evidence of compliance with the insurance and indemnification requirements in a form acceptable to the City and specified in the franchise agreement.

4.20.214 Indemnification of City.

The City Franchise Hauler shall indemnify and hold the City, its officers, employees and agents harmless from and against any and all loss, damages, liability, claims, suits, costs and expenses, fines, charges or penalties whatsoever, including reasonable attorney's fees, regardless of the merit or outcome of any such claim or suit, arising from or in any manner related to the services provided or business conducted by the City Franchise Hauler under this Chapter or under any

franchise granted pursuant to this Chapter.

4.20.216 Term of Franchise.

The term of any franchise shall be as stated in the franchise agreement, but generally shall not be for a period in excess of twenty years without extraordinary reason for a longer term. The franchise agreement may provide for the manner and procedure for renewal of the franchise.

4.20.218 Termination or Suspension of Franchise.

A. The City Council shall have the right to terminate any franchise issuedpursuant to this Article pursuant to the terms of the franchise agreement.

B. Unless provided otherwise in the franchise agreement, a notice of intent toterminate a franchise shall be personally delivered or mailed to the City Franchise Hauler at its address as identified in the franchise agreement. The notice shall state grounds for suspension or termination of the franchise and shall state the time, date and place of a hearing before the City Council, which shall be scheduled at least 30 days subsequent to the date of the notice.

C. Unless provided otherwise in the franchise agreement, the City Council shall have the right to terminate or suspend any franchise if it finds after a hearing that:

1. The franchisee has failed to substantially comply with a material provision of the franchise agreement, or to substantially perform any material covenant required of the City Franchise Hauler by this Chapter or the franchise agreement, or has violated any federal, state or local law, ordinance or regulation applicable to the operation of the franchise; or

2. Any provision of this Chapter or the franchise agreement is repealed or becomes or is declared invalid or unenforceable, and the City Council determines that such provision constitutes a material consideration to the grant or continuation of the franchise.

D. Unless provided otherwise in the franchise agreement, prior to giving notice of intent to terminate, the City shall first provide the City Franchise Hauler with a written notice of violation and order to correct, with such violation or correction to be made within 30 days or such other time as may be specified in the notice. If the City Franchise Hauler corrects the violation, then the City shall not pursue the termination or suspension of the franchise, unless the City Franchise Hauler has been given more than one notice of violation and order to correct, in which case the City may, but is not obligated to, pursue termination or suspension of the franchise.

4.20.220 Franchise Fees.

The City Franchise Hauler shall pay a franchise fee to the City during the term of the franchise. The franchise fee shall be in the amounts and shall be paid in the manner specified in the franchise agreement. The payment of the franchise fee shall be in addition to any license fee or business license tax or fee prescribed by the City for the same period.

4.20.222 City Inspection Authority.

The City Franchise Hauler shall maintain accurate and complete books and accounts ofall revenues and income arising out of its operations within the City under the franchise granted. The City Franchise Hauler's books, accounts and records related to its operations within the City pursuant to the franchise shall be open to inspection, examination and audit by authorized officers, employees and agents of the City during times and places that do not create an unreasonable burden for the City Franchise Hauler.

4.20.224 Regulation of Rates and Charges.

If a rate and charges setting procedure is set forth in the franchise agreement,the method for determining the rates and charges shall be determined by the franchise agreement. If the franchise agreement does not set forth a rate and charges method, the provisions of this section shall apply. The rates and chargesimposed by the City Franchise Hauler upon residential customers shall be regulated by the City and shall be approved by the City Council in advance of the rates and charges being established and collected by the City Franchise Hauler. The City Council shall approve rates and charges which cover the cost of providing the services and also provide a fair rate of return for the City Franchise Hauler. The City shall maintain supervisory control over the rates and charges imposed by the City Franchise Hauler on non-residential customers in that the City Manager shall be vested with the authority to hear complaints from such customers and to resolve such matters with the City Franchise Hauler.

The City Franchise Hauler shall notify the City Manager of proposed increases to its residential rates and charges at least 90 days prior to its intended commencement date for such rates and charges.

4.20.226 Violations of Franchise/Remedies and Enforcement.

(a) No Person shall collect, transport, dispose, or convey, or cause or permit to be collected, transported, disposed, or conveyed, any Solid Waste, Recyclable Materials, and/or Organic Materials unless the City has granted that Person a franchise pursuant to the terms of this Chapter and a written franchise agreement is entered into between the City and that Person. The City shall have the right to require any Person operating

in the City to provide any documentation and/or information requested by the City in order to determine whether a violation of this Chapter has occurred. Persons in violation of these requirements or any other provision of this Chapter relating to the unauthorized collection, transport, disposal, or conveyance of Solid Waste, Recyclable Materials, and/or Organic Materials shall be guilty of a misdemeanor pursuant to Chapter 1.5.002, et seq. and the City shall have the right to pursue all available legal and equitable remedies against such Person, including without limitation, those identified in Chapter 1.5.002, et seq. of the Code. No language in this Chapter shall be construed as limiting or modifying the right of the City Franchise Hauler to file a civil action against any Person that violates any of the terms of this Chapter or any of the rights granted to the City Franchise Hauler by the City under this Chapter or pursuant to a written franchise agreement between the City and the City Franchise Hauler.

(b) City Manager authorization. The City Manager is authorized to administer and enforce the provisions of this Chapter. The City Manager, or anyone designated by the City Manager to be an enforcement officer, may exercise such enforcement powers.

(c) Administrative citations and orders. If the City Manager determines that a Person is in violation of this Chapter, the City Manager may issue administrative citations or orders and fines pursuant to Chapter 1.5.002, et seq. for violations of this Chapter or of any rule or regulation adopted pursuant to this Chapter, except as otherwise provided in this Chapter. The City's procedures on imposition of administrative fines are hereby incorporated in their entirety and shall govern the imposition, enforcement, collection and review of administrative citations or orders issued to enforce this Chapter and any rule or regulation adopted pursuant to this Chapter, provided, however, that the City Manager may adopt regulations providing for lesser penalty amounts. The City Manager has the authority to impose administrative penalties for the notices of violations.

(d) The City Attorney may seek injunctive relief or civil penalties in the superior court in addition to the above remedies and penalties. Any remedy provided under this section is cumulative to any other remedy provided in equity or at law. Nothing in this chapter shall be deemed to limit the right of the City or its authorized collection agent(s) to bring a civil action; nor shall a conviction for such violation exempt any Person from a civil action brought by the City or its authorized collection agent(s). The fees and penalties imposed under this Chapter shall constitute a civil debt and liability owing to the City from the Persons, firms or corporations using or chargeable for such services and shall be collectible in the manner provided by law. Nothing in this Chapter shall be deemed to impose any liability upon the City or upon any of its officers or employees including without limitation under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA). This Chapter does not do any of the following:

1. Otherwise affect the authority of the City Manager to take any other action authorized by this Code or any other provision of law.

2. Restrict the power of a City attorney, district attorney or the attorney general to bring in the name of the people of the state, any criminal proceeding otherwise authorized by law.

3. Prevent the City Manager from cooperating with, or participating in, a proceeding specified in this Chapter.

4. Affect in any way existing contractual arrangements, including franchises, permits or licenses, previously granted or entered into between the City Franchise Hauler and City.

ARTICLE 3. REQUIRED SERVICE

4.20.302 Mandatory Service.

Every owner of a Premises located within the City that generates Solid Waste, Recyclable Materials, or Organic Materials shall subscribe with the City Franchise Hauler for the collection and disposal of such material. Nothing herein shall prohibit the tenants or users of property from subscribing with the City Franchise Hauler for service. However, the owner of the Premises shall remain ultimately responsible for establishing and maintaining a subscription for collection and disposal service with the City Franchise Hauler, and for paying the fees and charges therefore.

4.20.304 Exemptions.

The City Manager may exempt a Person from the requirement for mandatory service if the Premises are unoccupied or undeveloped, or if no Solid Waste, Recyclable Materials, or Organic Materials are produced, kept, or accumulated on the Premises.

4.20.306 Level of Service.

Every owner of a Premises located within the City as specified in Sec. 4.20.302 shall maintain a level of collection and disposal service that is adequate in terms of size of containers and frequency of collection so that the Solid Waste, Recyclable Materials, and Organic Materials container(s) remain closed with tops securely in place at all times. Solid Waste removal service shall be provided at least once weekly. Recyclable Materials and Organic Materials shall be collected at such times as are specified in the franchise agreement or by the City Council pursuant to Resolution.

4.20.308 Unlawful Collection or Transporting of Solid Waste.

It shall be unlawful for any Person, firm or corporation, other than a City Franchise Hauler or its employees, a City Franchise Hauler's authorized contractor, or a Person, firm or corporation otherwise exempted by state or federal law, to collect within the City or to transport or carry any Solid Waste, Recyclable Materials, Organic Materials, Hazardous Waste, infectious material or Special Handling

Material through the City, except Self-Haulers. Self-hauling is limited to occasional residential clearing and transporting of junk and non-putrescible solid wastes such as paper, cardboard, tin cans, yard clippings, wood, glass, crockery, and plastics from one's own property, or to contractors removing such materials fromtheir own job sites.

Self-Haulers shall source separate all Recyclable Materials and Organic Materials (materials that the City otherwise requires generators to separate for collection in the City's Organic Materials and Recyclable Materials collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2.

Self-Haulers shall haul their Recyclable Materials to a facility that recovers those materials; and haul their Organic Materials to a solid waste facility, operation, activity, or property that processes or recovers Organic Materials.

Self-Haulers that are commercial businesses (including Multifamily Residential Dwellings) shall keep a record of the amount of Organic Materials delivered to each solid waste facility, operation, activity, or property that processes or recovers Organic Materials; this record shall be subject to inspection by the City. The records shall include the following information: (a) delivery receipts and weight tickets from the entity accepting the materials, and (b) the amount of material in cubic yards or tons transported by the generator to each entity. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Materials.

4.20.310 Burning and Burying Solid Waste.

It shall be unlawful for any Person, firm, corporation or entity to discard, burn, or bury any Solid Waste on any private or public property, except in a landfill licensed by the County Health Department. This section does not prohibitcomposting when accomplished consistent with criteria and standards from the County Health Department.

4.20.312 Time of Collection.

Unless dictated by an emergency, the City Franchise Hauler shall collect Solid Waste, Recyclable Materials and Organic Materials only during the hours specified inthe franchise agreement.

4.20.314 Unlawful to Dump on Public or Private Property.

It shall be unlawful for any Person, firm or corporation to deposit or dump anySolid Waste in any location on public or private property, unless in a location specifically authorized in writing by the City Manager.

4.20.316 Removal or Theft of Solid Waste, Recyclable Materials, and Organic Materials.

It shall be unlawful for any Person other than the City Franchise Hauler to remove or take any Solid Waste, Recyclable Materials, and/or Organic Materials from containers which are left at or near the sidewalk for the City Franchise Hauler's collection and removal. Containers having the City Franchise Hauler's name or initials indicated thereon shall be presumed to be left for its collection. Once placed for collection by a Subscriber, ownership of the Solid Waste, Recyclable Materials, and Organic Materials shall transfer to the City Franchise Hauler.

4.20.318 Collection; Nonpayment.

It shall be unlawful for any Subscriber to fail, neglect or refuse to pay the City Franchise Hauler the rates approved by the City Council for service. Upon an application by the City Franchise Hauler to the City, the City is authorized to use its enforcement authority, including but not limited to, the right to subscribe to Solid Waste, Recyclable Materials, and Organic Materials or other service for the subject Premises in six-month increments up to oneyear and place a special assessment lien on the Premises pursuant to procedures specified herein.

If the City Franchise Hauler terminates service to any nonpaying Subscriber, such Subscriber, as a condition precedent to the reestablishment of service, shall fully comply with the current billing practices and policies of the City Franchise Hauler, including but not limited to, requirements to pay in cash or cash equivalent, prepayment of one full billing cycle, payment of all costs of collection and payment of areinstatement fee.

All costs of collecting delinquent payments including, but not limited to, interest charges, collection agency charges, and attorney fees and costs shall be added to and become a part of the charges owed for the services rendered to the Subscriber by the City Franchise Hauler and shall be governed by this Chapter in the same manner as the original charges, and may be placed against the Premises as a special assessment lien.

4.20.320 Emergency Situations.

When in the opinion of the City Manager or his/her designee a Premises has become a public health and safety risk because of an accumulation of Solid Waste, Garbage, Recyclable Materials, or Organic Materials, the City may order the City Franchise Hauler to enter the Premises and to remove and dispose of all such materials creating a public healthand safety risk. The City may advance the City Franchise Hauler's cost for removing and disposing of such materials, but the responsibility for such cost resides in the owner of the Premises. If the owner of the

Premises does not pay the invoice from either the City or the City Franchise Hauler for such removal and disposal, such costs may be recovered through a special assessment lien, as provided for herein.

4.20.322 Collection of Unpaid Subscriptions; Special Assessment Lien Procedures.

The City may collect any past due subscription payments by use of all available legal means, including those methods available for the collection of judgments, special assessment liens and all actions for the recovery of money. The City may also recover its collection costs and reasonable attorney fees andcourt costs.

A) On a periodic basis as determined by the City Manager or his/her designee, a report shall be prepared and filed with the City Clerk with an assessment list which identifies each Premises with delinquent subscriptions and for which the City has ordered subscription pursuant to Sec. 4.20.318 or emergency service pursuant to Sec. 4.20.320. The report and assessment shall provide a description of the Premises, a description of the nature of the delinquency and the name and address of the owner of the Premises.

B) Upon receipt of the report, the City Clerk shall post a notice of filing of thereport in a conspicuous place in City Hall, with said notice specifying the filing date of the report and assessment list and the time and place when and where the report and assessment list will be submitted to the Administrative Hearing Officer as defined in Sec. 1.5.202(9) herein, for hearing and confirmation. The City Clerk shall also mail by regular first class mail, postage fully prepaid, a notice to each owner of a Premises identified in the report, at the last known address of the owner of the Premises as listed in the county tax assessor's or county records. If, after diligent search, the owner of the Premises cannot be found, the notice shall be served by posting a copy thereof in a conspicuous location upon the Premises for a period of ten days. Said notice shall provide a description of the Premises by street address and assessor's parcel number and the amount of the delinquency, including late payment fees and costs, and shall notify the owner that said delinquency and late payment fees and costs shall be assessed against the Premises unless objection is made by the owner in writing and submitted to the City Clerk at least three days before the hearing. The failure of any Person to receive notice shall not affect the validity of any proceedings herein.

C) The notice shall also specify the time and place when and where the proposed assessment will be presented to the Administrative HearingOfficer for hearing and confirmation.

D) Any owner who objects to the proposed assessment and who desires to challenge the proposed assessment at the hearing must submit any and all objections in writing to the City Clerk at least three days prior to the date of the hearing. The

failure of any owner to submit written objections to the City Clerk at least three days prior to the hearing shall constitute a waiver of any such objections and the matter may be placed on the consent calendar of the agenda of the Administrative Hearing Officer.

E) At the time and place fixed for hearing and confirming the proposed assessments, the Administrative Hearing Officer shall consider the same. If no objection has been submitted and the matter placed on the consent calendar, then the Administrative Hearing Officer may make his/her decision on the documentation presented. If a hearing is conducted, only those persons who have submitted timely written objections to the City Clerk will be heard by the Administrative Hearing Officer. At the hearing, the Administrative Hearing Officer may correct, modify or eliminate any proposed assessment that he/she may deem factually incorrect or in the interests of justice. Thereafter, the Administrative Hearing Officer shall confirm each assessment and the amount thereof, as proposed or as corrected and modified, and order it assessed against the Premises. The Officer shall also direct that the assessment be recorded on the tax assessment roll and thereafter the assessment shall constitute a special assessment and lien against the property. Judicial review of the order of the Administrative Hearing Officer may be made pursuant to Cal. Govt. Code Sec. 53069.4.

F) The special assessment lien shall be subject to the same penalties as are provided for other delinquent taxes or assessments of the City.

4.20.324 Construction and Demolition Debris Recycling.

For the purpose of this chapter, "Construction and Demolition Debris" shall be abbreviated as "C&D Debris" and shall have the meaning as defined in Section 4.20.102 above.

a. Any construction, demolition and renovation project within the City asfollows:

1. Any residential or commercial remodeling or building project wheretotal costs are valued at $30,000 or greater; or

2. Any City-owned or City-sponsored project regardless of permit value; or

3. Any residential or commercial demolition project regardless of permitvalue; or

4. Any newly constructed residential building three stories or less, andnon-residential occupancies. (CalGreen Sections 4.408 and 5.408); or

5. Any residential or commercial roofing or re-roofing project regardless ofpermit value.

b. Upon applying for a building permit, the applicant shall describe, on forms provided by the City, how the applicant will divert at least sixty-five percent (65%) or more of all C&D Debris from the Wastestream to a Processing Facility as defined in Section 17402 of the California Code of Regulations and at least seventy-five percent (75%) by weight of all Inert Debris to be diverted from a Processing Facility. Pursuant to Title 14, Article 6, Section 17402, (a)(20), "Processing" means the controlled separation, recovery, volume reduction, conversion, or recycling of solid waste including, but not limited to, organized, manual, automated, or mechanical sorting, the use of vehicles for spreading of waste for the purpose of recovery, and/or includes the use of conveyor belts, sorting lines or volume reduction equipment. Processing does not include disposal at a landfill. The applicant shall demonstrate compliance with these diversion requirements, or the diversion rate required by the State of California Green Building Standards Code, whichever is more stringent.

c. The applicant may, on the form provided by the City, explain why it is infeasible to divert from the Wastestream the amount of C&D Debris from the Wastestream specified in subsection (b) of this section;

d. If the City Building Official determines that the applicant has not made a good faith effort to comply with this section for C&D Debris which is feasible to be diverted, he/she shall notify the applicant of such determination. An administrative citation may be issued if the applicant continues to fail to comply with this section or if the applicant refuses or fails to divert C&D Debris from the Wastestream as indicated on the form completed by him or her.

4.20.326 Collection and Sorting Requirements.

Organic Waste Generators subject to the requirements of the Act shall fully comply with all applicable requirements of the Act and SB 1383 or be subject to the penalties as prescribed in Section 18997.2 of SB 1383, as determined by the City. Except as provided in this section, the provision of collection services shall be governed by the franchise agreement between the City and the City Franchise Hauler.

(A) Residential Collection Services.

(1) Residential Collection Services. Each Subscriber shall use only the containers, provided by the City Franchise Hauler and approved by the City, for the purpose of depositing and accumulating residential Solid Waste from the Premises.

(2) Residential Recycling Collection Service. No materials other than Recyclable Materials may be placed in a recycling cart.

(3) Organic Materials Service. All Organic Materials must be generated by and at the Premises wherein the Organic Materials are collected. Only Organic Materials may be placed in an Organic Materials cart.

(4) All Subscribers shall be automatically enrolled in Solid Waste, Recyclable Materials, and Organic Materials service, and shall sort Recyclable Materials and Organic Materials and place them in the appropriate container.

(B) Multifamily Residential Dwelling Service.

(1) Each Multifamily Residential Dwelling development shall be provided with approved Solid Waste, Recyclable Materials, and Organic Materials cart(s) or bin(s). Such cart(s) or bin(s) shall be located at a central collection site or sites within the Multifamily Residential Dwelling development.

(2) Each Multifamily Residential Dwelling development shall negotiate the size of the container and the frequency of collection for collection service with the City Franchise Hauler. Such container size and collection frequency shall be sufficient to provide that no materials need be placed outside the collection container.

(3) MFD Collection Services. Only Solid Waste generated by persons occupying the Multifamily Residential Dwelling development or their guests shall be placed in the Solid Waste cart(s) or bin(s) serving the development.

(4) MFD Recycling Services. Only Recyclable Materials generated by persons occupying the Multifamily Residential Dwelling development or their guests shall be placed in the Recyclable Materials cart(s) or bin(s) serving the development.

(5) MFD Organic Materials Service. Only Organic Materials generated by persons occupying the Multifamily Residential Dwelling development or their guests shall be placed in the Organic Materials cart(s) or bin(s) serving the development.

(C) Commercial Service.

(1) Commercial Garbage Collection Services.

(a) Each place of business shall be provided with approved Solid Waste, Recyclable Materials, and Organic Materials cart(s) or bin(s), as required by this Code, as the same now exists or may hereafter be amended.

(b) Such container size and collection frequency shall be sufficient that no Solid Waste, Recyclable Materials, and Organic Materials need be placed outside the collection container.

(c) Only Solid Waste, Recyclable Materials, and Organic Materials generated by the operation of the business shall be placed in the container serving that place of business.
(d) All Subscribers shall be automatically enrolled in Solid Waste, Recyclable Materials, and Organic Materials service, and shall sort Solid Waste, Recyclable Materials, and Organic Materials and place them in the appropriate container unless Subscriber has an approved waiver.

(D) General Requirements:

a. Commingling of Organic Materials with other forms of Solid Waste is prohibited; no Person may place or cause to be placed for collection Organic Materials in any container designated for the collection of any other form of Solid Waste.

b. Each commercial premise and Multifamily Residential Dwelling complex owner shall be responsible for ensuring and demonstrating its compliance with the following requirements:

i. Provide Recyclable Materials containers for Recyclable Materials in Multifamily Residential Dwelling complex rental units and in maintenance and work areas where Recyclable Materials may be collected and/or stored.

ii. Prominently post and maintain one or more signs where Recyclable Materials and/or Organic Materials are collected and/or stored that set forth what materials are required to be source separated in addition to collection procedures for such materials.

iii. Notify and instruct employees and tenants of applicable source separation requirements, including a list of Recyclable Materials and/or Organic Materials that are required to be source separated for Recycling. A copy of such instructions shall be provided to the City, upon request.

iv. Ensure that Recyclable Materials and/or Organic Materials generated at their site will be taken only to a recycling facility and not to a landfill for disposal by complying with all requirements under this Chapter.

v. The self-haul form or other documents pertaining to this Chapter, shall be available for inspection by the City at the principal location of the Subscriber during normal business hours.

vi. No City Franchise Hauler shall be held liable for the failure of its customers to comply with such regulations.

vii. No Organic Material Generator shall be liable for the failure of the City Franchise Hauler to deliver designated Recyclable Materials or designated Organic Materials to a recycling or processing facility.

viii. It shall be the responsibility of the Premises or Multifamily Residential Dwelling complex owner whose Solid Waste was not removed because it contained Recyclable Materials or Organic Materials to properly separate Recyclable Materials or Organic Materials from the uncollected Solid Waste for proper Recycling. Allowing such unseparated Solid Waste to accumulate will be considered a violation of this Chapter.

4.20.328 Edible Food Recovery Required.

Tier One Commercial Edible Food Generators shall comply with the requirements of Title 14, Division 7, Chapter 12 of the California Code of Regulations commencing January 1, 2022. Tier Two Commercial Edible Food Generators shall comply with the requirements of Title 14, Division 7, Chapter 12 of the California Code of Regulations commencing January 1, 2024.

A large venue or large event operator that does not provide food services, but allows for food to be provided, shall require food facilities operating at the large venue or large event to comply with the requirements of Title 14, Division 7, Chapter 12 of the California Code of Regulations.

Tier One and Tier Two Commercial Edible Food Generators shall comply with the following requirements:

1. Arrange to recover the maximum amount of Edible Food for human consumption that would otherwise be disposed or diverted.

2. Contract with or enter into a written agreement with Food Recovery Organizations for: (i) the collection of Edible Food for food recovery; or, (ii) acceptance of the Edible Food that the commercial edible food generator self-hauls to the Food Recovery Organization for food recovery.

3. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization.

4. Commercial edible food generators and Food Recovery Organizations shall maintain a record acceptable to City Manager and in compliance with applicable law.

5. Keep records that include the information as otherwise specified in 14 CCR Section 18991.4.

Food Recovery Organizations shall comply with the following requirements:

1. Food Recovery Organizations collecting or receiving Edible Food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the records as specified by 14 CCR Section 18991.5(a)(1) and (2)

2. Food Recovery Organizations that have their primary address physically located in the jurisdiction and contract with or have written agreements with one or more commercial edible food generators pursuant to 14 CCR Section 18991.3(b) shall report to the jurisdiction it is located in the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than July 1, 2022.

In order to support Edible Food recovery capacity planning assessments or other studies, Food Recovery Organizations operating in the City shall provide information and consultation to the City, upon request.

4.20.330 Waivers from Requirement for Solid Waste Service.

Owners, occupants or Persons in possession, charge or control of dwellings, buildings, places and Premises in the City in and from which it is claimed that no Solid Waste, Recyclable Materials, and Organic Materials are created, accumulated or produced so as to require collection services, or that other methods of Solid Waste, Recyclable Materials, and Organic Materials collection, processing or disposal are available and will be provided may apply for a waiver from the provisions of this Chapter by making application therefor to the City Manager.

Commercial businesses requesting a de minimis waiver shall submit an application specifying the services that they are requesting a waiver from and provide documentation that either:

(a) The commercial business's total Solid Waste collection service is two cubic yards or more per week and Organic Materials subject to collection in a Recyclable Materials container or Organic Materials container comprises less than 20 gallons per week per applicable container of the business' total waste; or,

(b) The commercial business's total Solid Waste collection service is less than two cubic yards per week and Organic Materials subject to collection in a Recyclable Materials container or Organic Materials container comprises less than 10 gallons per week per applicable container of the business' total waste.

Commercial businesses shall notify City if circumstances change such that commercial business' Organic Materials exceed the threshold required for waiver, in which case the waiver will be rescinded.

Commercial businesses or Premises owners may request a physical space waiver through the following process:

(a) Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.

(b) Provide documentation that the premises lack adequate space for Recyclable Materials containers and/or Organic Materials containers including documentation from the City Franchise Hauler, licensed architect, or licensed engineer.

(c) The City, at its discretion and in accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence, Premises, business establishment or industry that subscribes to the City's three-container collection service to arrange for the collection

of their Recyclable Materials container, Solid Waste container, Organic Materials, or each of the three containers once every fourteen days, rather than once per week.

Waivers shall apply for up to, but no longer than five (5) years, as determined by the City Manager. Upon receiving an application for a waiver, the City Manager shall cause an investigation to be made concerning the matters contained in the application and into such other matters, as the City Manager may deem appropriate. If after investigation the City Manager determines that the requirements listed in this Section are met, the City Manager may grant an exemption from the provisions of this chapter. If a waiver is granted, the City Manager shall notify the City Franchise Hauler that a waiver has been granted. Said waiver may be revoked at any time thereafter if after subsequent investigation the City Manager determines that circumstances have changed and that Solid Waste, Recyclable Materials, and Organic Materials collection services are required.

The City Franchise Hauler is required to submit all waiver applications to the City for review which will be due on the 10th of each month for the previous reporting month. The City Franchise Hauler is required to maintain a list of any and all businesses and Multifamily Residential Dwelling properties that the City Franchise Hauler is providing Solid Waste collection services to but is not also providing Recyclable Materials and Organic Materials collection services. The City Franchise Hauler shall provide such list to the City, which will be due on the 10th of each month for the previous reporting month and shall be current as of that date.

4.20.332 Inspection of Sanitary Conditions; Disputes or Complaints Regarding Collection Service

The City Council, or other duly authorized representative of the City designated by the Council, shall visit all Premises within the City from time to time and examine the sanitary conditions of said Premises to determine whether the provisions of this Chapter are complied with. City representatives and/or its designated entity are authorized (but are not required) to conduct inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from Subscribers, or Recyclable Materials, Organic Materials, or Construction and Demolition Debris to confirm compliance with this ordinance by Subscribers, the City Franchise Hauler, and Self-Haulers, subject to applicable laws. This section does not allow City representatives to enter the interior of a private residential Premises for inspection. Persons shall provide or arrange for access during all inspections and shall cooperate with the City representative or its designated entity during such inspections and investigations.

Upon notification by the Council, or other authorized representative thereof, all Persons, including the City Franchise Hauler, shall comply with the provisions of this Chapter or they may be deemed guilty of a misdemeanor. In all cases of disputes or complaints arising from or concerning the place where receptacles for any kinds of Solid Waste shall be placed awaiting removal of their contents, the quantities to be removed, the number

of times of removal, and the rates charged, the Council shall designate the place, the estimated quantities, the times and manner of removal, and the rates, and its decision shall be final.

4.20.334 Organic Materials Prohibited from Use as Alternative Daily Cover.

Pursuant to the provisions of Assembly Bill 1594 (AB 1594) a contractor or permittee, and any owners, occupants or Persons in possession, charge or control of all dwellings, buildings, places and Premises in the City who act as Self-Haulers of Organic Materials, may not direct their Organic Materials for use as alternative daily cover (ADC) or to disposal at a landfill. If the City Manager determines that a contractor or permittee, or any other applicable Person has directed any Organic Materials for use as ADC or for disposal at a landfill, the City Manager will notify the contractor, permittee, or Person of the requirements of this provision. Repeated instances of directing Organic Materials for use as ADC may result in enforcement action pursuant to the provisions of this Code.

4.20.336 Requirements for Special Events.

(a) The promoter or coordinator of a special event held in City must provide a level of Solid Waste service sufficient to contain the Solid Waste generated at the special event.
(b) The promoter or coordinator shall provide containers at appropriate locations at the special event to facilitate the source separation of Solid Waste, Organic Materials, and Recyclable Materials by event employees, vendors, and attendees.
(c) The three types of containers shall:
(1) Be appropriate in number and size with respect to the quantity of Solid Waste, Recyclable Materials, and Organic Materials to be generated at the Premises;
(2) Bear appropriate signage and be color-coded to identify the type of Solid Waste, Recyclable Materials, and Organic Materials to be contained; and
(3) Be placed together as a waste station to provide equally convenient access to users.
(d) If the promoter or coordinator determines that vendor booths at the special event will require Solid Waste containers, the vendors shall receive from the promoter or coordinator a set of Solid Waste containers that bear appropriate signage and are color-coded to identify the type of waste to be contained.
(e) The use of public Solid Waste, Recyclable Materials, and Organic Materials receptacles at special events is prohibited. The promoter or coordinator shall remove or cover all public Solid Waste, Recyclable Materials, and Organic Materials receptacles to prevent their use during the special event.

4.20.338 Severability.

If any section, subsection, sentence, clause, or phrase of this chapter is held to be invalid or unconstitutional including by any court with jurisdiction, such decision shall not affect the validity of the remaining portions of this article. The City Council declares that it would have passed this article, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more other sections, subsections, clauses, or phrases may be declared invalid or unconstitutional.

Section 2. Severability.

In the event that any section or portion of this ordinance shall be determined to be invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 3. California Environmental Quality Act ("CEQA") finding.

The City Council has analyzed this ordinance and determined it is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3), which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Section 4. Effective Date and Publication.

This ordinance shall take effect and be in force and effect thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the office of the City Clerk at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

PASSED, APPROVED AND ADOPTED this 14th day of December, 2021 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
,Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: December 14, 2021

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

FROM: Libby Vreonis, City Clerk

SUBJECT: Regular Joint City Council / City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority Meeting Dates in 2022

Background and Analysis

The regular joint Oakley City Council / Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority meetings have traditionally been scheduled on the second and fourth Tuesdays of each month beginning at 6:30 p.m., and the second meetings in June, July, August, November and December have been canceled. Attached is a list of proposed meeting dates for 2022 for review and approval.

Fiscal Impact

None.

Staff Recommendation

Staff recommends that the Oakley City Council, Successor Agency and Public Financing Authority approve the attached list of proposed regular meeting dates for 2022 or approve other dates that would be more suitable.

Attachments

1. List of Proposed 2022 Meeting Dates for the Regular Joint Oakley City Council / Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority
2. City Council Resolution Approving 2022 Meeting Dates
3. Successor Agency Resolution Approving 2022 Meeting Dates
4. Oakley Public Financing Authority Resolution Approving 2022 Meeting Dates

OAKLEY
CALIFORNIA

2022 REGULAR JOINT OAKLEY CITY COUNCIL/ OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY / *PUBLIC FINANCING AUTHORITY MEETING DATES

Regular Joint Oakley City Council/Oakley City Council acting as the Successor Agency to the Redevelopment Agency meetings are held on the second and fourth Tuesdays at 6:30 pm in the Council Chambers, located at 3231 Main Street, Oakley, CA.

The meeting dates for 2022 are as follows:

January 11
January 25
February 8
February 22
March 8
March 22
April 12
April 26
May 10
May 24
June 14
July 12
August 9
September 13
September 27
October 11
October 25
November 8
December 13

No second meeting in the months of June, July, August, November and December

*Oakley Public Financing Authority meetings will be held jointly with the Oakley City Council / Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency meetings the second Tuesday of each month unless otherwise noticed.

RESOLUTION NO. XX-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING 2022 MEETING DATES FOR THE REGULAR JOINT OAKLEY CITY COUNCIL/ OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDVELOPMENT AGENCY/OAKLEY PUBLIC FINANCING AUTHORITY

BE IT RESOLVED by the City Council of the City of Oakley that the attached 2022 meeting dates for the Regular Joint Oakley City Council / Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority are hereby approved.

PASSED, APPROVED AND ADOPTED this 14th day of December, 2021 by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

SA RESOLUTION NO. XX-21

A RESOLUTION OF THE OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY APPROVING 2022 MEETING DATES FOR THE REGULAR JOINT OAKLEY CITY COUNCIL/ OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY/OAKLEY PUBLIC FINANCING AUTHORITY

BE IT RESOLVED by the Oakley City Council of the City of Oakley, acting as the Successor Agency to the Oakley Redevelopment Agency, that the attached 2022 meeting dates for the Regular Joint Oakley City Council / Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority are hereby approved.

PASSED, APPROVED AND ADOPTED this 14th day of December, 2021 by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

RESOLUTION NO. XX-21

A RESOLUTION OF THE OAKLEY PUBLIC FINANCING AUTHORITY APPROVING 2022 MEETING DATES FOR THE REGULAR JOINT OAKLEY CITY COUNCIL/ OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY/OAKLEY PUBLIC FINANCING AUTHORITY

BE IT RESOLVED by the City Council of the City of Oakley that the attached 2022 meeting dates for the Regular Joint Oakley City Council / Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority are hereby approved.

PASSED, APPROVED AND ADOPTED this 14th day of December, 2021 by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
, Chair

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: December 14, 2021

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

FROM: Kevin Rohani, P.E., Public Works Director/City Engineer

SUBJECT: Award of Construction to Mercoza for the construction of the Fiscal Year 2021/22 Curb, Gutter, & Sidewalk Repair and Replacement Project, Capital Improvement Project No. 257

Background and Analysis

The City's adopted FY 2021/22 Capital Improvement Program Budget designates funding for various infrastructure repair and replacement projects. This is consistent with the City of Oakley's Strategic Plan (section 4.b) goals to improve the quality of the City's public infrastructure and to enhance the quality of life for our residents.

Capital Improvement Project No. 257 includes the repair and replacement of damaged/ uplifted sidewalks or curb and gutter throughout the City of Oakley. The project is done annually to eliminate trip and fall hazards, and to provide safe streets and sidewalks for pedestrians in the community. Tree roots are a major cause of sidewalk uplifts, and this project is targeting some of the worst areas in the City where tree roots have damaged the concrete beyond any temporary repair.

Additionally, this project will work in coordination with the adopted 50-50 Concrete Cost Share Program that helps the property owners in dealing with concrete curb, gutter, and sidewalk related problems, such as uplifts from tree root overgrowth. The 50-50 Concrete Cost Share Program also provides the City assistance in managing the repair and replacement contract, as well as sharing the cost with the property owners. This project will help in providing safe pedestrian facilities and reduce liability and claims for trip and fall accidents.

On November 16, 2021, eight (8) total bids were received for this project. Staff reviewed the bids and determined that Mercoza was the lowest responsible bidder for the project at a cost of $84,725.

The construction of this project is anticipated to start in early 2022 and to be completed by spring.

Fiscal Impact

The FY 2021/22 budget has allocated funding from General Capital Projects Funds for this project, which will fully fund this construction project.

Staff Recommendation

Staff recommends that the City Council adopt the resolution approving the construction agreement with Mercoza for an amount not to exceed $84,725, and to authorize the City Manager to execute said agreement.

Additionally, due to variables associated with construction projects, and to address unforeseen circumstances during the course of construction; staff further recommends that the City Council authorize staff to execute future change orders to the construction contract as necessary in an amount not to exceed $10,000 for work beyond what is defined in the base project bid.

Attachments

1. Resolution
2. Exhibit A - Bid Summary

RESOLUTION NO. __-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING AN AGREEMENT WITH MERCOZA FOR THE CONSTRUCTION OF FISCAL YEAR 2021/22 CURB, GUTTER, & SIDEWALK REPAIR AND REPLACEMENT PROJECT – CIP 257

WHEREAS, City Staff prepared the plans, specifications, and estimates for the construction of the Curb, Gutter, & Sidewalk Repair and Replacement Project which includes curb, gutter, sidewalk repairs, grinding, and other related work; and

WHEREAS, the plans, specifications and special provisions were publicly advertised for bidding, with the bid period closing at 2:00 P.M. on Tuesday, November 16, 2021; and

WHEREAS, eight (8) bids were received prior to the close of the bidding process; and

WHEREAS, Mercoza submitted the lowest responsible bid for a total cost of $84,725 for the work; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Oakley that the Agreement with Mercoza for the construction of the FY 2021/22 Curb, Gutter, & Sidewalk Repair and Replacement Project - CIP 257, for an amount not to exceed $84,725 is approved, and the City Manager is hereby authorized to execute said Agreement and change orders in an amount not to exceed $10,000 as necessary. The bid results are attached hereto as **Exhibit A**.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 14th of December, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

City of Oakley Public Works Department
FY 2021/22 Curb, Gutter, Sidewalk Repair and Replacement Project No. 257
Certified Bid Tabulation Bid opening: November 16, 2021 at 2:00 P.M. at the Civic Center

				Engineers Estimate		Mercoza P.O. Box 794 San Jose, Ca. 95106		US Engineering Inc. 25800 Industrial Blvd. Ste F152 Hayward, Ca. 94565		TNB Construction 2620 East 18th Street Antioch, Ca. 94509		Sposeto Engineering Inc. 4558 Contractors Place Livermore, Ca. 94551		JJR Construction Inc. 1120 Ninth Avenue San Mateo, Ca. 94402		Vanguard Construction Inc. 550 Greenville Road Livermore, Ca. 94550		Catos General Engineering Inc. 22302 Hathaway Avenue Hayward, Ca. 94541		Kerex Engineering Inc. 4941 Pacheco Blvd. Martinez, Ca. 94553	
Item No.	*Description*	*Quantity*	*Unit*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*			*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*
1	R&R Sidewalk	3,550	SF	25.00	88,750.00	19.00	67,450.00	15.00	53,250.00	20.25	71,887.50	25.00	88,750.00	30.85	109,517.50	40.00	142,000.00	40.00	142,000.00	40.00	142,000.00
2	R&R Curb & Gutter	195	LF	50.00	9,750.00	45.00	8,775.00	136.00	26,520.00	79.00	15,405.00	135.00	26,325.00	165.00	32,175.00	80.00	15,600.00	95.00	18,525.00	150.00	29,250.00
3	Root Prune	3	EA	50.00	150.00	400.00	1,200.00	200.00	600.00	250.00	750.00	900.00	2,700.00	300.00	900.00	426.00	1,278.00	700.00	2,100.00	900.00	2,700.00
4	ADA Ramp	1	EA	4,500.00	4,500.00	4,500.00	4,500.00	5,500.00	5,500.00	600.00	600.00	5,200.00	5,200.00	5,500.00	5,500.00	7,600.00	7,600.00	7,500.00	7,500.00	10,000.00	10,000.00
5	Remove Tree	1	EA	500.00	500.00	2,800.00	2,800.00	1,500.00	1,500.00	500.00	500.00	1,200.00	1,200.00	1,500.00	1,500.00	1,150.00	1,150.00	3,000.00	3,000.00	4,500.00	4,500.00
	TOTAL				**103,650.00**		**84,725.00**		**87,370.00**		**89,142.50**		**124,175.00**		**149,592.50**		**167,628.00**		**173,125.00**		**188,450.00**

This certifies that all bids were received and opened on November 16, 2021, and that this is a copy of the bid tabulation with bids corrected for errors in addition and multiplication. By:

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: Tuesday, December 14, 2021

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

FROM: Kevin Rohani, P.E., Public Works Director/City Engineer

SUBJECT: Ratify Election: Adopt Ordinance No. 09-21 Authorizing the Levy of a Special Tax on Parcels of Land within Tax Area Zone 182 within the Oakley Special Police Tax Area for Police Protection Services for the Ranchettes at Neroly project (APNs 041-080-001 and 041-080-002)

Background and Analysis

On September 11, 2018, the City Council adopted a resolution approving the Ranchettes at Neroly project's General Plan Amendment (GPA 01-18) to amend the land use designation from Single-Family Very Low, Residential (SV) to Single-Family Low, Residential (SL). The Ranchettes at Neroly project, located on the southeast corner of Oakley Road and Neroly Road, is currently comprised of APNs 041-080-001 and 041-080-002 and will consist of 13 single-family homes at build-out.

The Conditions of Approval for the Project require the property owners to mitigate the financial impact that their project has on the City's police services budget. The City of Oakley previously formed the Oakley Special Police Tax Area District that authorizes the levy of an annual special tax on parcels to mitigate their financial impact to the City's police services budget. The property owner for the Project has requested that the City assist with annexing the Project (APNs 041-080-001 and 041-080-002) into the Oakley Special Police Tax Area to satisfy their Conditions of Approval.

On October 26, 2021, the City Council introduced Ordinance No. 09-21 which would authorize a special tax for police services within Zone 182 subject to property owner voter approval. On November 29, 2021, the City Clerk conducted the property owner election. There was one (1) ballot issued to the property owner representing The Ranchettes at Neroly (APNs 041-080-001 and 041-080-002). The City Clerk tabulated the property owner ballot and 100% of the property owners were in favor of annexing into the Oakley Special Police Tax Area as Zone 182.

Fiscal Impact

There will be no financial impact to the City's General Fund. The applicants have funded all costs associated with the annexation of Zone 182 to the Oakley Special Police Tax Area. The FY 2021-22 special tax rate for Single Family Residence parcels is $1,172.12/parcel (FY 2021-22 rates). Therefore, successful creation of the Zone is expected to provide up to $15,237.56 (in FY 2021-22 dollars) in revenue annually at build-out. The taxes can be collected on the property tax rolls commencing in FY 2022-23.

Recommended Action

Staff recommends that the City Council ratify the election and adopt Ordinance No. 09-21 authorizing the levy of a special tax on parcels of land within Tax Area Zone 182 within the Oakley Special Police Tax Area for Police Protection Services for the Ranchettes at Neroly project located east of Neroly Road and south of Oakley Road (APNs 041-080-001 and 041-080-002).

Attachments

1) One (1) Signed Ballot
2) Ordinance No. 09-21
    a. Exhibit A – Boundary Map for Police Tax Area Zone 182
    b. Exhibit B – Tax Rate Schedule for Fiscal Year 2021-22

SPECIAL POLICE TAX AREA BALLOT
CREATING ZONE 182 FOR THE RANCHETTES AT NEROLY PROJECT LOCATED ON THE SOUTHEAST CORNER OF OAKLEY ROAD AND NEROLY ROAD

Assessor's Parcel Numbers: 041-080-001 and 041-080-002

Record Owner: CYRUS LAND INVESTMENTS LLC

Address: Oakley Road and Neroly Road

Shall Ordinance No. 09-21 of the City Council of the City of Oakley be approved so as to authorize a special tax on property located in Zone 182 of the Oakley Special Police Tax Area to maintain the present level of police protection service and provide additional funding for increased police protection service? The initial annual special tax rate for County use code 11 (Single Family Residence) is $1,172.12 per parcel and $586.06 per vacant parcel per the current FY 2021-22 rate schedule. I also acknowledge that the tax rate can be adjusted annually as described in Ordinance No. 09-21.

X Yes, Ordinance No. 09-21 shall be approved.

_____ No, Ordinance No. 09-21 shall not be approved.

Signature of Authorized Representative for CYRUS LAND INVESTMENTS LLC

Jacqueline M Seeno
Printed Name

Manager
Title

CITY OF OAKLEY

ORDINANCE NO. 09-21

AN ORDINANCE OF THE CITY OF OAKLEY ESTABLISHING OAKLEY SPECIAL POLICE TAX AREA ZONE 182 WITHIN THE OAKLEY SPECIAL POLICE TAX AREA FOR A SPECIAL TAX FOR POLICE PROTECTION SERVICES FOR THE RANCHETTES AT NEROLY PROJECT LOCATED ON THE SOUTHEAST CORNER OF NEROLY ROAD AND OAKLEY ROAD (APNs 041-080-001 AND 041-080-002)

The Voters of the City of Oakley do ordain as follows:

Section 1. Purpose, Intent and Authority.

It is the purpose and intent of this Ordinance to authorize the levy of a special tax on Assessor Parcel Numbers 041-080-001 and 041-080-002 of real property on the secured property tax roll of Contra Costa County that is within Oakley Special Police Tax Area Zone 182 of the Oakley Special Police Tax Area in order to provide funding for police protection to serve the property and persons within said Zone.

This Tax is a special tax within the meaning of Section 4 of the Article XIIIA of the California Constitution. Because the burden of this tax falls upon property, this tax also is a property tax, but this tax is not determined according to nor in any manner based upon the value of property; this tax is levied on a parcel and use of property basis. Insofar as not inconsistent with this Ordinance or with legislation authorizing special taxes and insofar as applicable to a property tax that is not based on value, such provisions of the California Revenue and Taxation Code and of Article XIII of the California Constitution as relate to ad valorem property taxes are intended to apply to the collection and administration of this tax (Section 4 of this Ordinance), as authorized by law.

The revenues raised by this tax are to be used solely for the purposes of obtaining, furnishing, operating, and maintaining police protection equipment or apparatus, for paying the salaries and benefits of police protection personnel, and for such other police protection service expenses as are deemed necessary for the benefit of the residents of Zone 182.

This Ordinance is enacted pursuant to the authority of Government Code Section 53978.

Section 2. Definitions.

The following definitions shall apply throughout this Ordinance.

A. "Constant first year dollars" shall mean an actual dollar amount which, in years subsequent to the first fiscal year the tax is levied, shall have the same purchasing price as the base amount in first fiscal year dollars as measured by the actual cost of services for the City of Oakley's cost of obtaining police services. The base amount shall be the amount of tax per parcel as specified in Section 3.A herein. The adjustments from actual to constant dollars shall be made by use of the actual cost of services, as specified in Section 3.B herein.

B. "Fiscal year" means the period of July 1 through the following June 30.

C. "Oakley Special Police Tax Area" includes all properties within the jurisdictional limits of the City of Oakley.

D. Oakley Special Police Tax Area Zone 182 (hereinafter called "Zone") means that portion of the incorporated area of the City of Oakley located within the boundaries as shown on the map Exhibit A hereto.

E. "Parcel" means the land and any improvements thereon, designated by an assessor's parcel map and parcel number and carried on the secured property tax roll of Contra Costa County. For the purposes of this Ordinance, parcel does not include any land or improvements outside the boundaries of Zone 182, nor any land or improvements owned by any governmental entity.

F. Pursuant to Government Code §53978, "voter" means a person owning real property within the Zone at the time this Ordinance was adopted, as shown on the last equalized assessment role prepared by the Contra Costa County Assessor's Office.

Section 3. Amount and Level of Taxes.

The tax per year on each parcel in the Zone shall not exceed the amount applicable to the parcel, as specified below.

A. For First Fiscal Year:

The tax per year for the first fiscal year (July 1, 2021 through June 30, 2022) shall be the amount of Tax Per Parcel for a Property Use Code Category as set forth on Exhibit B hereto. If any new development, including new residential units, is completed prior to the tax being effective for the first fiscal year, the owner of the Parcel, as shown on the latest assessment roll, shall pay the tax for the remainder of such fiscal year on a pro-rated basis to the City, no later than receipt of Certificate of Occupancy or final building permit inspection.

B. For Subsequent Fiscal Year:

The tax rates shown in Exhibit B shall be automatically adjusted on July 1 of each year, beginning on July 1, 2022 by the increase in the Consumer Price Index for all Urban Consumers for the San Francisco-Oakland Bay Area and applying that rate to the prior year amounts for each property use code category. However, the City Council reserves the right to itself the opportunity to adjust the rate in the following year if the CPI adjustment is insufficient to reimburse the City for the costs of providing levels of police services as approved by the City Council.

In no event shall the tax per parcel for any fiscal year be less than the amount established for the previous fiscal year.

C. The taxes levied on each parcel pursuant to this Article shall be a charge upon the parcel and shall be due and collectible as set forth in Section 4, below.

Section 4. Collection and Administration.

A. Taxes as Liens Against the Property.

The amount of taxes for each parcel each year shall constitute a lien on such property, in accordance with Revenue and Taxation Code Section 2187, and shall have the same effect as an ad valorem real property tax lien until fully paid.

B. Collection.

The taxes on each parcel shall be billed on the secured roll tax bills for ad valorem property taxes and are to be collected in the same manner in which the County of Contra Costa collects secured roll ad valorem property taxes. Insofar as feasible and insofar as not inconsistent with this Ordinance, the times and procedure regarding exceptions, due dates, installment payments, corrections, cancellations, refunds, late payments, penalties, liens, and collections for secured roll ad valorem property taxes shall be applicable to the collection of this tax. Notwithstanding anything to the contrary in the foregoing, as to this tax:

i) The secured roll tax bills shall be the only notices required for this tax, and
ii) The homeowners and veterans exemptions shall not be applicable because such exemptions are determined by dollar amount of value.

C. Costs of Administration by County.

The reasonable costs incurred by the County officers collecting and administering this tax shall be deducted from the collected taxes.

Section 5. Severability Clause.

If any article, section, subsection, sentence, phrase or clause of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The voters of the Zone hereby declare that they would have adopted the remainder of this Ordinance, including each article, section, subsection, sentenced phrase or clause, irrespective of the invalidity of any other article, section, subsection, sentence, phrase or clause.

Section 6. Effective Date and Posting.

This Ordinance shall take effect immediately upon its confirmation by two-thirds of the voters voting within the Zone in an election to be held on November 29, 2021 so that taxes shall first be collected hereunder for the tax year beginning July 1, 2022. If not confirmed by two-thirds of the voters participating in the election, this Ordinance and the tax approved herein shall not become effective.

PASSED, APPROVED AND ADOPTED this 14th day of December, 2021 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

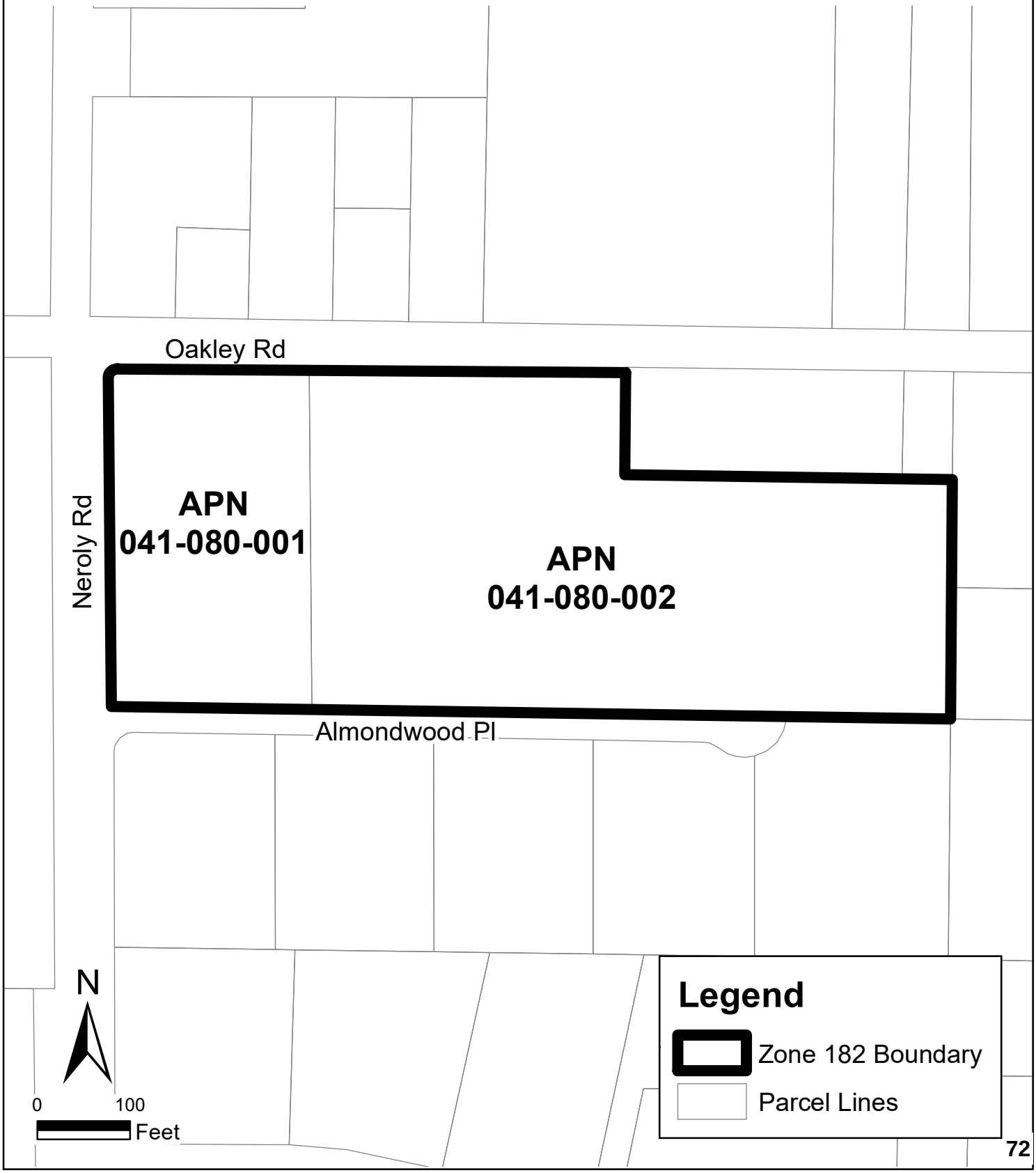
APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

EXHIBIT A - BOUNDARY MAP
CITY OF OAKLEY SPECIAL POLICE TAX AREA ZONE 182
CITY OF OAKLEY
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA
THE RANCHETTES AT NEROLY (SUBDIVISION 9284)



CITY OF OAKLEY SCHEDULE FOR POLICE SERVICE TAX
FOR FISCAL YEAR 2021/2022

PROPERTY USE CODE CATEGORY	DESCRIPTION	FY20/21 TAX PER PARCEL	FY21/22 TAX PER PARCEL
11	Single Family Residence – 1res., 1 site	$1,129.10	$1,172.12
12	Single Family Residence – 1 res., 2 or more sites	$1,129.10	$1,172.12
13	Single Family Residence – 2 res., on 1 or more sites	$1,806.56	$1,875.39
14	Single Family Residence – other than single fam. Land	$1,129.10	$1,172.12
15	Misc. Improvements – 1 site	$1,129.10	$1,172.12
16	Misc. Improvements – 2 or more sites	$1,129.10	$1,172.12
17	Vacant – 1 site	$564.55	$586.06
18	Vacant – 2 or more sites	$564.55	$586.06
19	Single Family Residence – Det. W/common area	$1,129.10	$1,172.12
20	Vacant – Multiple	$564.55	$586.06
21	Duplex	$1,806.56	$1,875.39
22	Triplex	$2,709.84	$2,813.09
23	Fourplex	$3,613.12	$3,750.78
24	Combinations	$1,129.10	$1,172.12
25	Apartments (5 –12 Units)	$4,516.40	$4,688.48
26	Apartments (13 – 24 Units)	$11,742.64	$12,190.05
27	Apartments (25 – 59 Units)	$22,582.00	$23,442.40
28	Apartments (60+ units)	$54,196.80	$56,261.76
29	Attached PUDs: Cluster Homes, Condos, etc.	$1,129.10	$1,172.12
30	Vacant – Commercial	$564.55	$586.06
31	Commercial Stores – Not Supermarkets	$2,258.20	$2,344.24
32	Small Grocery Stores – (7-11, etc.)	$3,387.30	$3,516.36
33	Office Buildings	$2,258.20	$2,344.24
34	Medical, Dental	$2,258.20	$2,344.24
35	Service Stations, Car Wash	$2,258.20	$2,344.24
36	Garages	$2,258.20	$2,344.24
37	Community Facilities (Recreational, etc.)	$4,516.40	$4,688.48
38	Golf Courses	$2,258.20	$2,344.24
39	Bowling Alleys	$1,129.10	$1,172.12
40	Boat Harbors	$2,822.75	$2,930.30
41	Supermarkets – (not shopping centers)	$3,387.30	$3,516.36
42	Shopping Centers	$4,516.40	$4,688.48
43	Financial Buildings – (Ins., Title, Banks, S&L)	$1,129.10	$1,172.12
44	Motels, Hotels & Mobile Home Parks	$5,645.50	$5,860.60
45	Theaters	$2,540.48	$2,637.27
46	Drive-in Restaurants	$1,693.65	$1,758.18
47	Restaurants	$1,693.65	$1,758.18
48	Multiple & Commercial	$1,693.65	$1,758.18
49	New Car Agencies	$1,693.65	$1,758.18
50	Vacant Land (not part of Ind. Park or P. & D.)	$423.41	$439.55
51	Industrial Park	$3,387.30	$3,516.36
52	Research & Development	$1,693.65	$1,758.18
53	Light Industrial	$1,693.65	$1,758.18
54	Heavy Industrial	$1,693.65	$1,758.18
55	Mini Warehouses (public storage)	$3,387.30	$3,516.36
56	Misc. Improvements	$3,387.30	$3,516.36
61	Rural, Res., Improvement 1A-10A	$846.83	$879.09
62	Rural, w/or w/o structure 1A-10A	$846.83	$879.09
70	Convalescent Hospitals / Rest Homes	$1,693.65	$1,758.18
73	Hospitals	$1,693.65	$1,758.18
74	Cemeteries / Mortuaries	$1,693.65	$1,758.18
75	Fraternal & Service Organizations	$1,693.65	$1,758.18
76	Retirement Housing Complex	$5,645.50	$5,860.60
78	Parks & Playgrounds	$3,387.30	$3,516.36
85	Public & Private Parking	$1,693.65	$1,758.18
87	Common Area	$1,693.65	$1,758.18
88	Mobile Homes	$846.83	$879.09
89	Other (split parcels in different tax code areas)	$846.83	$879.09
99	Homeowner's Association Owned Common Areas	$677.46	$703.27

The tax rates shown in this schedule shall be automatically adjusted on July 1 of each year, beginning on July 1, 2016 by the increase in the Consumer Price Index for all Urban Consumers for the San Francisco-Oakland-Bay Area and applying that rate to the prior year amounts for each property use code category. However, the City Council reserves the right to itself the opportunity to adjust the rate in the following year if the CPI adjustment is insufficient to reimburse the City for the costs of providing levels of police services as approved by the City Council.

CALCULATION OF COST OF LIVING INCREASE	
Percent increase from FY 2020-21 in the San Francisco-Oakland-Bay Area Consumer Price Index for all Urban Consumers.	3.81%

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: December 14, 2021

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

FROM: Kevin Rohani, P.E., Public Works Director/City Engineer

SUBJECT: Approve the Subdivision Improvement Agreement with Forecast Land Investment, LLC, a California Limited Liability Company, for Public Improvements of Rosalina Park (Parcel A) within Vintner View Subdivision 8836 and adjacent to Pheasant Meadows Subdivision 8736

Background and Analysis

On December 12, 2005, the City Council approved by Resolution 125-05 the Vesting Tentative Map for Subdivision 8736 Pheasant Meadows and on May 22, 2006, the City Council approved by Resolution 82-06 the Vesting Tentative Map for Subdivision 8836 Vintner View. The conditions of approval for both developments require the design and construction of a 1.0 acre park to meet park dedication and improvement requirements for the new subdivision.

Forecast Land Investment, LLC, a California Limited Liability Company, is the developer of Vintner View Subdivision 8836 and Pheasant Meadows Subdivision 8736. These subdivisions are located east of O'Hara Avenue and south of Grapevine Lane. The development includes Parcel A of Subdivision 8836 that is dedicated for public park purposes. Parcel A is a 1.0 acre parcel park south of Grapevine Lane and west of Eagle Nest Drive as shown in the attached Vicinity Map. On March 9, 2021, the City Council approved Resolution 26-21 naming the park "Vintner Meadows Park". On March 23, 2021, the City Council approved Resolution 34-21 re-naming the park to "Rosalina Park", consistent with the City Facilities Naming Policy.

Consistent with the City of Oakley Strategic Plan (area of focus #5) for Parks, Streetscape, and Recreation Opportunities, the developer will construct the park improvements for Rosalina Park, which includes park amenities with play structures, a shade structure, picnic areas, and benches. The attached Subdivision Improvement Agreement (SIA) has been reviewed by the City Attorney and outlines the reasonable conditions and responsibilities of the Developer for the improvement of Rosalina Park.

The Developer is responsible for the full cost of Rosalina Park construction. Once the park is completed and constructed in conformance with the approved plans and

agreement; Parcel A as dedicated in Subdivision Map 8836 will be accepted by the City for public use and accepted for maintenance.

Fiscal Impact

There is no fiscal impact associated to the City's budget with this action as all improvements will be constructed by the developer.

Staff Recommendation

Staff recommends that the City Council adopt the Resolution approving the Subdivision Improvement Agreement for Rosalina Park within Subdivision 8836, and authorize the City Manager to execute (sign) the Agreement.

Attachments

1. Resolution
2. Park Vicinity Map
3. Agreement

RESOLUTION NO. __-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE SUBDIVISION IMPROVEMENT AGREEMENT WITH FORECAST LAND INVESTMENT, LLC FOR ROSALINA PARK WITHIN PHEASANT MEADOWS AND VINTNER VIEW SUBDIVISIONS 8736 AND 8836 AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT

WHEREAS, the City Council of the City of Oakley, California wishes to enter into a Subdivision Improvement Agreement with Forecast Land Investment, LLC for the development of public improvements for work known as Rosalina Park, Parcel "A" within Vintner View Subdivision 8836 and adjacent to Pheasant Meadows Subdivision 8736; and

WHEREAS, this agreement will require the developer to complete approximately $428,608.00 in public park improvements in accordance with the project conditions of approval and City standard construction design; and

WHEREAS, the general location of the park is shown in the Vicinity Map Exhibit A; and

WHEREAS, upon satisfactory completion of the work, the plant establishment period, and maintenance funding conditions are met, the park will be accepted by the City of Oakley for public maintenance; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City Council of the City of Oakley that the Subdivision Improvement Agreement for Rosalina Park within Subdivision 8836 and adjacent to Pheasant Meadows Subdivision 8736 with Forecast Land Investment, LLC is hereby approved in the form attached hereto as Exhibit B and made part of this resolution and that the City Manager is hereby authorized to execute said agreement.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on this 14th day of December, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

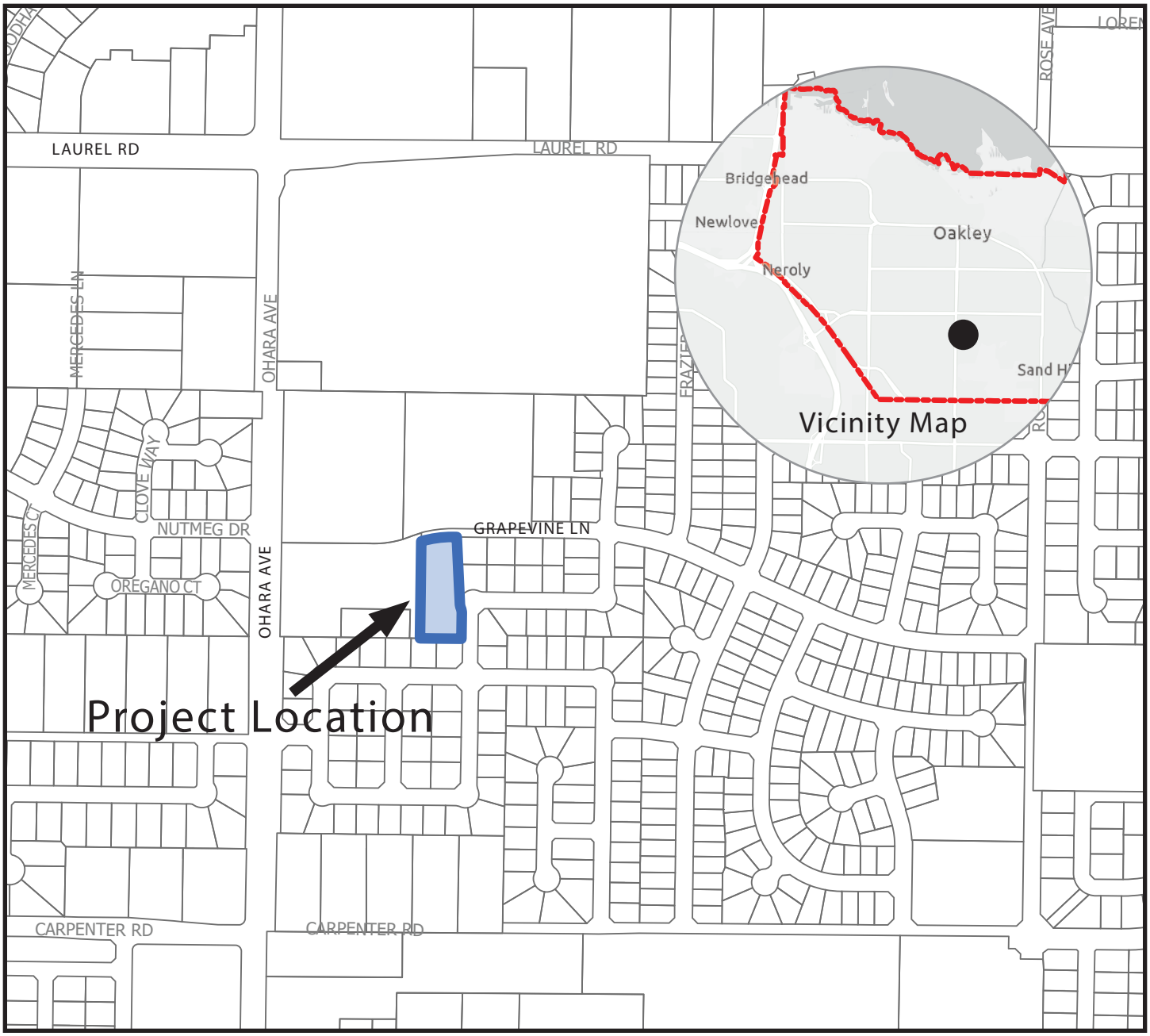
APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date



OAKLEY
CALIFORNIA

Rosalina Park

Project Location

CITY OF OAKLEY SUBDIVISION IMPROVEMENT AGREEMENT
"ROSALINA PARK" FOR
SUBDIVISIONS PHEASANT MEADOWS (8837) AND VINTNER VIEW (8836)

This agreement is made and entered into this 14th day of December, 2021 by and between the City of Oakley, a municipal corporation, hereinafter referred to as "CITY", and Forecast Land Investment, LLC, A California Limited Liability Company, hereinafter referred to as "DEVELOPER".

R E C I T A L S

WHEREAS, it has been determined by the City Council of the City of Oakley, State of California, that DEVELOPER, the subdivider of Subdivisions 8837 (Pheasant Meadows) and 8836 (Vintner View) is agreeable to improve and dedicate those public improvements which include a 1.0 acre Park Site (Parcel A), which has been offered for dedication to the City with the recordation of Final Map Subdivision 8836. The Park Site shall be improved in accordance with those certain plans and specifications for said development approved by CITY and titled *"Rosalina Park"* as prepared by RW Stover & Associates, Inc. Landscape Architecture now on file in the office of the City Engineer, which are hereby referred to for a more definite and distinct description of the work to be performed under this Agreement as though set forth at length herein; and

WHEREAS, DEVELOPER was conditioned to dedicate the 1.0 Parcel A to the City and construct the Park Improvements. The DEVELOPER desires to design and construct the 1.0 acre park in lieu of paying park improvement fees for the homes to be built in Pheasant Meadows (Subdivision 8837) and Vintner View (Subdivision 8836), shown in Exhibit A. The DEVELOPER is willing to design and construct Rosalina Park in accordance with the terms of this Agreement; and

WHEREAS, DEVELOPER intends to satisfactorily complete The Improvements within the time hereinafter specified, and CITY intends to accept DEVELOPER's offer of dedication of the Park Site (Parcel A) and The Improvements in consideration for DEVELOPER's satisfactory performance of the terms and conditions of this Agreement:

NOW, THEREFORE, in consideration of the mutual promises, conditions and covenants herein contained, the parties agree as follows:

1. Improvements.

DEVELOPER agrees to install the park improvements and such other improvements (including appurtenant equipment) as set forth in the approved plans and specifications for the Improvements. Such improvements shall also be made in conformance with the Oakley Municipal Code, Contra Costa County Ordinance Code as adopted and City of Oakley Standard Plans enforced by the City of Oakley.

DEVELOPER will complete the design and construction of The Improvements on a scheduled mutually agreed to with the City Engineer. DEVELOPER shall complete said work in a good workmanlike manner, in accordance with accepted construction practices

and in a manner equal or superior to the requirements of the City of Oakley Municipal Code and Contra Costa County Ordinance Code and rulings made thereunder; and where there is a conflict between the improvement plans and the City Municipal Code or County Ordinance Code, the stricter requirements shall govern. It is understood that the City of Oakley was incorporated effective July 1, 1999, and as such continues to rely on certain laws, ordinances of the County of Contra Costa. Design standards of the City if Oakley Standard Plans must be adhered to. References herein to the County Code or County Ordinance Code are understood to refer to such ordinances and codes as if adopted by the City of Oakley.

Time is of the essence in this Agreement. Upon completion, DEVELOPER shall furnish CITY with a complete and reproducible set of final as-built plans of The Improvements, including any authorized modifications.

2. Estimated Cost of Improvements.

The estimated cost of constructing The Improvements required by this Agreement as adjusted for inflation is agreed to be $428,608.00. In the event the bids for the park exceed that amount, the CITY will work with the DEVELOPER in reducing the scope of the plans and specifications to meet that monetary cap. Said amount includes costs and reasonable expenses and fees which may be incurred in completing the Improvements.

3. Bonds Furnished.

Concurrently with the execution of this Agreement, DEVELOPER shall furnish CITY with the following security in the forms specified in Government Code sections 66499.1 and 66499.2 or in a form satisfactory to the CITY Attorney if different from said Government Code forms:

a. Faithful Performance. Either a cash deposit, a corporate surety bond issued by a company duly and legally licensed to conduct a general surety business in the State of California, or an instrument of credit equivalent to one hundred percent (100%) of the estimate set forth in Paragraph 2 and sufficient to assure CITY that The Improvements will be satisfactorily completed.

b. Labor and Materials. Either a cash deposit, a corporate surety bond issued by a company duly and legally licensed to conduct a general surety business in the State of California, or an instrument of credit equivalent to fifty percent (50%) of the estimate set forth in Paragraph 2 and sufficient to assure CITY that DEVELOPER'S contractors, subcontractors, and other persons furnishing labor, materials, or equipment shall be paid therefor.

DEVELOPER may request and CITY shall grant a partial reduction of the amount of the above bonds upon confirmation that a portion or portions of the improvements have been substantially completed in accordance with the Government Code Section 66499.7.

CITY shall be the sole indemnitee named on any instrument required by this Agreement. Any instrument or deposit required herein shall conform with the provisions of Chapter 5 of the Subdivision Map Act. DEVELOPER may request that portions or all of the bonds may be substituted by other parties in the event that portions or all of the Subdivision is sold to other parties, and such substitution shall not be unreasonably withheld by CITY.

4. Prevailing Wage.

CITY has determined that construction of The Improvements falls within the definition of “public works” set forth in California Labor Code Section 1720. Subject to any amendments to Labor Code Section 1720 et seq., DEVELOPER shall comply with Labor Code Section 1720 et seq., shall comply with the provisions set forth in Exhibit B and shall ensure that any contractors and subcontractors comply with the provisions of Exhibit B. DEVELOPER shall waive, indemnify, hold harmless and defend CITY concerning any liability arising out of Labor Code Section 1720 et seq.

5. Insurance Required.

Concurrently with the execution hereof, DEVELOPER shall obtain or cause to be obtained and filed with the CITY, all insurance required in this paragraph and as set forth in Exhibit C, and such insurance shall have been approved by the Finance Director of CITY, or his designee, as to form, amount and carrier. Prior to the commencement of work under this Agreement, DEVELOPER's general contractor shall obtain or cause to be obtained and filed with the Finance Director, all insurance required under this paragraph and as set forth in Exhibit C, evidenced herein as Exhibit D, and such insurance shall have been approved by the Finance Director of CITY, as to form, amount and carrier. DEVELOPER shall not allow any contractor or subcontractor to commence work on this contract or subcontract until all insurance required for DEVELOPER and DEVELOPER's general contractor shall have been so obtained and approved. Said insurance shall be maintained in full force and effect until the completion of work under this Agreement and the final acceptance thereof by CITY. All requirements herein provided shall appear either in the body of the insurance policies or as endorsements and shall specifically bind the insurance carrier.

6. Work Performance and Warranty.

Except as otherwise expressly provided in this Agreement, and excepting only items of routine maintenance, ordinary wear and tear and unusual abuse or neglect, DEVELOPER warranties all work executed by DEVELOPER and/or DEVELOPER's agents, and all supplies, materials and devices of whatsoever nature incorporated in, or attached to the work, or otherwise delivered to CITY as a part of the work pursuant to the Agreement, to be free of all defects of workmanship and materials for a period of one (1) year after initial acceptance of the entire work by CITY. DEVELOPER shall repair or replace any or all such work or material, together with all or any other work or materials which may be displaced or damaged in so doing, that may prove defective in workmanship or material within said one-year warranty period without expense or charge of any nature whatsoever to CITY. DEVELOPER further covenants and agrees that when defects in design, workmanship and materials actually appear during the one- year warranty period, and have been corrected, the warranty period shall automatically be extended for an additional year to insure that such defects have actually been corrected.

In the event the DEVELOPER shall fail to comply with the conditions of the foregoing warranty within thirty (30) days time, after being notified of the defect in writing, CITY shall have the right, but shall not be obligated, to repair or obtain the repair of the defect, and DEVELOPER shall pay to CITY on demand all costs and expense of such repair. Notwithstanding anything herein to the contrary, in the event that any defect in workmanship or material covered by the foregoing warranty results in a condition which constitutes an immediate hazard to the public health, safety, or welfare, CITY shall have the right to immediately repair, or cause to be repaired, such defect, and DEVELOPER shall pay to CITY on demand all costs and expense of such repair.

The foregoing statement relating to hazards to health and safety shall be deemed to include either temporary or permanent repairs which may be required as determined in the sole discretion and judgment of CITY.

If CITY, at its sole option, makes or causes to be made the necessary repairs or replacements or performs the necessary work, DEVELOPER shall pay, in addition to actual costs and expenses of such repair or work, fifty percent (50%) of such costs and expenses for overhead and interest at the maximum rate of interest permitted by law accruing thirty (30) days from the date of billing for such work or repairs.

7. Inspection of the Work.

DEVELOPER shall grant free access to CITY through its City Engineer and his designated representative for the safe and convenient inspection of the work throughout its construction. Said CITY representative shall have the authority to reject all materials and workmanship which are not in accordance with the plans and specifications, and all such materials and or work shall be removed promptly by DEVELOPER and replaced to the satisfaction of CITY without any expense to CITY in strict accordance with the improvement plans and specifications.

8. Parkland Acquisition and Improvement Fee Credits

Dedication of the 1.0 acre park site (Subdivision 8836, Parcel A) satisfies the parkland acquisition requirement for Pheasant Meadows (Tract 8837) and Vintner View (Tract 8836).

DEVELOPER shall receive Park Fee credits for the land dedication and actual design and construction costs associated with the improvements. DEVELOPER will be granted full Parkland Dedication and Improvement Fee credits for all homes constructed in the Projects at the time of building permits. Such credits will be granted prior to the approval of the Park design and Park construction provided bonds for the Park have been furnished by the Developer in accordance with Article 3 above.

9. Agreement Assignment.

This Agreement shall not be assigned by DEVELOPER without the written consent of CITY.

10. Abandonment of Work.

Neither DEVELOPER nor any of DEVELOPER's agents or contractors are or shall be considered to be agents of CITY in connection with the performance of DEVELOPER's obligations under this Agreement.

If DEVELOPER refuses or fails to obtain prosecution of the work, or any severable part thereof, with such diligence as will insure its completion within the time specified, or any extension thereof, or fails to obtain completion of said work within such time, or if DEVELOPER should be adjudged as bankrupt, or should make a general assignment for the benefit of DEVELOPER's creditors, or if a receiver should be appointed, or if DEVELOPER, or any of DEVELOPER's contractors, subcontractors, agents or employees should violate any of the provisions of this Agreement, the CITY through its Public Works Director may serve written notice on DEVELOPER and DEVELOPER's surety or holder of other security of breach of this Agreement, or of any portion, thereof, and default of DEVELOPER.

In the event of any such notice of breach of this Agreement, DEVELOPER's surety shall have the duty to take over and complete The Improvements herein specified; provided, however, that if the surety, within thirty (30) days after the serving upon it of such notice of breach, does not give CITY written notice of its intention to take over the performance of the contract, and does not commence performance thereof within thirty (30) days after notice to CITY of such election, CITY may take over the work and prosecute the same to completion, by contract or by any other method CITY may deem advisable, for the account and at the expense of DEVELOPER and DEVELOPER's surety shall be liable to CITY for any damages and/or reasonable and documented excess costs occasioned by CITY thereby; and, in such event, CITY, without liability for so doing, may take possession of, and utilize in completing the work, such materials, appliances, plant and other property belonging to DEVELOPER as may be on the site of the work and necessary therefor.

All notices herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

Notices required to be given to CITY shall be addressed as City follows:

Manager and City Engineer
City of Oakley
3231 Main Street
Oakley, CA 94561

Notices required to be given to DEVELOPER shall be addressed as follows:

Attn: Legal Department
Forecast Land Investment, LLC
4021 Port Chicago Highway
Concord, CA 94520

Notices required to be given surety of DEVELOPER shall be addressed as follows:

Lexon Insurance Company
12890 Lebanon Road
Mt. Juliet, TN 37122

Any party or the surety may change such address by notice in writing to the other party and thereafter notices shall be addressed and transmitted to the new address.

Concurrently with the execution of this Agreement, DEVELOPER has executed and has caused to be acknowledged an abstract of this Agreement. DEVELOPER agrees CITY may record said abstract in the Official Records of Contra Costa County.

11. Use of Streets or Improvements.

At all times prior to the final acceptance of The Improvements by CITY, the park improvements constructed under this Agreement will be fenced off and shall not be open to the public.

At all times prior to the final acceptance of the work by CITY, the use of any or all streets and improvements within the work to be performed under this Agreement shall be at the sole and exclusive risk of DEVELOPER. The issuance of any building or occupancy permit by CITY for dwellings located within the tract shall not be construed in any manner to constitute a partial or final acceptance or approval of any or all such improvements by CITY. DEVELOPER agrees that CITY's Building Official may withhold the issuance of building or occupancy permits when the work or its progress may substantially and/or detrimentally affect public health and safety.

12. Safety Devices.

DEVELOPER shall provide and maintain such guards, watchmen, fences, barriers, regulatory signs, warning lights, and other safety devices adjacent to and on

the tract site as may be necessary to prevent accidents to the public and damage to the property. DEVELOPER shall furnish, place, and maintain such lights as may be necessary for illuminating the said fences, barriers, signs, and other safety devices. At the end of all work to be performed under this Agreement, all fences, barriers, regulatory signs, warning lights, and other safety devices (except such safety items as may be shown on the plans and included in the items of work) shall be removed from site of the work by the DEVELOPER, and the entire site left clean and orderly.

13. Acceptance of Work.

Upon notice of the completion of the work covered by this agreement and the delivery of a set of final as-built plans to CITY by DEVELOPER, CITY, through its City Engineer or his designated representative, shall examine the work without delay, and, if found to be in accordance with said plans and specifications and this Agreement, shall recommend acceptance of the work to the City Council and, upon such acceptance, shall notify DEVELOPER or his designated agents of such acceptance. CITY reserves the right to not accept the work until all construction activities, including those related to building construction, within the project boundaries has been completed.

14. Patent and Copyright Costs.

In the event that said plans and specifications require the use of any material, process or publication which is subject to a duly registered patent or copyright, DEVELOPER shall be liable for, and shall indemnify CITY from any fees, costs or litigation expenses, including attorneys' fees and court costs, which may result from the use of said patented or copyrighted material, process or publication.

15. Alterations in Plans and Specifications.

Any alteration or alterations made in the plans and specifications which are a part of this Agreement or any provision of this Agreement shall not operate to release any surety or sureties from liability on any bond or bonds attached hereto and made a part hereof, and consent to make such alterations is hereby given, and the sureties to said bonds hereby waive the provisions of Section 2819 of the Civil Code of the State of California.

16. Liability.

a. DEVELOPER Primarily Liable. DEVELOPER hereby warrants that the design and construction of The Improvements will not adversely affect any portion of adjacent properties and that all work will be performed in a proper manner. DEVELOPER agrees to indemnify, defend, release, and hold harmless CITY, and each of its elective and appointive boards, commissions, officers agents and employees, from and against any and all loss, claims, suits, liabilities, actions, damages, or causes of action of every kind, nature and description, directly or indirectly arising from an act or omission of DEVELOPER, its employees, agents, or independent contractors in connection with DEVELOPER'S actions and obligations hereunder; provided as

follows:

1. That CITY does not, and shall not, waive any rights against DEVELOPER which it may have by reason of the aforesaid hold harmless agreement, because of the acceptance by CITY, or the deposit with CITY by DEVELOPER, of any of the insurance policies described in Paragraph 4 hereof.

2. That the aforesaid hold harmless agreement by DEVELOPER shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of any of the aforesaid operations referred to in this paragraph, regardless of whether or not CITY has prepared, supplied, or approved of plans and/or specifications for the subdivision, or regardless of whether or not such insurance policies shall have been determined to be applicable to any of such damages or claims for damages.

b. Design Defect. If, in the opinion of the CITY, a design defect in the work of improvement becomes apparent during the course of construction, or within one (1) year following acceptance by the CITY of the improvements, and said design defect, in the opinion of the CITY, may substantially impair the public health and safety, DEVELOPER shall, upon order by the CITY, correct said design defect at his sole cost and expense, and the sureties under the Faithful Performance and Labor and Materials Bonds shall be liable to the CITY for the corrective work required.

c. Litigation Expenses. In the event that legal action is instituted by either party to this Agreement, and said action seeks damages for breach of this Agreement or seeks to specifically enforce the terms of this Agreement, and, in the event judgment is entered in said action, the prevailing party shall be entitled to recover its attorneys' fees and court costs. If CITY is the prevailing party, CITY shall also be entitled to recover its attorney's fees and costs in any action against DEVELOPER's surety on the bonds provided under paragraph 3.

17. Recitals.

The foregoing Recitals are true and correct and are made a part hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate at Oakley, California, the day and year first above written.

CITY OF OAKLEY

By: _____
Joshua McMurray
City Manager

APPROVED AS TO FORM:

_____
Derek P. Cole
City Attorney

ATTEST:

_____
Libby Vreonis, City Clerk

DEVELOPER

Forecast Land Investment, LLC, A
California Limited Liability Company

_____
By: Albert D. Seeno, III
Managing Member

Exhibits:
Exhibit A – Map of Affected Lots & Number of Units
Exhibit B – Prevailing Wage
Exhibit C - Insurance Requirements
Exhibit D - Verification of Required Insurance

EXHIBIT A

(Map of Affected Lots & Number of Units)

EXHIBIT B

PROVISIONS REQUIRED FOR PUBLIC WORKS PROJECTS PURSUANT TO CALIFORNIA LABOR CODE SECTION 1720 *ET SEQ.*

The Developer will ensure that any contract issued by the Developer or any privities of the Developer concerning the Improvements includes, and requires the parties to such contract to comply with, all applicable provisions contained in this Exhibit A and any other applicable requirements contained in California Labor Code Section 1720 and following.

HOURS OF WORK:

A. In accordance with California Labor Code Section 1810, eight (8) hours of labor in performance of the Services shall constitute a legal day's work under this Agreement.

B. In accordance with California Labor Code Section 1811, the time of service of any worker employed in construction of the Improvements is limited to eight hours during any one calendar day, and forty hours during any one calendar week, except in accordance with California Labor Code Section 1815; which provides that work in excess of eight hours during any one calendar day and forty hours during any one calendar week is permitted upon compensation for all hours worked in excess of eight hours during any one calendar day and forty hours during any one calendar week at not less than one-and-one-half times the basic rate of pay.

C. The Developer and its contractors and subcontractors shall forfeit as a penalty to the City $25 for each worker employed in the construction of the Improvements for each calendar day during which the worker is required or permitted to work more than eight (8) hours in any one calendar day, or more than forty (40) hours in any one calendar week, in violation of the provisions of California Labor Code Section 1810 and following.

WAGES:

A. In accordance with California Labor Code Section 1773.2, the City has determined the general prevailing wages in the locality in which the Improvements are to be constructed for each craft or type of work needed to be as published by the State of California Department of Industrial Relations, Division of Labor Statistics and Research, a copy of which is on file in the City Engineer's office and shall be made available on request. The Developer, and contractors and subcontractors engaged in the construction of the Improvements shall pay no less than

these rates to all persons engaged in construction of the Improvements.

B. In accordance with Labor Code Section 1775, the Developer and any contractors and subcontractors engaged in construction of the Improvements shall comply with Labor Code Section 1775 which establishes a penalty of up to $50 per day for each worker engaged in the construction of the Improvements who the Developer or any contractor or subcontractor pays less than the specified prevailing wage. The amount of such penalty shall be determined by the Labor Commissioner and shall be based on consideration of the mistake, inadvertence, or neglect of the Developer, contractor or subcontractor in failing to pay the correct rate of prevailing wages, or the previous record of the Developer, contractor or subcontractor in meeting applicable prevailing wage obligations, or the willful failure by the Developer, contractor or subcontractor to pay the correct rates of prevailing wages. A mistake, inadvertence, or neglect in failing to pay the correct rate of prevailing wages is not excusable if the Developer, contractor or subcontractor had knowledge of their obligations under the California Labor Code. The Developer, contractor or subcontractor shall pay the difference between the prevailing wage rates and the amount paid to each worker for each calendar day or portion thereof for which each worker was paid less than the prevailing wage rate. If a subcontractor worker engaged in construction of the Improvements is not paid the general prevailing per diem wages by the subcontractor, subject to applicable law, the prime contractor is not liable for any penalties therefore unless the prime contractor had knowledge of that failure or unless the prime contractor fails to comply with all of the following requirements:

1. Any agreement executed between the Developer and a contractor or a contractor and a subcontractor for the construction of part of the Improvements shall include a copy of the provisions of California Labor Code Sections 1771, 1775, 1776, 1777.5, 1813, and 1815.

2. The contractor shall monitor payment of the specified general prevailing rate of per diem wages by the subcontractor by periodic review of any subcontractor's certified payroll records.

3. Upon becoming aware of a subcontractor's failure to pay the specified prevailing rate of wages, the contractor shall diligently take corrective action to halt or rectify the failure, including, but not limited to, retaining sufficient funds due the subcontractor for construction of the Improvements.

4. Prior to making final payment to the subcontractor, the contractor shall obtain an affidavit signed under penalty of perjury from the subcontractor that the subcontractor has paid the specified general

prevailing rate of per diem wages employees engaged in the construction of the Improvements and any amounts due pursuant to California Labor Code Section 1813.

C. In accordance with California Labor Code Section 1776, the Developer and each contractor and subcontractor engaged in construction of the Improvements, shall keep accurate payroll records showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed in construction of the Improvements. Each payroll record shall contain or be verified by a written declaration that it is made under penalty of perjury, stating both of the following:

   1. The information contained in the payroll record is true and correct.

   2. The employer has complied with the requirements of Sections 1771, 1811, and 1815 for any services performed by the employer's employees on the public works project.

   The payroll records required pursuant to California Labor Code Section 1776 shall be certified and shall be available for inspection by the City and its authorized representatives, the Division of Labor Standards Enforcement, the Division of Apprenticeship Standards of the Department of Industrial Relations and shall otherwise be available for inspection in accordance with California Labor Code Section 1776.

D. In accordance with California Labor Code Section 1777.5, the prime contractor, on behalf of the Developer and any contractors or subcontractors engaged in construction of the Improvements, shall be responsible for ensuring compliance with California Labor Code Section 1777.5 governing employment and payment of apprentices on public works contracts.

E. In case it becomes necessary for the Developer or any contractor or subcontractor engaged in construction of the Improvements to employ on the construction of the Improvements any person in a trade or occupation (except executive, supervisory, administrative, clerical, or other non manual workers as such) for which no minimum wage rate has been determined by the Director of the Department of Industrial Relations, the Developer, contractor or subcontractor shall pay the minimum rate of wages specified therein for the classification which most nearly corresponds to services to be performed by that person. The minimum rate thus furnished shall be applicable as a minimum for such trade or occupation from the time of the initial employment of the person affected and during the continuance of such employment.

EXHIBIT C

INSURANCE REQUIREMENTS

CONSTRUCTION CONTRACTS

MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

1. **Commercial General Liability** (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than **$5,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit (i.e., $10,000,000)
2. **Automobile Liability**: Insurance Services Office Form Number CA 0001 covering Code 1 (any auto), with limits no less than **$5,000,000** per accident for bodily injury and property damage.
3. **Workers' Compensation** insurance as required by the State of California, with Statutory Limits, and Employers' Liability insurance with a limit of no less than $1,000,000 per accident for bodily injury or disease.
4. **Builder's Risk** (Course of Construction) insurance utilizing an "All Risk" (Special Perils) coverage form, with limits equal to the completed value of the project and no coinsurance penalty provisions.
5. **Surety Bonds** as described below.
6. **Professional Liability** (if Design/Build), with limits no less than $1,000,000 per occurrence or claim, and $2,000,000 policy aggregate.
7. **Contractors' Pollution Legal Liability** and/or Asbestos Legal Liability and/or Errors and Omissions (if project involves environmental hazards) with limits no less than $1,000,000 per occurrence or claim, and $2,000,000 policy aggregate.

If the contractor maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by the contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

Contractor shall procure and maintain for the duration of the contract, and if Contractor has a claims-made policy, Contractor shall maintain for two years thereafter, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives, employees or subcontractors.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either: the contractor shall cause the insurer to reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, officials, employees, and volunteers; or the Contractor shall provide a financial warranty satisfactory to the City warrantying payment of losses and related investigations, claim administration, and defense expenses.

Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions:

1. **The City, its officers, officials, employees, and volunteers are to be covered as additional insureds** on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts, or equipment furnished in connection with such work or operations and automobiles owned, leased, hired, or borrowed by or on behalf of the Contractor. General liability coverage can be provided in the form of an endorsement to the Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10 10 01 and CG 20 37 10 01forms if later revisions used).
2. For any claims related to this project, the **Contractor's insurance coverage shall be primary** insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be in excess of the Contractor's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall provide notice will be provided to City in the event that the policy is terminated. Contractor shall immediately notify City of any insurance cancellation or termination and shall provide replacement insurance policy documentation to the City.

Builder's Risk (Course of Construction) Insurance

Contractor may submit evidence of Builder's Risk insurance in the form of Course of Construction coverage. Such coverage shall **name the City as a loss payee** as their interest may appear.
If the project does not involve new or major reconstruction, at the option of the City, an Installation Floater may be acceptable. For such projects, a Property Installation Floater shall be obtained that provides for the improvement, remodel, modification, alteration, conversion or adjustment to existing buildings, structures, processes, machinery and equipment. The Property Installation Floater shall provide property damage coverage for any building, structure, machinery or equipment damaged, impaired, broken, or destroyed during the performance of the Work, including during transit, installation, and testing at the City's site.

Claims Made Policies

If any coverage required is written on a claims-made coverage form:

1. The retroactive date must be shown, and this date must be before the execution date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of contract work.
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the contract effective, or start of work date, the Contractor must purchase extended reporting period coverage for a minimum of five (5) years after completion of contract work.
4. A copy of the claims reporting requirements must be submitted to the City for review.
5. If the services involve lead-based paint or asbestos identification/remediation, the Contractors Pollution Liability policy shall not contain lead-based paint or asbestos exclusions. If the services involve mold identification/remediation, the Contractors Pollution Liability policy shall not contain a mod exclusion, and the definition of Pollution shall include microbial matter, including mold.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of no less than A:VII, unless otherwise acceptable to the City.

Waiver of Subrogation

Contractor hereby agrees to waive rights of subrogation which any insurer of Contractor may acquire from Contractor by virtue of the payment of any loss. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation. **Worker's Compensation policies shall be endorsed with a waiver of subrogation** in favor of the City for all work performed by the Contractor, its employees, agents and subcontractors.

Verification of Coverage

Contractor shall furnish the City with original certificates and amendatory endorsements, or copies of the applicable insurance language, effecting coverage required by this contract. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements, required by these specifications, at any time.

Subcontractors

Contractor shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors. For CGL coverage subcontractors shall provide coverage with a format least as broad as CG 20 10 10 01 and CG 20 37 10 01.

Surety Bonds

Contractor shall provide the following Surety Bonds:
1. Bid bond
2. Performance bond
3. Payment bond
4. Maintenance bond

The Payment Bond and the Performance Bond shall be in a sum equal to the contract price. If the Performance Bond provides for a one-year warranty a separate Maintenance Bond is not necessary. If the warranty period specified in the contract is for longer than one year a Maintenance Bond equal to 10% of the contract price is required. Bonds shall be duly executed by a responsible corporate surety, authorized to issue such bonds in the State of California and secured through an authorized agent with an office in California.

Special Risks or Circumstances

City reserves right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other circumstances.

EXHIBIT D

VERIFICATION OF INSURANCE

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: December 14, 2021

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

FROM: Tim Przybyla, Finance Director

SUBJECT: Consideration of a Resolution Accepting the Five-Year Development Impact Fee Report and Making Required Findings

---

Background and Analysis

State law allows the City to charge fees to offset impacts associated with new development. Along with requirements related to the amount of the fees, nexus to impacts, and specifications for use of the fees, the Law requires that the City prepare annual and five year reports for each fee program. The annual report must include a fee schedule, beginning and ending fund balances, revenues, expenditures and project information. The five-year report must include information showing the fees are being spent timely and include supporting information about each program's projects that support making a number of required findings. Once prepared and made available to the Public, it must also be presented to the City Council. The attached report is the City's Five-Year Report for the period ending June 30, 2021, containing the prescribed information for each of the City's Impact Fee Programs.

The legal requirements for enactment of a development impact fee program are set forth in the California Government Code sections 66000-66025 (the "Mitigation Fee Act"), the bulk of which was adopted as 1987's Assembly Bill (AB) 1600 and thus are commonly referred to as "AB 1600 requirements". Each fiscal year the City publishes a Development Impact Fee Report meeting the requirements of both California Government Code Section 66006(b) and 66001(d). The law also requires the report to be made available to the public within 180 days of the close of a fiscal year and that it be presented to the City Council at the next regular meeting not less than 15 days after it is made available to the public. This report was made available to the public on November 18, 2021.

Fiscal Impact

None.

Staff Recommendation

Staff recommends that City Council approve the Resolution accepting the attached Report and making the required findings pursuant to Government Code Sections 66000 et seq.

Attachments

1. Resolution
2. Five-Year Report

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY ACCEPTING THE FIVE-YEAR DEVELOPMENT IMPACT FEE REPORT FOR THE PERIOD ENDING JUNE 30, 2021 AND MAKING REQUIRED FINDINGS AS REQUIRED BY GOVERNMENT CODE SECTIONS 66000 ET SEQ.

WHEREAS, in 1987 Assembly Bill 1600 (AB 1600) was adopted; and

WHEREAS, State Law allows Cities to establish development impact fees to mitigate the impacts of new development on growing communities; and

WHEREAS, the City of Oakley did, in 2003, adopt its existing development impact fee programs; and

WHEREAS, Sections 66000 et seq. of the California Government Code contains the provisions defining parameters of development impact fees, as well as reporting and maintenance requirements to ensure the ongoing appropriateness of the fees charged; and

WHEREAS, the attached Five-Year Report contains information that meets both the annual and five year reporting requirements described in the Code; and

WHEREAS, State Law also requires that every five years the Council make the following specific findings for each fee program related to that portion of the account or fund remaining unexpended, whether committed or uncommitted:

a) Identify the purpose to which the fee is to be put;
b) Demonstrate a reasonable relationship between the fee and the purpose for which it is charged;
c) Identify all sources and amounts of funding anticipated to complete financing of incomplete improvements identified in the program;
d) Designate the approximate dates on which the funding referred to in c) is expected to be deposited into the appropriate account or fund; and

WHEREAS, Staff recommends the City Council accept the attached report and incorporate it herein in order to make the required findings.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley accepts the attached Five-Year Report, and makes the following required findings for each of the City's Development Impact Fee Programs, incorporating the information from the report into this resolution.

1. The report includes the stated purpose for each fee;

2. The report includes the amount of fees unexpended in each Fund at June 30, 2021 and sufficient detail regarding the expected use of the fees to demonstrate a reasonable relationship between the fee and the purpose for which it is charged;

3. The report includes the sources and amounts of funding anticipated to complete financing of incomplete improvements identified in each program;

4. The report was made available to the public on November 18, 2021 and within 180 day of the end of the fiscal year;

5. The report includes the approximate dates on which the funding is expected to be deposited into the appropriate account or fund to finance the incomplete improvements noted.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Oakley held on the 14th day of December 2021 and adopted by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:_____
MAYOR

ATTEST:

_____
Libby Vreonis, CITY CLERK

Five Year Report
Development Impact Fees
For the City of Oakley
For Fiscal Year Ending June 30, 2021

Development Impact fees are fees, other than a tax or special assessment, which is charged by a local government agency to an applicant in connection with approval of a development project. The purpose of these fees is to defray all or a portion of the cost of public infrastructure related to the development project.

The legal requirements for enactment of a development impact program are set forth in the California Government Code sections 66000-66025 (the "Mitigation Fee Act"), the bulk of which was adopted as 1987's Assembly Bill (AB) 1600 and thus are commonly referred to as "AB 1600 requirements." The annual report must be made available to the public no later than 180 days after the end of the fiscal year, and must be presented to the City Council at least fifteen days after it is made available to the public. The five year report must be made available to the public following the fifth year the fees are collected and each five years thereafter.

This report is the City's Five-Year Report for the period ended June 30, 2021.

This report includes all of the Annual Report required data, and data that supports the findings required by the Code for the five-year period. Below, and on the following pages you will find for each fee program:

1. A brief description of the program.

2. Beginning and ending balances for the year.

3. Amount of fees collected and the interest earned during the year.

4. Total Expenditures for the year.

5. A summary of fund balances and five year test.

6. A detailed list of current year disbursements by project, including the percentages funded by fees, including operating transfers.

7. Information listing the programs' projects expected to be funded with fees that have been collected but unspent, whether committed or not yet committed, including data from the City's most current Capital Improvement Plan.

8. A current schedule of fees.

The fee programs included in this report are the following:

Section A - Traffic Impact Fee Program

Section B - Park Impact Fee Program

Section C - Public Facilities Impact Fee Program

Section D - Fire Facilities Impact Fee Program

Program Descriptions

A. Traffic Impact Fee Program

The Traffic Impact Fee Program was established by the City on incorporation in 1999, and included separate Area of Benefit and Median Island Fees. In 2003, all of these programs were rolled up into a broader Traffic Impact Fee Program. The Program's stated purpose is to finance roadway improvements to reduce the impacts caused by future development in the City. The City accounts for the program in its Traffic Impact Fee Fund.

B. Park Impact Fee Program

In 2003, the City amended its existing Park Impact Fee Program. The stated purpose for the program is to acquire property and develop city parks to reduce the impacts caused by future development in the City. The City accounts for the program in its Park Impact Fee Fund.

C. Public Facilities Impact Fee Program

The Public Facilities Impact Fee Program was established by the City in 2003 to finance the acquisition, or design, engineering, construction and other costs related to the purchase or construction of the Civic Center, Community Center, and Corporation Yard detailed in the resolution establishing the fee. These facilities were identified as necessary to reduce the impacts caused by future development in the City. The City accounts for the program in its Public Facilities Impact Fee Fund.

D. Fire Facilities Impact Fee Program

The Fire Facilities Impact Fee Program was established by the City in 2003 to finance the acquisition, design, engineering, construction, upgrade and or other costs related to the improved fire facilities in Oakley and Knightsen. Specific projects were identified in the enabling legislation, although subject to revision by the City Council.

Attached Supporting Documentation

The pages following include the supporting documentation required to meet the annual program reporting requirements and to support the Council's ability to make the findings they are required to make for each program as part of this five year report.

The City's Capital Improvement Plan (CIP) is updated annually and provides a longer- term view of the City's plan for public improvements. The Fee Program revenues are budgeted and allocated through the annual CIP and City Budget process. References to CIP project numbers in the attachments have been provided where they are part of the adopted CIP.

TRAFFIC IMPACT FEES

Section A Summary of Annual Activity

Fund Balance 06/30/20	Fee Income 20/21	Interest & Misc Inc 20/21	Expenditures 20/21	Fund Balance 06/30/21	
$ 7,485,625	4,847,979	1,152,707	4,415,768	$ 9,070,544	***

*** Above includes $591,329 in deferred impact fees receivable from the Successor Agency to the Oakley Redevelopment Agency for a prior housing project. The balance is due on or before December 2063 at variable interest rate.

Section B Summary of Fund Balance

Five Year Revenue Test
Using First In First Out Method

Unspent Funds Representing Ending Fund Balance:	Amount
Revenues Collected from FY 15/16	-
Revenues Collected from FY 16/17	-
Revenues Collected from FY 17/18	-
Revenues Collected from FY 18/19	0
Revenues Collected from FY 19/20	3,069,858
Revenues Collected from FY 20/21	6,000,687
Deferred Impact Fees Receivable	(591,329)
Total Ending Fund Balance	$ 8,479,216

Section C Summary of Expenditures

Expenditure Detail:	CIP #	% Complete	% Funded by Fee	Expenditures 20/21	Future Traffic Fee Appropriations 21/22 - 25/26	Future Add'l Appropriations & Other Funding Sources 20/21 - 24/25	Future Funding & Construction
Administrative & Operating Expenditures			100%	$ 179,585			
Downtown Train Platform	205	5%	10%	2,200	688,080	5,500,000.00	
Laurel Rd Reconstruction (Mellowood-Main)	208	100%	85%	2,841,952	-	-	
Main St.-O'Hara Ave Intersection Improvement	218	100%	100%	449,951	-		
Vintage Parkway Repair & Resurfacing	214	100%	70%	888,615	-		
Traffic Signal Modernization	244	100%	100%	44,772	-		
E. Cypress - Knightson Av Intersection Signal	247	0%	100%	8,693	6,480,000		
				$ 4,415,768	$ 7,168,080		

PARK IMPACT FEES

Section A Summary of Annual Activity

Fund Balance 06/30/20	Fee Income 20/21	Interest & Misc Inc 20/21	Expenditures 20/21	Fund Balance 06/30/21	
$ 338,785	3,732,746	-	593,811	$ 3,477,720	***

*** Above includes $438,411 in deferred impact fees receivable from the Successor Agency to the Oakley Redevelopment Agency for a prior housing project. The balance is due on or before December 2063 at variable interest rate.

Section B Summary of Fund Balance

Five Year Revenue Test
Using First In First Out Method

Unspent Funds Representing Ending Fund Balance:	Amount
Revenues Collected from FY 15/16	-
Revenues Collected from FY 16/17	-
Revenues Collected from FY 17/18	-
Revenues Collected from FY 18/19	-
Revenues Collected from FY 19/20	-
Revenues Collected from FY 20/21	3,477,720
Deferred Impact Fees Receivable	(438,411)
Total Ending Fund Balance	$ 3,039,309

Section C Summary of Expenditures

Expenditure Detail:	CIP #	% Complete	% Funded by Fee	Expenditures 20/21	Future Park Fee Appropriations 21/22 - 25/26	Future Additional Appropriations & Other Funding Sources	Future Funding & Construction
Administrative Fees & Expenses			100%	$ 120,959	TBD		
Holly Creek Restroom Construction	248	15%	100%	$ 53,634	$ 297,028		
Civic Center Park Renovation	254	95%	100%	$ 419,217	$ 30,783		
Oakley Regional Community Park	176	0%	100%		$ 3,000,000		
				$ 593,811	$ 3,327,811		

PUBLIC FACILITIES IMPACT FEES

Section A Summary of Annual Activity

Fund Balance 6/30/2020	Fee Income 20/21	Interest & Misc Inc 20/21	Expenditures 20/21	Fund Balance 06/30/21	
$ 691,363	2,626,968	9,503	755,092	$ 2,572,742	***

***

Above includes $140,327 in deferred impact fees receivable from the Successor Agency to the Oakley Redevelopment Agency for a prior housing project. The balance is due on or before December 2063 at variable interest rate.

Section B Summary of Fund Balance

Five Year Revenue Test
Using First In First Out Method

Unspent Funds Representing Ending Fund Balance:	Amount
Revenues Collected from FY 15/16	-
Revenues Collected from FY 16/17	-
Revenues Collected from FY 17/18	-
Revenues Collected from FY 18/19	-
Revenues Collected from FY 19/20	-
Revenues Collected from FY 20/21	2,572,742
Deferred Impact Fees Receivable	(140,327)
Total Ending Fund Balance	$ 2,432,415

Section C Summary of Expenditures

Expenditure Detail:	CIP #	% Complete	% Funded by Fee	Expenditures 20/21	Future Public Fac. Fee Appropriations 21/22 - 25/26	Future Additional Appropriations & Other Funding Sources	Future Funding & Construction
Administrative Fees			100%	$ 81,522	TBD		
Transfer to Fund 351 2006 COP Debt Service Fund			100%	673,570	$2,666,276		
				$ 755,092	$ 2,666,276		

FIRE PROTECTION FACILITIES IMPACT FEES

Section A Summary of Annual Activity

Fund Balance 6/30/2020	Fee Income 20/21	Interest & Misc Inc 20/21	Expenditures 20/21	Fund Balance 6/30/2021	
$ -	903,892	968	904,859	$ -	*

* The conditions of approval for the Summerlake Subdivision had required the developer of the Summerlake Subdivision to construct a new Fire Station on East Cypress Road across from this subdivision. This task had been delayed for several years, and finally in 2017 a settlement was reached. A contractor and architect was hired by the City for the design and build of this new Fire Station. The project completed in FY 2020. The City entered into a Cooperative agreement with the District and impact fees will be remitted as they become available for the additional costs of Station 55 that were requested by the District. In FY 2021 an agreement was made with the Fire District that all Fire Impact Fees will be collected by the district at permit issuance. The City is no longer collecting this fee but will continue to do the reporting.

Section B Summary of Fund Balance

Five Year Revenue Test
Using First In First Out Method

Unspent Funds Representing Ending Fund Balance:	Amount
Revenues Collected from FY 13/14 and Prior	-
Revenues Collected from FY 14/15	-
Revenues Collected from FY 15/16	-
Revenues Collected from FY 16/17	-
Revenues Collected from FY 17/18	-
Revenues Collected from FY 18/19	-
Revenues Collected from FY 19/20	-
Revenues Collected from FY 20/21	-
Total Ending Fund Balance	$ -

Section C Summary of Expenditures

Expenditure Detail:	CIP #	% Complete	% Funded by Fee	Expenditures 20/21	Future Fire Fac. Fee Appropriations 21/22 - 25/26	Future Additional Appropriations & Other Funding Sources	Future Funding & Construction
Administrative Fees			100%	$ 15,912	$ -		
Co-Op Agreement with District for Station 55				$888,948	$995,141		
				$ 904,859	$ 995,141		

FY 21-22

Impact Fees by Land Use Category (fees are subject to change)
Effective July 1, 2021

Fee Type	Single Family (per unit)	Multi-Family (per unit)	Accessory Dwelling Unit ("ADU")	Commercial (per 1,000 sf,)***	Commercial Recreation (per 1,000 sf.)***	Business Park (per 1,000 sf.)***	Light Industrial (per 1,000 sf.)***	Utility Energy (per 1,000 sf.)***	Other (as noted)
Oakley Traffic	$13,399.20	$8,173.79	$3,841.68	$3,537.39	$4,743.15	$8,119.42	$4,743.15	$4,743.15	$13,399.20 (per peak hour trip)
RTDIM (Regional Traffic)	$20,686.82	$12,698.73	$5,968.40	$2,020.00	$2,020.00	$1,757.40	$1,757.40	$1,757.40	$24,336.96 (per peak hour trip)
Park Acquisition	$986.49	$644.72	$303.02	$145.37	$116.51	$290.73	$123.17	$123.17	
Park Improvement	$8,572.16	$5,601.59	$2,632.75	$1,262.80	$1,008.69	$2523.38	$1,073.05	$1,073.05	
Public Facilities	$3,704.20	$2,425.76	$1,140.11	$547.05	$437.28	$1,092.31	$464.28	$464.28	
East County Fire Protection District	$1,368.32	$971.06	See Notes	$924.00	$924.00	$1,235.46	$612.54	$612.54	$924.00 (per mobile home unit)
General Plan*	See "other"	See "other"	Not charged	See "other"	See "other"	See "other"	See "other"	See "other"	$300.00 (per gross acre)
South Oakley Infrastructure Plan**	See "other"	See "other"	Not charged	See "other"	See "other"	See "other"	See "other"	See "other"	$352.00 (per gross acre)
Total	$48,717.19	$30,515.65	$13,885.96	$8,436.61	$9,249.63	$15,018.70	$8,773.59	$8,773.59	

*The General Plan fee is collected to reimburse the City for the costs associated with preparing and adopting the City's General Plan.
**The SOIMP fee is collected to reimburse the City for the costs associated with preparing and adopting the SOIMP.

Additional fees may be required by outside agencies, such as sewer, water, school impact, and drainage fees. You are encouraged to contact the applicable agency to inquire about fee amounts. Some outside agency fees may be collected by the City and transferred to the applicable agency. For more information, see below:

- Contact Ironhouse Sanitary District at (925) 625-2279 for sewer connection fees.
- Contact Diablo Water District at (925) 625-3798 for water service hook-up fees.
- Contact Contra Costa County Flood Control and Water Conservation District at (925) 313-2000 for drainage impact fees.
- Contact Oakley Union Elementary School District at (925) 625-0700 for school impact fees for all parcels east of Empire Avenue.
- Contact Liberty Union High School District at (925) 634-2166 for school impact fees for all parcels east of Empire Avenue.
- Contact Antioch Unified School District at (925) 706-4100 for school impact fees for all parcels west of Empire Avenue.
- Contact Contra Costa Environmental Health at (925) 692-2500 for information on wells or septic systems.
- Fire Fee Schedule: ADU's less than 750 sf = $0. ADUs 750 sf. and greater = Single Family fee. Age restricted = $722.76.

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: December 14, 2021

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

FROM: Kevin Rohani, P.E., Public Works Director/City Engineer

SUBJECT: Approval of Contract Amendment # 2 with BSK Associates for On-Call Consulting Services Related to Materials Testing and Inspection of Private Development Projects for Fiscal Year 2021/22

Background and Analysis

The City of Oakley Community Development and Public Works Department use the services of consultants in support of various department staff to provide timely services to the developers. This practice has been in use for many years and is an efficient and cost-effective way to provide service to private developers. This approach to providing services to developers gives the City the flexibility to call upon consultants for support services as needed, and more timely and efficiently. The various consultants that are utilized are given contract limits. City staff monitors the expenditures as development projects are brought for processing and budgets are adjusted as service demands increase. This is consistent with the City of Oakley's Strategic Plan (section 3) goals for Planned, Quality Growth throughout the community.

On April 14, 2020, an agreement was executed between the City of Oakley and BSK Associates for an On-Call consulting services agreement related to Materials Testing and Inspection of Private Development Projects. The contract was limited to a not-to-exceed amount of $75,000 for each FY 2020/21 and FY 2021/22. On February 9, 2021 Amendment No. 1 was approved for an increase to FY 2020/21 for an additional $75,000 to a not-to-exceed amount of $150,000.

The amount of private development construction work in Oakley has continued to increase substantially over the past several months; especially for the Contra Costa Logistics Center, various subdivision improvements, and along the East Cypress Road corridor. Staff now has the need to increase the amount of work being performed by consultants in order to meet the development project service needs for FY 2021/22 as well. As a result, staff is requesting an increase of $75,000 to the original contract amount for BSK Associates for FY 2021/22.

Fiscal Impact

Approval of the resolution will increase the not-to-exceed contract amount by $75,000 for FY 2021/22 to a total not-to-exceed amount of $150,000. Private Development projects will fund the services on an as needed basis and will be fully paying all costs associated with the consultant services. There will not be any City General Funds used in this contract.

Staff Recommendation

Staff recommends that the City Council adopt the resolution amending the agreement with BSK Associates with Amendment No. 2 for FY 2021/22 and authorizing the City Manager to execute the agreement.

Attachments

1. Resolution
2. Amendment No. 2

RESOLUTION NO. __-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING CONTRACT AMENDMENT NO. 2 TO THE AGREEMENT WITH BSK ASSOCIATES FOR CONSULTING SERVICES RELATED TO MATERIALS TESTING AND INSPECTION SERVICES FOR PRIVATE DEVELOPMENT PROJECTS

WHEREAS, on April 14, 2020 the City executed an agreement with BSK Associates for Material Testing and Inspection Services for Private Development Projects with the not-to-exceed amount of $75,000 for FY 2020/21; and

WHEREAS, after review of the expenditures to date for FY 2020/21 and projecting costs for these services through the end of this fiscal year, Staff determined that the original contract amount of $75,000 was not sufficient to provide consulting services for the remainder of FY 2020/21 and approved an additional $75,000 for a total not-to-exceed amount of $150,000.

WHEREAS, the amount of private development construction work in Oakley has continued to increase substantially over the past several months. Staff now has the need to increase the amount of work being performed by consultants in order to meet the development project service needs for FY 2021/22 as well. As a result, staff is requesting an increase of $75,000 to the original contract amount for BSK Associates for FY 2021/22 for a total not-to-exceed amount of $150,000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that Contract Amendment No. 2 with BSK Associates is hereby approved. A copy of Contract Amendment No. 2 is attached hereto as Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Oakley, California, this 14th day of December 2021 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

AMENDMENT NO. 2 TO THE AGREEMENT BETWEEN THE CITY OF OAKLEY AND BSK ASSOCIATES RELATED TO THE ON-CALL CONSULTING SERVICES FOR FY 2021/22 RELATED TO MATERIALS TESTING AND INSPECTION SERVICES

This Amendment is entered into by and between the City of Oakley, a municipal corporation (hereinafter referred to as "City"), and BSK Associates, a California Corporation (hereinafter referred to as "Contractor"), effective as of the 14th day of December, 2021.

RECITALS

A. On April 14, 2020, City and Contractor executed an Agreement for on-call consulting services related to Materials Testing and Inspection services (hereinafter referred to as the "Agreement"); and,
B. On February 9, 2021 Amendment No. 1 was made to increase to the not-to-exceed contract amount from $75,000 to $150,000 for FY 2020/21; and,
C. Now the City and Contractor desire that the following amendment should be made to increase the not-to-exceed contract amount from $75,000 to $150,000 for FY 2021/22; and,
D. Except as provided herein, all other terms and provisions of the Agreement shall remain in full force and effect.

AGREEMENT

IN WITNESS WHEREOF, the City of Oakley, a municipal corporation in the State of California, has authorized the execution of this Amendment in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. ___-21, adopted by the Council of the City of Oakley on the 14th day of December, 2021, and the parties have caused this Amendment to be executed in duplicate.

City	Contractor
City of Oakley, a municipal corporation	BSK Associates, a California Corporation
By: _____ Joshua McMurray, City Manager	By: _____ Cristiano Melo, Project Manager
ATTEST:	APPROVED AS TO FORM:
_____ Libby Vreonis, City Clerk	_____ Derek P. Cole, City Attorney

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: December 14, 2021

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

FROM: Kenneth W. Strelo, Principal Planner

SUBJECT: **Resolution Approving an Agreement for Consulting Services with Ascent Environmental, Inc. ("Consultant") for the "City of Oakley 2023-2031 6th Cycle Housing Element Update" in an Amount not to Exceed $187,521, and Authorizing the City Manager to Execute the Agreement**

Summary

This consulting services agreement will secure the services of Ascent Environmental, Inc. ("Ascent"), a qualified Housing Element consultant, to assist the City in completing the State mandated City of Oakley 2023-2031 6th Cycle Housing Element Update required by Government Code Section 65583. Tasks will include Project Administration, Housing Element Preparation, Community Engagement, Zoning Amendments (Affordable Housing Overlay sites), Environmental Compliance, and California Department of Housing and Community Development ("HCD") Review and Adoption. The agreement is proposed in an amount not to exceed $187,521.

Staff Recommendation

Staff has reviewed the proposal and recommends the City Council adopt the proposed resolution approving the Agreement for Consulting Services and authorizing the City Manager to execute the Agreement.

Fiscal Impact

The Housing Element will have a budget not to exceed $187,521. This budget is 100% grant funded through Senate Bill 2 – Planning Grant Fund ($110,000), the Local Early Action Planning Grant ("LEAP") ($50,000), and the Regional Early Action Planning Grant ("REAP") ($27,521). REAP funding is required to be tied to specific actions rather than attributed to a general project. As a result, Ascent has provided a separate breakdown of which line items each funding source will cover. It is noted that the proposal is for $187,512, which is $9.00 less than the not to exceed amount. The reason for this is so that the not to exceed amount can be consistent with the available grant funds should a task require a small adjustment

Background and Analysis

The City of Oakley has adopted Housing Elements in 2007 and 2014. Since adoption and subsequent certification by HCD of the first Housing Element, the City of Oakley (and previous Oakley Redevelopment Agency) has been facilitating the development of numerous affordable housing units within the City. For this 6th cycle, the Association of Bay Area Government ("ABAG") has determined Oakley's fair share of housing as follows (final ABAG Executive Board approval scheduled for December 16, 2021):

ABAG Final Regional Housing Needs Allocation ("RHNA")				
Very Low Income (<50 of Area Median Income	Low Income (50-80% of Area Median Income)	Moderate Income (80-120% of Area Median Income)	Above Moderate Income (>120% of Area Median Income)	Total
279	161	172	446	1,058

A Request for Proposals & Qualifications for the City of Oakley 2023-2031 6th Cycle Housing Element Update ("RFP") was approved by the City Council on June 6, 2021. On July 1, 2021, the RFP was posted on the City's website, the American Planning Association's website, and mailed directly to seven known housing consultants, including the company that completed Oakley's previous housing element update. A deadline of July 19, 2021 to submit proposals was provided. Upon conclusion of the deadline, no proposals were received. Staff reached out to each of the consulting companies that directly received the RFP to garner interest; however, most were already committed and lacked resources to take on another housing element, except for the City's previous housing element consultant that still tried to find time and resources to accommodate Oakley. After that consultant exhausted all attempts at submitting a proposal, Staff restarted networking and was eventually provided a contact at Ascent, who was able to draft a proposal that addressed all of Oakley's needs for this Housing Element, even given the increasingly tight timeline. Given the tight schedule ahead, the consultant was able to provide a proposal in time for this December 14th agenda.

Staff Recommendation

Staff has reviewed the proposal and recommends the City Council adopt the proposed resolution approving the Agreement for Consulting Services and authorizing the City Manager to execute the Agreement.

Attachments

1. Ascent's Proposal for City of Oakley 6th Cycle Housing Element Update
2. Draft Resolution
   a. Exhibit A to Draft Resolution (Services Agreement)

City of Oakley
Planning Division

NOV 23, 2021

RECEIVED

November 23, 2021

Kenneth W. Strelo, Principal Planner
City of Oakley
3231 Main Street
Oakley, CA 94561

Subject: Proposal for City of Oakley Sixth Cycle Housing Element Update

Dear Mr. Strelo:

We appreciate this opportunity to submit a proposal to assist the City of Oakley with compliance of its sixth cycle Housing Element update. If you have any questions or comments regarding the enclosed scope of work and cost estimate, please feel free to contact us.

Sincerely,

Chelsey Payne, AICP
Project Manager
p: 916.306.2621
e: Chelsey.Payne@ascentenvironmental.com

Pat Angell
Principal
p: 916.732.3334
e: Pat.Angell@ascentenvironmental.com

Attachments:
Proposal for City of Oakley Sixth Cycle Housing Element Update

Proposal for

CITY OF OAKLEY

SIXTH CYCLE HOUSING ELEMENT UPDATE

November 23, 2021

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PROJECT UNDERSTANDING

The City of Oakley is seeking a qualified consultant to assist with the sixth cycle update to the Housing Element. The updated element will cover an 8-year planning period from 2023 to 2031 and is due for adoption by January 31, 2023. Our proposal includes all tasks necessary to ensure the Housing Element complies with the new requirements under state law. We are familiar with the technical resources available from the Association of Bay Area Governments (ABAG) and the Contra Costa County regional collaborative and will make the best use of these resources to provide cost savings to the City. We also understand that the City is using multiple sources of grant funding for this project, including Senate Bill (SB) 2 funds to pay for costs associated with the rezoning and LEAP/REAP funds for the Housing Element update. We have structured our proposal to comply with the grant requirements and available funding.

The sites inventory analysis will be a major focus of the Housing Element update. Based on the Draft Regional Housing Needs Allocation (RHNA) from ABAG, the City must show how it can accommodate 1,058 housing units, including 440 lower-income units. While Oakley's RHNA for the sixth cycle is slightly less than the previous fifth cycle RHNA of 1,168 units, the City anticipates the need to find additional sites for lower-income housing, not only to meet the RHNA but also to create a buffer of additional capacity to meet "no-net-loss" requirements of state law.

Per state law, for sites to qualify as appropriate for accommodating the lower-income housing need, the zoning must allow at least 30 units per acre. The highest density allowed under the City's General Plan is 16.7 units per acre. In order to meet the lower-income RHNA, the City applies an Affordable Housing Overlay (AHO) zoning district, which allows a base maximum density of 24 units per acre and higher densities for affordable projects utilizing the state density bonus. While the AHO zone has been accepted in the past as meeting the lower-income RHNA, the California Department of Housing and Community Development (HCD) has recently made it clear that the density allowed through the state density bonus cannot be counted and instead the base maximum density must allow at least 30 units per acre. Our scope includes site identification, analysis, and zoning map amendments to apply the AHO District to new sites within the city. Our scope of work also includes assisting City staff with amendments to the AHO District maximum density to ensure the development standards meet state law and HCD expectations for zoning for lower-income housing.

In addition to identifying and rezoning adequate sites, our proposal includes the technical analysis and housing policy updates to ensure compliance with other state law requirements, including Assembly Bill (AB) 686 (fair housing), AB 2162 (by-right supportive housing), and AB 101 (low barrier navigation centers), among other laws. It also includes opportunities for community engagement and work sessions and public hearings with the Planning Commission and City Council. Lastly, the Housing Element and zoning amendments constitute a project under the California Environmental Quality Act (CEQA). Our proposal assumes the preparation of an Initial Study/Mitigated Negative Declaration for compliance with CEQA.

FIRM PROFILE

Ascent is a full-service planning, urban design, and environmental consultancy headquartered in Sacramento and with offices in Oakland, Lake Tahoe, San Diego, and Irvine. Founded in 2010, the firm was created to bring together planning and environmental services under one roof, with a focus on urban design and planning, compliance with CEQA, air quality and climate change/greenhouse gas (GHG) assessment, and sustainability planning. Our clients most often seek Ascent's assistance with their high-priority projects, particularly when faced with unusual compliance situations, complicated project issues, or a first-of-its-kind undertaking where no precedent exists. Our work is underpinned by extensive community outreach and client collaboration to achieve consensus.

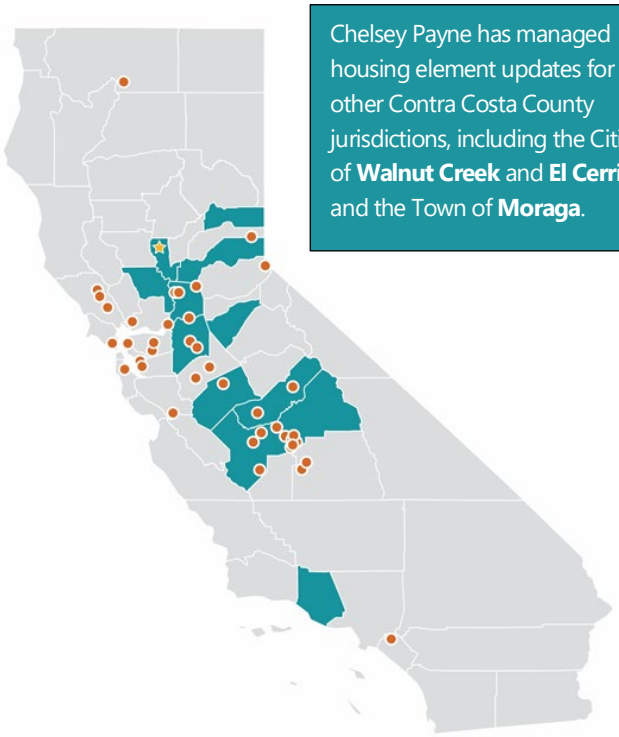
Housing Element Expertise

Ascent's Director of Urban Design and Planning, Chelsey Payne, AICP, has prepared 60 housing elements during the past three housing element cycles for cities and counties across the state. She is known statewide as a housing element expert. Chelsey joined Ascent in 2018, expanding Ascent's housing-related planning services. She is supported by team members with varied housing-related experience. Our housing team is working on a number of Housing Element updates during this sixth cycle, including those for the Cities of Folsom, Davis, and Sacramento and the Counties of Ventura, Placer, Sutter, and Sacramento. We follow the legislative process closely and are well versed in addressing the latest legislation affecting housing elements and general plans. We have succeeded in achieving certified housing elements for all of our clients, including in this sixth housing element cycle. The following list identifies housing elements prepared by the Ascent team members assigned to the Oakley Housing Element update effort.

Counties
Calaveras
Fresno
Madera
Merced (x 2)
Placer (x 3)
Sacramento
San Joaquin (x 2)
Sierra
Sutter
Ventura
Yolo

Cities
American Canyon
Clovis
Coalinga
Davis
El Cerrito
Folsom (x 3)
Fowler
Galt
Gilroy
Hayward
Healdsburg
Hughson
Huron
Isleton
Kerman
Kingsburg
La Habra
Livingston
Madera
Mendota
Mt. Shasta
Parlier
Patterson
Reedley
Rohnert Park
Sacramento (x 2)
Sanger
San Joaquin
Sausalito
Selma
South Lake Tahoe
Stockton (x 2)
Sunnyvale
Sutter Creek
Tulare
Union City (x 3)
Visalia
Walnut Creek

Towns
Moraga
Truckee
Windsor



Chelsey Payne has managed housing element updates for other Contra Costa County jurisdictions, including the Cities of **Walnut Creek** and **El Cerrito** and the Town of **Moraga**.

Relationships with HCD Staff

Reaching a consensus with the California Department of Housing and Community Development requires negotiation, and we are committed to representing the City's best interests. We have experience working with HCD in this latest sixth cycle and are familiar with the new challenges facing cities and counties in complying with stricter housing element requirements. Chelsey Payne and her team interact with HCD staff on a regular basis, both through housing element reviews and as part of the core management team for the SB 2 Planning Grants and Local Early Action Planning Grants Technical Assistance Programs.

Thoughtful Community Engagement

Ascent designs meaningful public engagement programs to share information with and gather input from the public, councils and commissions, and stakeholders. Our Planning and Design staff are experienced in designing and implementing inclusive community engagement programs structured to quickly obtain meaningful input from a broad segment of the community. The Ascent team has designed and facilitated hundreds of community workshops, design charrettes, focus group meetings, and online engagement platforms, working in diverse communities and adapting to different cultures, languages, and political environments. Robust public engagement is a core component of our work, and we offer a team that can be responsive and innovative for any need, large or small.

Environmental Planning

Finally, Ascent professionals are experts in compliance with environmental planning laws and regulations used to evaluate projects. We are more than document preparers; Ascent helps devise the most effective and efficient environmental review strategies. We make it our business to stay informed about the ever-evolving requirements of environmental planning practice, including published CEQA case law, changes to the CEQA Statute and Guidelines, and other laws and regulations. Ascent principals have been directly involved in CEQA legislative review and guidelines development.

Project Team

The Ascent team provides the City with the most qualified technical experts necessary for the sixth cycle update of the Oakley Housing Element. **Chelsey Payne**, AICP, will serve as the project director/project manager and will manage the team of Ascent staff, lead coordination of the work, and ensure the quality of all work products. **Heidi Gen Kuong**, AICP, will support Chelsey as the assistant project manager and will serve as the day-to-day point of contact for the City. **Pat Angell**, an Ascent principal, will serve as the principal-in-charge and CEQA task leader, sign the contract, and commit the company's resources for the successful completion of the project, in addition to leading CEQA compliance. **Chris Kinzel**, PE, and **Arthur Chen**, PE, of TJKM will join the team to provide the required analysis of vehicle miles traveled (VMT) for the CEQA document.

The following organizational chart presents the structure and reporting responsibilities of the Ascent team, including project management team members and technical staff. Ascent's key personnel are dedicated to the project for its entire duration. Full resumes detailing the relevant experience of each team member are included in Appendix A.

Ascent Team Members

NAME AND ROLE	BIOGRAPHY
 Pat Angell **Principal-in-Charge/ CEQA Task Leader**	Pat has 29 years of experience serving as a principal-in-charge, project director and manager, and technical analyst specializing in land use projects. He has managed several environmental impact reports (EIRs) and other CEQA documents for housing elements and general plan updates, but also brings experience from the implementation side, having experience with specific plan and development projects. His experience includes coordinating and facilitating large-scale private and public projects, and preparing urban land use and growth analyses, recreation and visual resource studies, public services assessments, transportation and circulation studies, and cultural resource analyses. Pat has worked with a variety of jurisdictions and understands well how comprehensive planning serves as a vision for the community.
 Chelsey Payne, AICP **Project Director/Manager**	Chelsey is an expert in state housing law and general plans. She has prepared 60 housing elements and a dozen general plan updates for cities and counties around the state. She has also prepared regional housing needs plans for councils of governments and has a thorough understanding of the process and state law requirements for the RHNA determination and RHNA methodology. Chelsey is often sought out by clients to provide expert advice on housing element compliance as well as follow-up implementation, including rezone programs, by-right housing provisions, inclusionary housing policy development, housing-related zoning ordinance updates, and annual progress reports. She has been invited to participate as a guest speaker in numerous panel discussions and training sessions on housing element requirements with the American Planning Association and the League of California Cities.
 Heidi Gen Kuong, AICP **Assistant Project Manager**	Heidi is an urban planner specializing in overall plan development, policy planning, community engagement, and plan implementation and monitoring. Her planning experience extends to long-range planning projects related to housing elements, specific plans, general plans, climate action plans, and sustainability planning. Heidi helped prepare fifth cycle Housing Elements for Sutter County and the City of La Habra and is currently working with the City of Sacramento and Union City on their sixth cycle Housing Element updates. She is also part of the technical assistance team for the SB 2 Planning Grants Technical Assistance Program and helped the Sacramento Area Council of Governments (SACOG) in assisting member jurisdictions with AB 686 compliance and affirmatively furthering fair housing.
 Kim Untermoser **Urban Planner**	Kim is an urban and environmental planner with experience in long-range planning, housing elements, and CEQA and National Environmental Policy Act (NEPA) compliance. Her experience includes demographic analysis, local ordinance implementation, zoning text amendments, community engagement, and sites inventory analysis using geographic information systems. In addition, Kim has prepared a variety of CEQA and NEPA documents, including environmental impact reports, initial studies, and technical studies for specific plans, general plans, housing developments, and transportation improvements. She has recent experience managing and preparing sixth cycle Housing Element updates for the Cities of Sunnyvale, Folsom, Clovis, and Davis and the Counties of Sutter and Placer.

NAME AND ROLE	BIOGRAPHY
 Rebecca Pope **Urban Planner**	Rebecca is an urban planner at Ascent with an emphasis in housing policy and program development. Currently, she is specializing in the preparation of fair housing assessments to address the impacts of systemic issues, such as residential segregation, housing cost burden, and unequal opportunity access. She has experience in policy and legislative research, data synthesis, quantitative analysis, housing program implementation, and community engagement. She has contributed to the preparation of housing elements, zoning amendments, and housing policies and implementation programs. Additionally, Rebecca assisted in the development of the State's guidance on fair housing assessments to comply with AB 686 and has prepared fair housing assessments for more than a dozen housing elements.
 Lisa Merry **GIS Analyst**	Lisa is a GIS specialist with a strong educational background in GIS and database management. Lisa manages the firm's GIS practice. She coordinates all GIS projects and the installation and configuration of all software that is GIS related, and she is building and maintaining the GIS system at Ascent. Lisa is skilled at conducting the technical aspects of the housing element sites inventory. She recently assisted in the preparation of a citywide sites inventory for the Sacramento Housing Element update, which included the identification of vacant and underutilized sites throughout the city. She also assisted with the sites inventories for the Cities of Davis and Union City and the County of Sutter.
 Marianne Lowenthal **CEQA Project Manager**	Marianne is an environmental analyst who prepares environment settings, impacts, and mitigation measures for CEQA and NEPA documents. She has prepared environmental analyses for a variety of projects ranging from straightforward initial study environmental checklists to controversial combined EIR/environmental Impact studies (EISs). In addition to section preparation, she has provided project coordination support and has acted as an assistant project manager. Her technical experience includes preparation of initial study environmental checklists and EIR sections such as agricultural resources, hazards and hazardous materials, geology and soils, land use, public services, utilities, and visual resources. Most recently, Marianne prepared Initial Study/Negative Declarations for the City of Folsom Housing Element update and Sacramento County Housing Element update and an EIR for the City of Elk Grove Housing Element update.
 Zachary Miller, AICP **Transportation Planner**	Zach is an environmental and transportation planner with 12 years of experience in transportation planning, long-range planning, land use planning, and environmental impact analysis. He is an expert in addressing CEQA's requirement for vehicle miles traveled analysis as the basis for transportation impacts and has experience working with SB 743 requirements in a variety of scenarios. He excels at working with transportation planning and traffic engineering consultants to ensure their technical analysis can support conclusions in CEQA documents.

RELEVANT EXPERIENCE AND PROJECT REFERENCES

Example Projects with References

Ascent staff have prepared more than 60 housing elements during the past three housing element cycles. Summarized below are three projects demonstrating our proven experience on housing elements, including the reference associated with each.

Folsom Housing Element Update, 2021-2029 (Sixth Cycle)

Ascent assisted the City of Folsom with the sixth cycle Housing Element update. The City was assigned a much higher RHNA, particularly the lower-income RHNA (70 percent increase). Ascent worked closely with City staff, landowners, and other stakeholders to develop a robust rezone strategy. Ascent led all aspects of the project, including a major update to the sites inventory to reflect new sites created through the recent General Plan update and a new set of policies and programs to address fair housing requirements and stakeholder input received during focus group meetings. Ascent created a branded project website and created and hosted a virtual community workshop, which included a filmed presentation and interactive survey. (Visit www.folsomhousingelement.com for more information.) HCD certified the adopted Housing Element as in compliance with state law in October 2021.

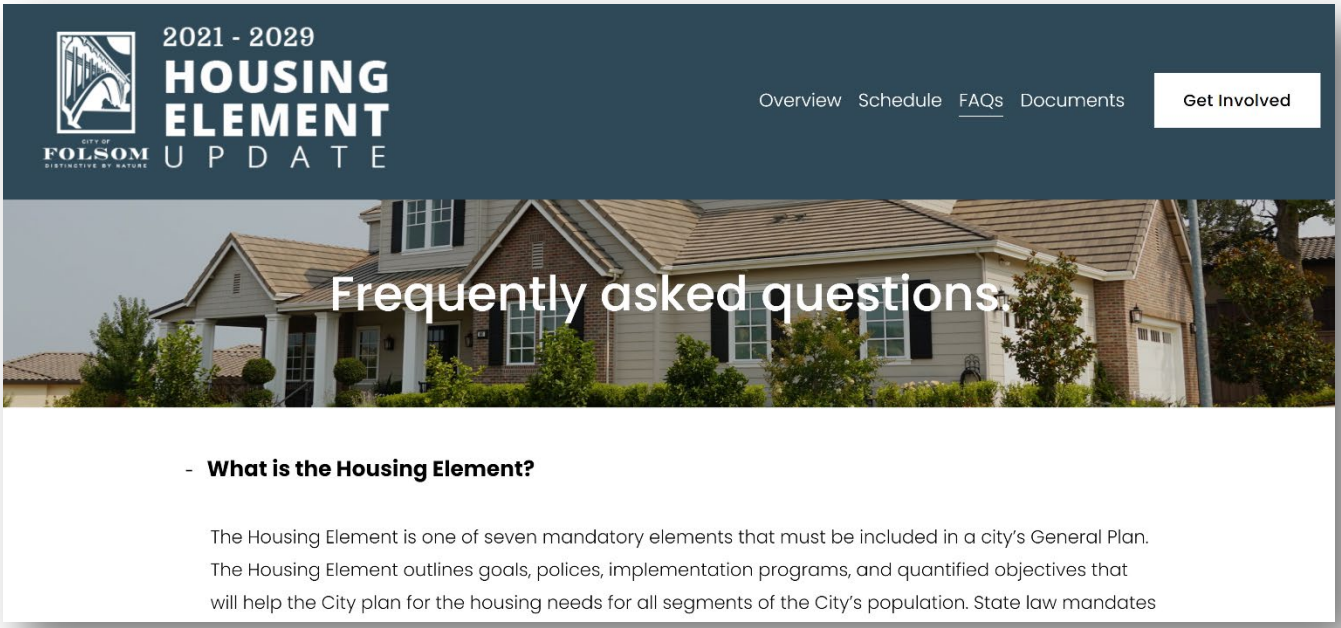
Chelsey Payne has worked with the City of Folsom since 2007. She prepared both the fourth and fifth cycle Housing Elements. The fourth cycle Housing Element involved the creation of a new GIS-based sites inventory. The fifth cycle Housing Element included an update to the sites inventory to add significant new capacity in a recently annexed area. It also involved Council-led changes to the inclusionary housing ordinance and other policies, which required extensive stakeholder coordination. Chelsey was also under contract with the City in advance of the sixth cycle Housing Element to provide guidance and expert advice on the RHNA methodology prepared by SACOG. She participated in SACOG RHNA subcommittee meetings on the City's behalf and analyzed the implications of the various draft methodologies.

KEY STAFF
Chelsey Payne, AICP
Kim Untermoser
Rebecca Pope
Pat Angell
Marianne Lowenthal
Zachary Miller, AICP

DATES OF SERVICE
2019–2021

REFERENCE
Pam Johns
Community Development Director
City of Folsom
p: 916.461.6205
e: pjohns@folsom.ca.us

BUDGET
$187,700



Ascent created a branded project website that included information about the project, FAQs, and links to a virtual community workshop.

City of Sacramento Housing Element Update, 2021-2029 (Sixth Cycle)

Ascent led all aspects of the City of Sacramento sixth cycle Housing Element update, including updating the sites inventory and facilitating meetings with an external housing stakeholder working group. The Housing Element demonstrated capacity to accommodate nearly 46,000 units—an 89 percent increase from the previous RHNA. The City had already taken several bold steps to increase housing supply, including making dramatic changes to the Development Code to allow ministerial approval of multifamily housing projects of up to 200 units. The Housing Element update was an opportunity for the City to address housing policy issues in a comprehensive manner and develop a bold yet implementable housing strategy.

Throughout the project, Ascent maintained close communication with HCD staff to ensure that the methodology and assumptions for the sites inventory and projection of accessory dwelling units were acceptable to HCD. This helped to avoid surprises during the HCD review process. Ascent also worked hard alongside City staff to ensure that the process was transparent by providing preliminary drafts of the sites inventory and policies and programs to affordable housing advocates and other members of the housing stakeholder committee and by meeting one-on-one to answer questions and gather feedback.

KEY STAFF
Chelsey Payne, AICP
Heidi Gen Kuong, AICP
Rebecca Pope
Lisa Merry

DATES OF SERVICE
2020–2021

REFERENCE
Matt Hertel, AICP
Acting Long Range Planning Manager
City of Sacramento
p: 916.808.7158
e: mhertel@cityofsacramento.org

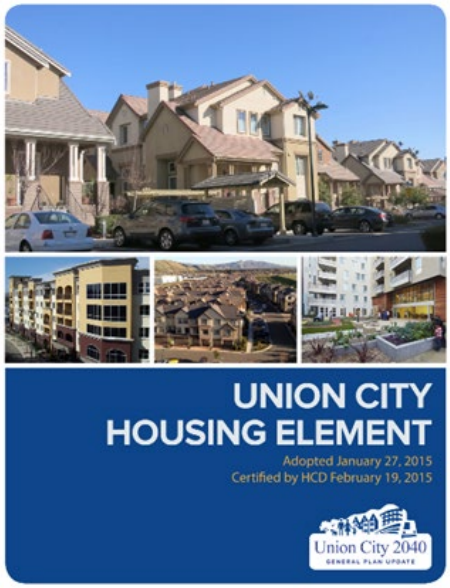
BUDGET
$279,656

Union City 2040 General Plan Update, 2010 and 2015 Housing Element Updates, and 2021-2029 Housing Element Update(Sixth Cycle)

While with a prior firm, Chelsey was the project manager for the Union City 2040 General Plan update. The 2040 General Plan includes a policy framework for enhancing the city's tax base by providing a balanced land use plan that allows for flexible land uses while requiring that new development meet certain criteria for enhancing fiscal health.

The plan also supports the development of a new transit-oriented downtown centered on the city's BART/Intermodal Station. Other major themes of the 2040 General Plan include creating an equitable and inclusive community. Policies support the respectful and fair treatment of all community members and place-based strategies for creating a sense of community and providing opportunities for social interaction.

Chelsey also led updates to the Union City Housing Element in 2010 and 2015. The biggest challenge of the update process was demonstrating adequate capacity to meet the RHNA. While the City had made significant progress on providing affordable housing through an inclusionary housing ordinance and several major affordable housing developments funded through public-private partnerships, including high-density housing around the BART station, the lack of vacant, unentitled land made it difficult to meet the RHNA. Chelsey worked closely with the City and HCD to develop a rezone strategy to meet the unaccommodated housing need. The Housing Element focuses on redeveloping underutilized sites, including transit-oriented development with a mix of market-rate and affordable housing.



Ascent is just getting under way with the update for the sixth cycle Housing Element. Chelsey is the project director/project manager and Heidi Gen Kuong is the assistant project manager. Lisa Merry is leading the update to the sites inventory.

KEY STAFF
Chelsey Payne, AICP
Heidi Gen Kuong, AICP
Rebecca Pope
Lisa Merry

DATES OF SERVICE
2021–ongoing

REFERENCE
Carmela Campbell
Economic & Community Development Director
City of Union City
p: 510.675.5316
e: carmela@unioncity.org

BUDGET
$205,000

SCOPE OF WORK

Scope of Work

Task 1: Project Administration

Subtask 1.1: Project Kickoff Meeting

Ascent will prepare for and attend a virtual kickoff meeting with City staff to initiate work on the project. The meeting will include:

- reviewing the scope of work and refining the schedule, as needed;
- confirming roles and responsibilities;
- reviewing housing element legal requirements, focusing on new state law requirements;
- identifying development opportunity sites and pipeline residential developments;
- refining the community engagement program; and
- reviewing the data needs list.

Subtask 1.2: Project Coordination

Ascent's project director/manager will schedule and conduct monthly coordination calls with City staff over the course of the project to review project status and ensure that objectives and milestones are being achieved. We will prepare an agenda and summary of action items for each meeting. This subtask also includes time for Ascent's project manager and finance staff to process the contract and prepare monthly invoices and progress reports.

Task 1 Deliverables

- ✓ Kickoff meeting agenda and summary with action items
- ✓ Refined project schedule
- ✓ Project coordination meeting agendas and summaries
- ✓ Monthly invoices and progress reports

Task 2: Housing Element Preparation

Subtask 2.1: Evaluation of Current Housing Element

Ascent will review Annual Progress Reports and work closely with City staff to determine the status, effectiveness, and appropriateness of the programs in the current fifth cycle Housing Element. We will document the effectiveness of each program, providing quantitative results where appropriate. Ascent will also evaluate the current Housing Element to determine the revisions that must be made to comply with current state law and HCD requirements and ensure certification of the sixth cycle Housing Element.

Subtask 2.2: Housing Needs Assessment

Ascent will prepare the housing needs assessment pursuant to Government Code Section 65583, relying heavily on the Local Housing Needs Data Packets and narrative templates provided by ABAG. We will review and incorporate the data and narrative from ABAG into the needs assessment. Ascent will conduct additional research and analysis to fill in gaps on certain topics, including local data on persons experiencing homelessness, number of units in need of rehabilitation and replacement, and affordable units at risk of converting to market rate.

Subtask 2.3: Fair Housing Assessment

Ascent will address the new requirement to affirmatively further fair housing (AFFH) in the Housing Element. We will prepare an assessment of fair housing issues, which will include an analysis of fair housing enforcement and outreach, integration and segregation, racially and ethnically concentrated areas of poverty, access to opportunity, displacement risk, and disproportionate housing need. Ascent will examine the spatial relationship between the sites inventory and areas of opportunity (e.g., Tax Credit Allocation Committee/HCD Opportunity Maps), areas with concentrated low-income or minority populations, and areas with disproportionate housing need. Based on the fair housing assessment and analysis of sites, we will identify contributing factors to fair housing issues and propose policies and actions to address these factors. We will rely on AFFH data provided by ABAG, the 2020–2025 Contra Costa County Analysis of Impediments to Fair Housing Choice, and the AFFH mapping tool being developed by HCD. City staff will provide local knowledge and assist in identifying other relevant factors not apparent in the above-mentioned data sources.

Subtask 2.4: Sites Inventory Analysis

Ascent will review and update the inventory of available housing sites. Pursuant to AB 1397, we will identify vacant sites that have been included in the past two Housing Elements and underutilized sites included in one previous Housing Element and develop a policy or program to amend the zoning on these sites to allow affordable housing by right in order to continue to count the parcels in the inventory of lower-income sites. Ascent will identify any newly available sites that were not included in the previous Housing Element. We will review and amend buildout assumptions based on changes in allowable densities, document the realistic capacity of each parcel, and prepare a map or series of maps showing all available sites. For each parcel, we will prepare an assessment of the adequacy of water and wastewater infrastructure to meet housing needs based on infrastructure capacity information provided by City staff. We will also prepare a projection of potential future accessory dwelling units based on data provided by City staff.

Ascent will conduct an analysis of the capacity on available sites in comparison to the City's RHNA to determine whether the City has adequate sites to meet the RHNA. It is assumed that additional sites will be needed either to meet the lower-income RHNA or to provide an adequate buffer to address no net loss of lower-income housing capacity in the future. We will work with City staff to identify and calculate capacity on candidate sites where the Affordable Housing Overlay (AHO) District could be applied to meet the lower-income RHNA.

Subtask 2.5: Housing Constraints Analysis

Ascent will update the housing constraints analysis to include recent changes (e.g., new ordinances and fees) and to comply with new requirements related to governmental constraints, including AB 879, which requires analysis of any local ordinances that affect the cost and supply of housing; AB 2162 and AB 101, which require zoning for supportive housing and low-barrier navigation centers; compliance with new accessory dwelling unit and density bonus provisions; and permit processing procedures related to SB 330 and SB 35. We will also provide information to comply with new requirements related to nongovernmental constraints, including a description of the length of time between project approval and request for a building permit and requests for reduced density. After completing the analysis, Ascent will identify potential programs to remove or mitigate any identified constraints.

Subtask 2.6: Opportunities for Energy Conservation

Ascent will review and update the discussion of opportunities for energy conservation to reflect new City and regional programs and initiatives as well as changes to the state building code related to energy efficiency.

Subtask 2.7: Housing Goals, Policies, and Implementation Program

Ascent will prepare an updated Housing Plan based on the evaluation of the existing Housing Element (Subtask 2.1), new requirements of state law, analysis of housing needs and constraints, community input from the public outreach program, discussions with City staff, and best practices. Goals, policies, and the implementation program will address housing needs for all income levels, the elderly, veterans, and populations with disabilities, special needs, or experiencing homelessness, and they will identify meaningful actions to affirmatively further fair housing. Each implementation program will include a specific time frame, quantified objective, and responsible department.

Subtask 2.8: Administrative Draft Housing Element

Ascent will compile the components described above for Subtasks 2.1 through 2.7 into a formatted administrative draft Housing Element. We will also update the introduction, community engagement description, and other relevant sections of the Housing Element. The administrative draft will be submitted to City staff for review. This scope of work assumes that City staff will provide one set of consolidated comments on the administrative draft.

Subtask 2.9: Public Review Draft Housing Element

Ascent will address City staff comments on the administrative draft and prepare a public review draft Housing Element.

Subtask 2.10: General Plan Consistency

Ascent will review the other elements of the General Plan to ensure consistency with the Housing Element. We will prepare a memorandum identifying any inconsistencies that need to be reconciled so that the elements maintain internal consistency, including any edits to figures and maps.

Task 2 Deliverables

- ✓ Administrative draft Housing Element (electronic copies [Microsoft Word and PDF])
- ✓ Public review draft Housing Element (3 hard copies, 1 reproducible copy, and electronic copies [Microsoft Word and PDF])
- ✓ Memorandum summarizing revisions to the General Plan to maintain consistency (electronic copies [Microsoft Word and PDF])

Task 3: Community Engagement

Subtask 3.1: Community Workshop and Online Survey

Ascent will prepare materials for and facilitate a community workshop on the Housing Element update. The focus of the workshop will be to educate the community on the purpose of the Housing Element, solicit input on key housing issues facing residents, and gather feedback on the proposed Affordable Housing Overlay sites. The meeting can be designed to be in-person or virtual. Ascent will prepare a summary of feedback received at each workshop. We will also prepare promotional materials, including a meeting flyer and an email announcement.

Ascent will prepare and help distribute a web-based survey to gather information from the community on housing needs and the proposed AHO sites. We will compile, analyze, and summarize the survey results.

Ascent will work with the City to ensure the workshop and online survey are available in both English and Spanish. Our proposal assumes the City will provide written translation of materials and live interpretation during the workshop.

Subtask 3.2: Planning Commission and City Council Work Sessions

Ascent will prepare for and attend two work sessions—one with the Planning Commission and one with the City Council—to present and gather feedback on the public review draft Housing Element before submitting the Housing Element to HCD. A key element of the work sessions will be getting feedback on the proposed AHO sites and proposed changes to the AHO District standards. Ascent will prepare a PowerPoint presentation. City staff will prepare staff reports and prepare and publish notices, as appropriate.

Note: Task 6 includes two additional public hearings on the final Housing Element.

Task 3 Deliverables

- ✓ Community workshop materials (PowerPoint presentation, flyer)
- ✓ Online survey and summary report
- ✓ Presentations for Planning Commission and City Council meetings

Task 4: Zoning Amendments

Subtask 4.1: AHO Ordinance and Zoning Map Amendments

Working closely with City staff, Ascent will prepare text amendments to the Affordable Housing Overlay district to ensure the allowable density complies with state law and HCD expectations for appropriate zoning for lower-income housing. We will also review and make recommendations on the design guidelines and standards as they relate to by-right processes and state law requirements for objective design standards. Ascent will amend the zoning map to identify the final proposed AHO sites. It is assumed that the City will handle property owner notification related to the zoning map amendments.

Task 4 Deliverables

- ✓ Text changes to Affordable Housing Overlay District (electronic copies in Microsoft Word)
- ✓ Updated zoning map (electronic copies [GIS shapefile, PDF])

Task 5: Environmental Compliance

For the purpose of providing a scope of work and cost proposal, we have assumed a mitigated negative declaration will be adequate. However, the appropriate level of CEQA review will be determined once the Initial Study is completed. If the Initial Study identifies significant impacts that cannot be avoided or minimized by implementing feasible mitigation, Ascent will coordinate with the City regarding preparation of an Environmental Impact Report (EIR). If it is determined that an EIR is required, Ascent would request a scope amendment to reflect any additional environmental review and analysis required.

Subtask 5.1: Administrative Draft Initial Study/Mitigated Negative Declaration

Ascent will prepare an administrative draft Initial Study/Mitigated Negative Declaration (IS/MND) to address the potential physical environmental impacts associated with implementation of the Housing Element and the zoning amendments, in compliance with CEQA. The IS/MND will follow a checklist format addressing all environmental issue areas identified in Appendix G of the State CEQA Guidelines, as updated on December 28, 2018. For each environmental topic, a brief environmental setting will be provided, followed by the impact analysis with supporting narrative discussion for each environmental topic. Using the Contra Costa County Transportation Agency (CCCTA) model, TJKM will provide analysis of vehicle miles traveled (VMT) associated for use by Ascent in the IS/MND.

With respect to AB 52 requirements, it is assumed that the City will handle all SB 18– and AB 52–related consultation and provide a summary of the AB 52 consultation to Ascent for incorporation into the IS/MND. Mitigation measures will be included in the IS/MND for impacts identified as potentially significant.

Subtask 5.2: Public Draft Initial Study/Mitigated Negative Declaration

Following receipt of one consolidated set of comments from City staff on the administrative draft IS/MND, Ascent will revise the document and prepare the IS/MND for public release. We will submit electronic versions of the administrative draft notice of intent to adopt a mitigated negative declaration (NOI), notice of completion (NOC), and Summary Form F to the City for review. Ascent will revise the NOI, NOC, and Summary Form F based on a consolidated set of comments received from the City. Electronic versions of the revised NOI and NOC will be submitted to the City within 5 business days of receipt of City comments. Ascent will upload copies of the final NOI, NOC, and required Summary Form F to the State Clearinghouse electronic submittal website, CEQA Submit, for distribution to responsible and trustee agencies. We will, in cooperation with City staff, develop a CEQA mailing list for distribution of the NOI and IS/MND. This scope of work assumes that the City will handle the distribution of the IS/MND, including publication of the NOI in a local newspaper and posting with the County Clerk.

Subtask 5.3: Response to Comments

Following the close of the mandatory 30-day CEQA public review period, Ascent will review all public comments received and draft a memorandum responding to CEQA issues raised in the comments for review by City staff. For the purposes of this scope of work, it is assumed that up to 28 hours of technical staff time will be required to respond to

comments received. Following receipt of comments from the City, Ascent will provide a final responses-to-comments memorandum for distribution to commenting agencies.

Subtask 5.4: Mitigation Monitoring and Reporting Program

Ascent will also prepare a mitigation monitoring and reporting program (MMRP) to be adopted by the City Council as part of the project's approval. We will attend up to two public hearings (e.g., Planning Commission and City Council) related to adoption of the IS/MND. Ascent's project director/manager will be available to present information related to the CEQA process and findings to the City Council or Planning Commission, as necessary.

Subtask 5.5: Notice of Determination

Ascent will prepare the notice of determination (NOD) for the project and file the NOD with the State Clearinghouse within 5 days following project approval. It is assumed that City staff will handle posting of the NOD with the County Clerk and provide a check for the California Department of Fish and Wildlife document filing fee at that time.

Task 5 Deliverables

- ✓ Administrative draft IS/MND (electronic copies [Microsoft Word and PDF])
- ✓ Public draft IS/MND (15 hard copies, electronic copies [Microsoft Word and PDF])
- ✓ NOI, NOC, and Summary Form F (electronic copies [Microsoft Word and PDF])
- ✓ MMRP (electronic copies [Microsoft Word and PDF])
- ✓ NOD (electronic copies [Microsoft Word and PDF])

Task 6: HCD Review and Adoption

Subtask 6.1: HCD Submittal and Revisions

Ascent will revise the public review draft Housing Element based on direction from the Planning Commission and City Council, prepare a cover letter, and deliver the draft Housing Element to HCD. We will serve as the City's liaison in the HCD review process. Following submission of the HCD review draft Housing Element and before the end of the 60-day review period, Ascent will facilitate meetings and phone calls with HCD and City staff to discuss the draft Housing Element and preliminary HCD comments. We will prepare all revisions to address HCD comments and will work closely with HCD staff to seek a timely conditional approval letter before the Planning Commission and City Council adoption hearings.

Subtask 6.2: Public Hearing Draft Housing Element

Ascent will prepare a public hearing draft Housing Element that incorporates all the responses to HCD comments. We will print hard copies for the Planning Commission and City Council.

Subtask 6.3: Adoption Hearings

Ascent will attend two public hearings—one before the Planning Commission and one before the City Council—to present the public hearing draft Housing Element, respond to questions, and record the Commission's recommendations and the Council's action. We will prepare a meeting presentation and assist City staff with preparing staff reports and the adoption resolution.

Subtask 6.4: Final Housing Element and Submittal to HCD

Ascent will prepare the final Housing Element, incorporating any changes made by the City Council in adopting the Housing Element. We will prepare a cover letter and will print and deliver the Housing Element to HCD for the final review period. Following HCD certification, we will print and deliver hard copies of the certified Housing Element to the City. Ascent will provide all final digital files to the City, including the Housing Element in Microsoft Word and GIS files of the sites inventory.

Task 6 Deliverables

- ✓ HCD review draft Housing Element (electronic copies [Microsoft Word and PDF])

- ✓ Cover letter to HCD (electronic copies [Microsoft Word and PDF])
- ✓ Track-changes revisions to address HCD comments (electronic copies [Microsoft Word and PDF])
- ✓ Public hearing draft Housing Element (electronic copies [Microsoft Word and PDF])
- ✓ Certified Housing Element (3 bound copies, 1 reproducible original, and electronic copies [Microsoft Word and PDF])
- ✓ Original electronic files of all final products (Microsoft Word, PDF, Excel, and ArcGIS)

PROJECT SCHEDULE

The graphic below presents our proposed schedule for the sixth cycle Oakley Housing Element update. The schedule ensures that there is sufficient time for the City to meet the January 31, 2023, adoption deadline. However, state law also allows a 120-day grace period after the due date before imposing any penalties for late adoption.

		2022												2023	
		Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb
Task 1:	PROJECT INITIATION & ADMINISTRATION														
1.1	Project Kickoff Meeting														
1.2	Project Coordination														
Task 2:	HOUSING ELEMENT COMPONENTS														
2.1	Evaluation of Current Housing Element														
2.2	Housing Needs Assessment														
2.3	Fair Housing Assessment														
2.4	Sites Inventory Analysis														
2.5	Housing Constraints Analysis														
2.6	Opportunities for Energy Conservation														
2.7	Housing Goals, Policies, and Implementation Program														
2.8	Administrative Draft Housing Element														
2.9	Public Review Draft Housing Element														
2.10	General Plan Consistency														
Task 3:	COMMUNITY ENGAGEMENT														
3.1	Community Workshop and Online Survey														
3.2	Planning Commission and City Council Work Sessions														
Task 4:	ZONING AMENDMENTS														
4.1	AHO Ordinance and Zoning Map Amendments														
Task 5:	ENVIRONMENTAL COMPLIANCE														
5.1	Administrative Draft IS/MND														
5.2	VMT Analysis														
5.3	Public Draft IS/MND														
5.4	Response to Comments														
5.5	Mitigation Monitoring and Reporting Program														
5.6	Notice of Determination														
Task 6:	FINAL DOCUMENTS AND ADOPTION														
6.1	HCD Submittal and Revisions														
6.2	Public Hearing Draft Housing Element														
6.3	Adoption Hearings														
6.4	Final Housing Element and Submittal to HCD														

COST ESTIMATE

We understand that work will be authorized on a time-and-materials basis and will be billed monthly based on the hourly billing rates shown in the table. The estimated price to complete each task is shown in the table on the next page. Please note that the price is estimated based on a good-faith effort and current understanding of the project needs of the City of Oakley. Variations in approach, issues, and deliverables can adjust the contract price.

Cost Assumptions

The proposed price for the sixth cycle update of the Oakley Housing Element is presented on the next page. To promote clarity, the following assumptions explain the basis of the proposed price. The price is estimated based on a good-faith, current understanding of the project's needs. If selected, Ascent is interested in discussing the City's needs and revising the scope of work and price, as warranted, to meet expectations.

1. **Price and Staff Allocation to Tasks.** The proposed price has been allocated to tasks. Work has been assigned to the identified staff or labor category. Ascent may reallocate budget or staff among tasks, as needed, as long as the total contract price is not exceeded.
2. **Schedule.** The price is based on the proposed schedule. If the schedule is protracted significantly (more than 60 days) for reasons beyond Ascent's control, a budget amendment may apply to the remaining work. Ascent will consult with the City about a course of action.
3. **Meetings and Conference Calls.** The number and duration of proposed meetings and conference calls are specified. If they are exceeded, a budget augmentation would be warranted.
4. **Billing Rates.** Costs were determined based on the proposed scope of work and Ascent's current billing rates. Any budget augmentations or contract amendments in subsequent years will be calculated using updated billing rates, unless precluded by contract terms.
5. **Meeting Attendance.** The budget assumes in-person attendance at six meetings. All other meeting attendance is assumed to be virtual.
6. **Consolidated Comments.** The City will provide Ascent with one consolidated set of reconciled, nonconflicting comments on preliminary drafts.
7. **Printing Costs.** The printing cost of documents is included in the price, based on assumptions regarding the number of copies. If the number of copies exceeds assumptions, a budget augmentation would be warranted.
8. **Changes to the Project.** If the description of the project is changed after it has been approved for use by the City, a budget amendment will be warranted to the extent completed work needs to be revised or redone.
9. **Response to Public Comments.** Because it is not possible to accurately forecast the volume or complexity of public comments that will be received during the CEQA public review process, it is necessary to assume the level of effort necessary to prepare responses. Therefore, Ascent assumes that 28 hours of staff time will be needed to prepare responses to public comments received. If public comments received are larger in volume or more complex than anticipated, Ascent will coordinate with the City regarding a budget amendment.
10. **Scope of Analysis**. The price is based on the proposed scope of analysis. If new technical issues, alternatives, field surveys, modeling, or analysis is identified after contract execution, a budget amendment would be warranted.
11. **Adequacy of Provided Materials**. Materials provided by others are assumed to be complete and adequate for use in the analysis. If supplemental or revised analysis, studies, data, or fieldwork is needed to render such materials adequate, a budget amendment would be warranted.

PRICE PROPOSAL
Oakley Sixth Cycle Housing Element

November 23, 2021

			PAYNE	GEN KUONG	UNTERMOSER	POPE	MERRY	ANGELL	LOWENTHAL	MILLER				SB 2 FUNDING ($110,000)	LEAP FUNDING ($50,000)	REAP FUNDING ($27,521)
			Project Director	Project Manager	Urban Planner	Urban Planner	GIS Analyst	PIC/ CEQA Task Leader	CEQA Project Manaaer	Transportation Specialist	Environmental Planner	Air Quality/ GHG Specialist	Admin/ Word Processing			
		hourly rate:	$225	$150	$140	$120	$140	$270	$140	$160	$130	$160	$125			
Task 1: PROJECT INITIATION & ADMINISTRATION	**Price**	**Hours**														
1.1 Project Kickoff Meeting	$ 1,515	9	1	6		1		1						$ 758	$ 758	
1.2 Project Coordination	$ 11,050	68	14	32				2	4				16	$ 5,525	$ 5,525	
Subtotal, Task 1	**$ 12,565**	**77**	**15**	**38**	**0**	**1**	**0**	**3**	**4**	**0**	**0**	**0**	**16**	**$ 6,283**	**$ 6,283**	
Task 2: HOUSING ELEMENT COMPONENTS	**Price**	**Hours**														
2.1 Evaluation of Current Housing Element	$ 1,875	14	1	3		10										$ 1,875
2.2 Housing Needs Assessment	$ 7,050	54	2	12		40										$ 7,050
2.3 Fair Housing Assessment	$ 13,000	96	8	16		64	8									$ 13,000
2.4 Sites Inventory Analysis	$ 13,880	84	24	8	44		8							$ 13,880		
2.5 Housing Constraints Analysis	$ 5,590	38	2	10	26											$ 5,590
2.6 Opportunities for Energy Conservation	$ 780	6		2		4									$ 780	
2.7 Housing Goals, Policies, and Implementation Program	$ 7,200	44	8	36											$ 7,200	
2.8 Administrative Draft Housing Element	$ 10,560	76	6	22		30	4						14		$ 10,560	
2.9 Public Review Draft Housing Element	$ 4,495	33	2	10		16							5		$ 4,495	
2.10 General Plan Consistency	$ 1,500	8	4	4											$ 1,500	
Subtotal, Task 2	**$ 65,930**	**453**	**57**	**123**	**70**	**164**	**20**	**0**	**0**	**0**	**0**	**0**	**19**	**$ 13,880**	**$ 24,535**	**$ 27,515**
Task 3: COMMUNITY ENGAGEMENT	**Price**	**Hours**														
3.1 Community Workshop and Online Survey	$ 11,640	80	8	40		32								$ 11,640		
3.2 Planning Commission and City Council Work Sessions	$ 7,680	44	16	24		4								$ 7,680		
Subtotal, Task 3	**$ 19,320**	**124**	**24**	**64**	**0**	**36**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**$ 19,320**	**$ -**	**$ -**
Task 4: ZONING AMENDMENTS	**Price**	**Hours**														
4.1 AHO Ordinance and Zoning Map Amendments	$ 17,140	102	32	14	48		8							$ 17,140		
Subtotal, Task 4	**$ 17,140**	**102**	**32**	**14**	**48**	**0**	**8**	**0**	**0**	**0**	**0**	**0**	**0**	**$ 17,140**	**$ -**	**$ -**
Task 5: ENVIRONMENTAL COMPLIANCE	**Price**	**Hours**														
5.1 Administrative Draft IS/MND	$ 28,025	185	1	2			4	6	24	20	48	72	8	$ 28,025		
5.2 VMT Analysis	$ 960	6								6				$ 960		
5.3 Public Draft IS/MND	$ 4,520	30		1				3	16	2			8	$ 4,520		
5.4 Response to Comments	$ 3,455	22		1				2	12	6			1	$ 3,455		
5.5 Mitigation Monitoring and Reporting Program	$ 560	4							4					$ 560		
5.6 Notice of Determination	$ 140	1							1					$ 140		
Subtotal, Task 5	**$ 37,660**	**248**	**1**	**4**	**0**	**0**	**4**	**11**	**57**	**34**	**48**	**72**	**17**	**$ 37,660**	**$ -**	**$ -**
Task 6: FINAL DOCUMENTS AND ADOPTION	**Price**	**Hours**														
6.1 HCD Submittal and Revisions	$ 14,210	94	12	54		24	2						2		$ 14,210	
6.2 Public Hearing Draft Housing Element	$ 3,240	22	4	4		8	2						4		$ 3,240	
6.3 Adoption Hearings	$ 4,650	26	10	16										$ 4,650		
6.4 Final Housing Element and Submittal to HCD	$ 1,730	12	2	2		4							4		$ 1,730	
Subtotal, Task 6	**$ 23,830**	**154**	**28**	**76**	**0**	**36**	**4**	**0**	**0**	**0**	**0**	**0**	**10**	**$ 4,650**	**$ 19,180**	**$ -**
LABOR SUBTOTAL	**$ 176,445**	**1158**	**157**	**319**	**118**	**237**	**36**	**14**	**61**	**34**	**48**	**72**	**62**			
			$ 35,325	**$ 47,850**	**$ 16,520**	**$ 28,440**	**$ 5,040**	**$ 3,780**	**$ 8,540**	**$ 5,440**	**$ 6,240**	**$ 11,520**	**$ 7,750**			

DIRECT EXPENSES	**$**	**11,067**
Printing	**$**	**2,837**
Travel/Mileage/Meals	**$**	**820**
Postage	**$**	**210**
Subconsultant - VMT Analysis (TJKM)	**$**	**7,200**
TOTAL PRICE	**$**	**187,512**

	SB 2	LEAP	REAP
Labor Subtotal	**$ 98,933**	**$ 49,998**	**$ 27,515**
Direct Expenses	$ 11,067	$ -	$ -
Total by Grant	**$ 110,000**	**$ 49,998**	**$ 27,515**

COMMENTS ON CITY'S STANDARD CONSULTANT SERVICES AGREEMENT

Ascent has reviewed the City of Oakley Standard Consultant Service Agreement and respectfully requests the opportunity to discuss the following revisions, shown in underline/strikeout:

6.1. **Indemnification and Contractor's Responsibilities.** Contractor shall, to the fullest extent permitted by law, indemnify, defend (with counsel acceptable to the City) and hold harmless City, and its employees, officials, volunteers and agents ("Indemnified Parties") from and against any and all losses, claims, damages, costs and liability (including but not limited to loss of use, loss of profits ~~or loss of goodwill~~ arising in any manner from the work) arising out of any personal injury, loss of life, damage to property, or any violation of any federal, state, or municipal law or ordinance, ~~arising out of the performance of this Agreement by~~ but only to the extent actually caused by the negligence or willful misconduct of Contractor, its officers, employees, agents, volunteers, subcontractors or sub-Contractors, excepting only liability arising from the ~~sole~~ negligence, active negligence or intentional misconduct of City.

A RESUMES

RESOLUTION NO. _____

ADOPT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING AN AGREEMENT FOR CONSULTING SERVICES WITH ASCENT ENVIRONMENTAL, INC. ("CONSULTANT") FOR THE "CITY OF OAKLEY 2023-2031 6TH CYCLE HOUSING ELEMENT UPDATE" IN AN AMOUNT NOT TO EXCEED $187,521, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the City of Oakley adopted its first General Plan in 2002 and Zoning Ordinance in 2005; and

WHEREAS, the City of Oakley first Housing Element was certified by the California Department of Housing and Community Development ("HCD") in 2006, and subsequently updates to the Housing Element were certified in 2009 and 2015; and

WHEREAS, the City of Oakley has requested the services of a qualified Housing Element consultant to assist in completing the State mandated Housing Element Update required by Government Code Section 65583; and

WHEREAS, the City of Oakley 2023-2031 6th Cycle Housing Element Update will guide the development of market rate and affordable housing within the City until 2031; and

WHEREAS, on June 6, 2021, the City Council approved a Request for Proposals and Qualifications ("RFP") on the City of Oakley 2023-2031 6th Cycle Housing Element Update, and on July 1, 2021, the City of Oakley solicited the RFP through direct mailing to seven known and qualified housing element consultants, as well as posting on the City's and American Planning Association's websites with a deadline of July 17, 2021 to receive proposals; and

WHEREAS, upon reaching the July 17, 2021 deadline, no proposals were received and attempts to reach out to individual consultants to garner interest were mostly met with consultants already being committed, and lacking resources to accommodate another housing element update, except for the City's previous Housing Element consultant who spent some additional time trying to work out a proposal, but eventually was unable to submit one for City consideration; and

WHEREAS, Staff started networking and eventually contacted Ascent Environmental, Inc. ("Ascent") who was able to draft a proposal that addressed all of Oakley's needs for this Housing Element Update, within the tight timeline for certification; and within a budget that is 100% grant funded.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the Agreement for Consulting Services with Ascent Environmental, Inc. for the "City of Oakley 2023-2031 6th Cycle Housing Element Update" in an Amount not to Exceed $187,521, is hereby

approved in the form attached hereto as Exhibit A, and the City Manager is authorized to execute the Agreement.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 14th day of December, 2021 by the following vote

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

_____
, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk Date

SHORT FORM
SERVICES AGREEMENT BETWEEN
THE CITY OF OAKLEY AND ASCENT ENVIRONMENTAL, INC.

THIS SERVICES AGREEMENT for qualified housing element update services is entered into by and between the City of Oakley, a municipal corporation in the State of California (hereinafter referred to as "City") and **Ascent Environmental, Inc.,** a California corporation (hereinafter referred to as "Contractor") effective as of _____, 2021 ("Effective Date").

Section I. SERVICES. Subject to the terms and conditions set forth in this Agreement, Contractor shall provide to City the services described in the Scope of Work attached hereto an incorporated herein as Exhibit A at the time and place and in the manner specified therein. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit A, the Agreement shall prevail.

1.1 Term of Services. The term of this Agreement shall begin on the date first noted above and shall continue until terminated by either party.

1.2 Standard of Performance. Contractor shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which Contractor is engaged in the general geographical area of the City. Contractor shall prepare all work products required by this Agreement in a substantial, first-class manner and shall conform to the standards of quality normally observed by a person practicing in Contractor's profession.

1.3 Assignment of Personnel. Contractor shall assign only competent personnel to perform services pursuant to this Agreement. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the reassignment of any such persons, Contractor shall, immediately upon receiving notice from City of such desire of City, reassign such person or persons.

1.4 Time. Contractor shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided in Section 1.1 above and to satisfy Contractor's obligations hereunder.

Section 2. COMPENSATION. City hereby agree to pay Contractor a sum not to exceed the amount described in Exhibit A, attached hereto and incorporated herein. City shall pay Contractor for services rendered pursuant to this Agreement at the time and in the manner set forth herein. These payments shall be the only payments

from City to Contractor for services rendered pursuant to this Agreement. Contractor shall submit invoices to City each month for services provided.

Contractor and City acknowledge and agree that compensation paid by City to Contractor under this Agreement is based upon Contractor's estimated costs of providing the services required hereunder, including salaries and benefits of employees and subcontractors of Contractor. Consequently, the parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which Contractor and its employees, agents, and subcontractors may be eligible. City therefore has no responsibility for such contributions beyond compensation required under this Agreement.

2.1 **Invoices.** Contractor shall submit invoices, not more often than once per quarter during the term of this Agreement. Invoices shall be on Contractor's Letterhead (or formal invoice form) and contain the following information:

- The beginning and ending dates of the billing period;
- A description of services for which payment is requested;
- Amount due;
- The Contractor's signature.

2.2 **Payment of Taxes.** Contractor is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes.

2.3 **Payment upon Termination.** In the event that the City or Contractor terminates this Agreement pursuant to Section 8, the City shall compensate the Contractor for all amounts due for work satisfactorily completed as of the date of written notice of termination.

2.4 **Authorization to Perform Services.** The Contractor is not authorized to perform any services or incur any costs whatsoever under the terms of this Agreement until receipt of authorization from the Contract Administrator.

Section 3. FACILITIES AND EQUIPMENT. Except as set forth herein, Contractor shall, at its sole cost and expense, provide all facilities and equipment that may be necessary to perform the services required by this Agreement.

Section 4. RECYCLING REQUIREMENTS. Contractor agrees to comply with all City recycling requirements, and as set forth in the Oakley Municipal Code, including, but not limited to:

a. Construction and Demolition. Contractor must contact a customer service representative (CSR) at Oakley Disposal Service, Inc. to

arrange for service for any and all construction and demolition work to be performed as part of this project unless Contractor has been approved by the City as a "self-hauler" as defined in Oakley Municipal Code §4.20.308. The CSR will ask if the drop box contains recycle material and will direct the Contractor to drop the construction and demolition debris, including dirt and cement, to a permitted processing facility. The Contractor must indicate on their order form, by checking the applicable box, that they need documentation to comply with the Oakley Municipal Code. This documentation must be provided to the City within ten (10) days of receipt of said documentation by Contractor.

b. Commercial Self-Haul. Business self-haul materials are accepted at various Oakley Disposal Service, Inc. local facilities for recycling and include, but are not limited to, wood, inerts, metals, tires, greenwaste, plastics, cardboard, mattresses, foam padding, propane tanks, e-waste and appliances. Contractor agrees to drop any and all business self-haul materials at a site designated on the website www.cccounty.us/depart/cd/recycle/.

c. Road Maintenance and Construction Projects. Contractor agrees to recycle greenwaste, asphalt, concrete and metal from any and all road maintenance and construction projects at Oakley Disposal Service, Inc. designated locations.

d. Office Recyclables. If Contractor has an office, temporary office, or trailer within the City of Oakley, Contractor agrees to recycle all paper, cardboard, bottles, cans, and toner cartridges at Oakley Disposal Service, Inc. designated locations.

e. Special Waste Materials. Contractor shall dispose of inert materials, including, but not limited to, concrete, asphalt and rubber, at Oakley Disposal Service, Inc. designated locations. Shingles and wood waste shall be diverted to the Recycling Center and Transfer Station (RCTS) located at 3700 Loveridge Road, Pittsburg, CA 94565. Scrap metal shall be dropped off at a large-scale scrap metal recycle facility operating within Contra Costa County which may be found at www.cccrecycle.org.

f. Universal Waste. Contractor shall dispose of batteries, mercury containing devices and lamps, and certain consumer electronics at a recycling center designated by Oakley Disposal Service, Inc.

Section 5. INSURANCE REQUIREMENTS. Before beginning any work under this Agreement, Contractor, at its own cost and expense, shall procure "occurrence coverage" insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by the Contractor and its agents, representatives, employees, and subcontractors.

Contractor shall provide proof satisfactory to City of such insurance that meets the requirements of this section and under forms of insurance satisfactory in all respects to the City. Contractor shall maintain the insurance policies required by this section throughout the term of this Agreement. The cost of such insurance shall be included in the Contractor's bid. Contractor shall not allow any subcontractor to commence work on any subcontract until Contractor has obtained all insurance required herein for the subcontractor(s) and provided evidence thereof to City. Verification of the required insurance shall be submitted and made part of this Agreement prior to execution. Verification of the required insurance is attached hereto and incorporated herein as Exhibit B.

5.1 **Variation.** The City may approve a variation in the foregoing insurance requirements, upon a determination that the coverages, scope, limits, and forms of such insurance are either not commercially available, or that the City's interests are otherwise fully protected.

5.2 **Notice of Reduction in Coverage.** In the event that any coverage required by this section is reduced, limited, or materially affected in any other manner, Contractor shall provide written notice to City at Contractor's earliest possible opportunity and in no case later than five calendar days after Contractor is notified of the change in coverage.

5.3 **Remedies.** In addition to any other remedies City may have if Contractor fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option exercise any of the following remedies, which are alternatives to other remedies City may have and are not the exclusive remedy for Contractor's breach:

- Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;
- Order Contractor to stop work under this Agreement or withhold any payment that becomes due to Contractor hereunder, or both stop work and withhold any payment, until Contractor demonstrates compliance with the requirements hereof; and/or
- Terminate this Agreement.

Section 6. INDEMNIFICATION AND CONTRACTOR'S RESPONSIBILITIES

6.1. Contractor shall, to the fullest extent permitted by law, indemnify, defend (with counsel acceptable to the City) and hold harmless City, and its employees, officials, volunteers and agents ("Indemnified

Parties") from and against any and all losses, claims, damages, costs and liability (including but not limited to loss of use, loss of profits or loss of goodwill arising in any manner from the work) arising out of any personal injury, loss of life, damage to property, or any violation of any federal, state, or municipal law or ordinance, arising out of the performance of this Agreement by Contractor, its officers, employees, agents, volunteers, subcontractors or sub-Contractors, excepting only liability arising from the sole negligence, active negligence or intentional misconduct of City.

6.2. In the event that Contractor or any employee, agent, sub-Contractor or subcontractor of Contractor providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of City, Contractor shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Contractor or its employees, agents, sub-Contractors or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

6.3. Acceptance by City of insurance certificates and endorsements required under this Agreement does not relieve Contractor from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shalt apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply.

6.4. By execution of this Agreement, Contractor acknowledges and agrees to the provisions of this Section and that it is a material element of consideration, and that these provisions survive the termination of this Agreement.

Section 7. STATUS OF CONTRACTOR.

7.1 **Independent Contractor.** At all times during the term of this Agreement, Contractor shall be an independent contractor and shall not be an employee of City. City shall have the right to control Contractor only insofar as the results of Contractor's services rendered pursuant to this Agreement and assignment of personnel pursuant to Subparagraph 1.3; however, otherwise City shall not have the right to control the means by which Contractor accomplishes services rendered pursuant to this Agreement, Notwithstanding any other City, state, or federal policy, rule, regulation, law, or ordinance to the contrary, Contractor and any of its employees, agents, and

subcontractors providing services under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any and all claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in the California Public Employees Retirement System (PERS) as an employee of City and entitlement to any contribution to be paid by City for employer contributions and/or employee contributions for PERS benefits.

7.2 **Contractor, Not Agent.** Except as City may specify in writing, Contractor shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Contractor shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

Section 8. LEGAL REQUIREMENTS.

8.1 **Governing Law.** The laws of the State of California shall govern this Agreement.

8.2 **Compliance with Applicable Laws.** Contractor and any subcontractors shall comply with all laws applicable to the performance of the work hereunder.

8.3 **Other Governmental Regulations.** To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, Contractor and any subcontractors shall comply with all applicable rules and regulations to which City is bound by the terms of such fiscal assistance program.

8.4 **Licenses and Permits.** Contractor represents and warrants to City that Contractor and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature legally required to practice their respective professions. Contractor represents and warrants to City that Contractor and its employees, agents, any subcontractors shall, at their sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals that are legally required to practice their respective professions. In addition to the foregoing, Contractor and any subcontractors shall obtain and maintain during the term of this Agreement valid business licenses from City.

8.5 **Nondiscrimination and Equal Opportunity.** Contractor shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subcontractor, bidder for a

subcontract, or participant in, recipient of, or applicant for any services or programs provided by Contractor under this Agreement. Contractor shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement, including but not limited to the satisfaction of any positive obligations required of Contractor thereby.

Contractor shall include the provisions of this Subsection in any subcontract approved by the Contract Administrator or this Agreement.

Section 9. TERMINATION AND MODIFICATION.

9.1 **Termination.** City may cancel this Agreement at any time and without cause upon written notification to Contractor.

Contractor may cancel this Agreement upon 30 days written notice to City and shall include in such notice the reasons for cancellation.

In the event of termination, Contractor shall be entitled to compensation for services performed to the effective date of termination.

9.2 **Amendments.** The parties may amend this Agreement only by a writing signed by all the parties.

9.3 **Assignment and Subcontracting.** City and Contractor recognize and agree that this Agreement contemplates personal performance by Contractor and is based upon a determination of Contractor's unique personal competence, experience, and specialized personal knowledge. Moreover, a substantial inducement to City for entering into this Agreement was and is the professional reputation and competence of Contractor. Contractor may not assign this Agreement or any interest therein without the prior written approval of the Contract Administrator. Contractor shall not subcontract any portion of the performance contemplated and provided for herein, other than to the subcontractors noted in the proposal, without prior written approval of the Contract Administrator.

9.4 **Survival.** All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between City and Contractor shall survive the termination of this Agreement.

9.5 Breach by Contractor. If Contractor materially breaches any of the terms of this Agreement, City may immediately terminate the Agreement.

Section 10. KEEPING AND STATUS OF RECORDS.

10.1 Records Created as Part of Contractor's Performance. All reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that Contractor prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder shall be the property of the City. Contractor hereby agrees to deliver those documents to the City upon termination of the Agreement. It is understood and agreed that the documents and other materials, including but not limited to those described above, prepared pursuant to this Agreement are prepared specifically for the City and are not necessarily suitable for any future or other use. City and Contractor agree that, until final approval by City, all data, plans, specifications, reports and other documents are confidential and will not be released to third parties without prior written consent of both parties.

10.2 Contractor's Books and Records. Contractor shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the City under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to the Contractor to this Agreement,

10.3 Inspection and Audit of Records. Any records or documents that Section 9.2 of this Agreement requires Contractor to maintain shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of the City. Under California Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds TEN THOUSAND DOLLARS ($10,000.00), the Agreement shall be subject to the examination and audit of the State Auditor, at the request of City or as part of any audit of City, for a period of three (3) years after final payment under the Agreement.

Section 11 MISCELLANEOUS PROVISIONS.

11.1 Venue. In the event that either party brings any action against the other under this Agreement, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the

County of Contra Costa or in the United States District Court for the Northern District of California.

11.2 **Severability.** If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

11.3 **No Implied Waiver of Breach.** The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.

11.4 **Successors and Assigns.** The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the parties.

11.5 **Use of Recycled Products.** Contractor shall prepare and submit all reports, written studies and other printed material on recycled paper to the extent it is available at equal or less cost than virgin paper.

11.6 **Conflict of Interest.** Contractor may serve other clients, but none whose activities within the corporate limits of City or whose business, regardless of location, would place Contractor in a "conflict of interest," as that term is defined in the Political Reform Act, codified at California Government Code Section 81000 et seq.

Contractor shall not employ any official of City in the work performed pursuant to this Agreement. No officer or employee of City shall have any financial interest in this Agreement that would violate California Government Code Sections 1090 et seq.

Contractor hereby warrants that it is not now, nor has it been in the previous twelve (12) months, an employee, agent, appointee, or official of the City. If Contractor was an employee, agent, appointee, or official of City in the previous twelve months, Contractor warrants that it did not participate in any manner in the forming of this Agreement. Contractor understands that, if this Agreement is made in violation of Government Code §1090 et. Seq., the entire Agreement is void and Contractor will not be entitled to any compensation for services performed pursuant to this Agreement, including reimbursement of expenses, and Contractor will be required to reimburse the City for any sums paid to the Contractor. Contractor understands that, in addition to the foregoing, it may be subject to criminal prosecution for a violation of Government Code § 1090 and,

if applicable, will be disqualified from holding public office in the State of California.

11.7 Inconsistent Terms. If the terms or provisions of this Agreement conflict with or are inconsistent with any term or provision of any attachment or Exhibit attached hereto, then the terms and provisions of this Agreement shall prevail.

11.8 Solicitation. Contractor agrees not to solicit business at any meeting, focus group, or interview related to this Agreement, either orally or through any written materials.

11.9 Contract Administration. This Agreement shall be administered by Ken Strelo, Principal Planner ("Contract Administrator"). All correspondence shall be directed to or through the Contract Administrator or his or her designee.

11.10 Notices.

Any written notice to Contractor shall be sent to:

Ascent Environmental, Inc.
Attn: Chelsey Payne, AICP, Project Manager
455 Capitol Mall, Suite 300
Sacramento, CA 95814
Chelsey.Payne@ascentenvironmental.com

Any written notice to City shall be sent to:

City of Oakley
Attn: Ken Strelo, Principal Planner
3231 Main St.
Oakley, CA 94561
strelo@ci.oakley.ca.us

11.11 Integration. This Agreement, including the attached exhibits, represents the entire and integrated agreement between City and Contractor and supersedes all prior negotiations, representations, and agreements, either written or oral.

11.12 Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

11.13 Authorized Signature. Each person and party signing this Agreement warrants that he/she has the authority to execute this

Agreement on behalf of the principal and that the party will be bound by such signature.

The parties have executed this Agreement as of the Effective Date.

CITY:	**CONTRACTOR:**
City of Oakley, a municipal corporation in the State of California	Ascent Environmental, Inc., a California corporation
_____	Sign: _____
Joshua McMurray, City Manager	Name: Pat Angell Title: Principal
Attest:	
_____	
Libby Vreonis, City Clerk	
Approved as to Form	
_____	
Derek Cole, City Attorney	

EXHIBIT A

Scope of Work/Compensation Schedule

Exhibit B

Insurance Requirements

Specific Insurance Requirements and Required Policy Limits

PROFESSIONAL SERVICES CONTRACTS:

Including, but not limited to architects, engineers, consultants, counselors, attorneys and accountants.

Consultant shall procure and maintain for the duration of its contract insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, employees or subcontractors.

Minimum scope of coverage
Coverage shall be at least as broad as:

1. **Commercial General Liability (CGL):** Insurance Services Office Form CG 00 01) covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than **$1,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. **Automobile Liability:** Insurance Services Office Form number CA 0001 Code 1 (any auto), or if Consultant has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than **$1,000,000** per accident for bodily injury and property damage.
3. **Workers' Compensation** insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than **$1,000,000** per accident for bodily injury or disease.

(Not required if Consultant provides written verification it has no employees)

4. **Professional Liability** (Errors and Omissions) Insurance appropriate to the Consultant's profession, with limit no less than **$1,000,000** per occurrence or claim, **$2,000,000** aggregate. Architects and Engineers coverage shall be endorsed to include contractual liability.

If the Consultant maintains higher limits than the minimums shown above, the Entity requires and shall be entitled to coverage for the higher limits maintained by the Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the Entity.

Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions:

Additional Insured Status
The City, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Consultant including materials, parts or equipment furnished in connection with such work or operations. General liability coverage should be provided in the form of an endorsement to the Consultant's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10 and CG 20 37 forms if later revisions used).

Primary Coverage
For any claims related to this contract, the **Consultant's insurance coverage shall be primary** insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

Notice of Cancellation
Each insurance policy required above shall state that **coverage shall not be canceled, except with notice to the City.**

Waiver of Subrogation
Consultant hereby grants to City a waiver of any right to subrogation which Consultant or any insurer of said Consultant may acquire against the City by virtue of the payment of any loss under such insurance. Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

Deductibles and Self-Insured Retentions
Any deductibles or self-insured retentions must be declared to and approved by the City. The City may require the Consultant to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

Acceptability of Insurers
Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

Claims Made Policies
If any of the required policies provide coverage on a claims-made basis:

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided ***for at least five (5) years after completion of the contract of work.***
3. If coverage is canceled or non-renewed, and not ***replaced with another claims-made policy form with a Retroactive Date*** prior to the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of ***five (5)*** years after completion of contract work.

Verification of Coverage
Consultant shall furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Subcontractors
Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors.

Special Risks or Circumstances
City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: December 14, 2021

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

FROM: Kevin Rohani, P.E., Public Works Director/City Engineer

SUBJECT: Annexation No. 29 The Ranchettes at Neroly (Subdivision 9284) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services)

Background and Analysis

On September 11, 2018, the City Council adopted a resolution approving the Ranchettes at Neroly project's General Plan Amendment (GPA 01-18) to amend the land use designation from Single-Family Very Low, Residential (SV) to Single-Family Low, Residential (SL). The Ranchettes at Neroly project, located on the southeast corner of Oakley Road and Neroly Road, is currently comprised of APNs 041-080-001 and 041-080-002 and will consist of thirteen Single-Family lots at build-out.

The Conditions of Approval for the Ranchettes at Neroly project (Subdivision 9284) require the property owner(s) to augment their development project's financial impact on the City's park, streetlighting, landscape and stormwater service budgets. On January 12, 2016, the Oakley City Council formed City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) ("CFD No. 2015-2"). CFD No. 2015-2 authorizes the annual levy of a special tax on parcels located within CFD No. 2015-2 to augment their financial impact to the City's park, streetlighting, landscape and stormwater service budgets. The property owner for The Ranchettes at Neroly (Subdivision 9284) has requested that the City assist them with the annexing of their development into CFD No. 2015-2 to satisfy their conditions of approval.

Prior to tonight's City Council meeting, the property owner for The Ranchettes at Neroly (Subdivision 9284) executed the attached Unanimous Approval Form. This form constitutes unanimous approval and a unanimous vote by the property owner in favor of annexing their property to CFD No. 2015-2 including the subsequent annual levy of special taxes to augment their development project's financial impact on the City's park, streetlighting, landscape and stormwater service budgets.

Fiscal Impact

There will be no financial impact to the City's General Fund. The applicants have funded all costs associated with the annexation of their development project to CFD No. 2015-2. The FY 2021-22 special tax rates per single family parcel are as follows:

FY 2021-22 Maximum Special Tax Rates per Single-Family Parcel	
Special Tax Component	**Maximum Annual Special Tax Rates**
Regional Park Maintenance Tax	$149.81
Community Parks Maintenance Tax	$330.83
Street Lighting Maintenance Tax	$65.32
Neighborhood Parks & Landscape Maintenance Tax	$0.00
Stormwater/Water Quality Maintenance Tax	$50.00
Total	**$595.96**

Therefore, successful annexation into CFD 2015-2 could provide up to $7,747 (in FY 2021-22 dollars) in revenue annually when all the parcels within The Ranchettes at Neroly (Subdivision 9284) are developed. The taxes will be collected on the property tax rolls commencing in FY 2021-22.

Recommendation

The conditions of approval for The Ranchettes at Neroly (Subdivision 9284) require the property owner to augment their development project's financial impact on the City's park, streetlighting, landscape and stormwater service budgets. Staff recommends that the City Council:

1. Adopt a Resolution Approving the Annexation (Annexation No. 29) of Property Located in the Future Annexation Area of the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services)

Staff Recommendation

Staff recommends that the City Council adopt the Resolution Approving the Annexation (Annexation No. 29) of Property Located in the Future Annexation Area of the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services).

Attachments

1. Unanimous Approval of Annexation to a Community Facilities District and Related Matters - City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services);
    1) Exhibit A: Description of Services;
    2) Exhibit B: Cost Estimate; and

3) Exhibit C: Supplement to the Rate and Method of Apportionment of Special Tax – Tax Zone No. 28;

2. Resolution Approving the Annexation (Annexation No. 29) of Property Located in the Future Annexation Area of the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services);
3. Map – Annexation No. 29 to City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services); and
4. Amendment No. 29 to Notice of Special Tax Lien - City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services).

UNANIMOUS APPROVAL
of Annexation to a Community Facilities District
and Related Matters

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Street Light, Landscape and Stormwater Services)

Annexation No. 29 – Tax Zone No. 28
(Subdivision 9284 – The Ranchettes at Neroly)

December 14, 2021

To the Honorable City Council,
City of Oakley
3231 Main Street
Oakley, CA 94561

Members of the City Council:

This constitutes the Unanimous Approval (the "Unanimous Approval") of the record owner(s) (the "Property Owner") of the fee title to the real property identified below (the "Property") contemplated by Section 53339.3 et seq. of the Mello-Roos Community Facilities Act of 1982, as amended (the "Act") to annexation of the Property to the "City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services)" (the "CFD"), and it states as follows:

1. Property Owner. This Unanimous Approval is submitted by the Property Owner as the record owner(s) of fee title to the Property. The Property Owner has supplied to the City current evidence of its ownership of fee title to the Property.

2. Approval of Annexation. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the annexation of the Property to the CFD. The CFD was formed to finance the municipal services (the "Services") described in Exhibit A hereto and made a part hereof.

3. Approval of Special Tax and the Services. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the levy of special taxes (the "Special Taxes") on the Property to finance the Services. The Special Taxes will be levied according to the "Supplement to the Rate and Method of Apportionment of Special Tax – Tax Zone No. 28" attached hereto as Exhibit C and

made a part hereof (the "Rate and Method"). The cost estimate for the Services is attached hereto as Exhibit B.

4. Waivers and Vote. The Property Owner hereby confirms that this Unanimous Approval constitutes its approval and unanimous vote as described herein and as contemplated by Section 53339.3 et seq. of the Act and Article XIIIA of the California Constitution. The Property Owner hereby waives all other rights with respect to the annexation of the Property, the levy of the Special Taxes on the Property and the other matters covered in this Unanimous Approval.

5. Recordation of Amendment to Notice of Special Tax Lien. The Notice of Special Tax Lien for the CFD was recorded in the Office of the County Recorder of the County of Contra Costa, State of California on January 19, 2016, as Document No. 20160009045. The Property Owner hereby authorizes and directs the City Clerk to execute and cause to be recorded in the office of the County Recorder of the County of Contra Costa an amendment to the Notice of Special Tax Lien for the CFD as required by Section 3117.5 of the California Streets and Highways Code. The amendment to the Notice of Special Tax Lien shall include the Rate and Method as an exhibit thereto.

6. Authority Warranted. The Property Owner warrants to the City that the presentation of this Unanimous Approval, any votes, consents or waivers contained herein, and other actions mandated by the City for the annexation of the Property to the CFD shall not constitute or be construed as events of default or delinquencies under any existing or proposed financing documents entered into or to be entered into by the Property Owner for the Property, including any “due-on-encumbrance” clauses under any existing security instruments secured by the Property.

7. Due Diligence and Disclosures. The Property Owner agrees to cooperate with the City and its attorneys and consultants and to provide all information and disclosures required by the City about the Special Taxes to purchasers of the Property or any part of it.

8. Agreements. The Property Owner further agrees to execute such additional or supplemental agreements as may be required by the City to provide for any of the actions and conditions described in this Unanimous Approval, including any cash deposit required to pay for the City’s costs in annexing the Property to the CFD.

9. The Property. The Property is identified as follows:

Assessor’s Parcel Nos.: 041-080-001 and 041-080-002

Acres: 7.14 acres

By executing this Unanimous Approval, the Property Owner agrees to all of the above.

Annexation No. 29 - Tax Zone No. 28

Property Owner

By: _____

Name: _____

Title: _____

Notice Address: _____

_____

_____

EXHIBIT A

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Street Light, Landscape and Stormwater Services)

DESCRIPTION OF SERVICES

The captioned Community Facilities District will finance, in whole or in part, the following services ("services" shall have the meaning given that term in the Mello-Roos Community Facilities Act of 1982), including all related administrative costs, expenses and related reserves for replacement of vehicles, equipment and facilities:

Regional Parks

Maintenance, including servicing, repair, replacement and removal of regional parks (includes park amenities such as buildings, sports fields, sports courts, playground equipment, play courts, play structures, picnic tables, lighting, drinking fountains, barbeques, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

Community Parks

Maintenance, including servicing, repair, replacement and removal of community parks (includes park amenities such as buildings, sports fields, sports courts, playground equipment, play courts, play structures, picnic tables, lighting, drinking fountains, barbeques, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

Street Lighting

Maintenance, including servicing, repair, replacement and removal of street lights (includes poles, fixtures, bulbs, conduits, equipment, including guys, anchors, posts, pedestals and metering devices, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric and other utility costs.

Neighborhood Parks & Landscaping

Maintenance, including servicing, repair, replacement and removal of neighborhood parks (includes park amenities such as playground equipment, play courts, play structures, picnic tables, lighting, drinking fountains, barbeques, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

Maintenance, including servicing, repair, replacement and removal of parkways, landscape setbacks, landscaped roadway medians, open space, environmental preserves (including performance and management of environmental mitigation monitoring and annual reporting), publicly-owned masonry walls, fences, monuments and features, trails, bike paths, etc., both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

Stormwater

Maintenance, including servicing, repair, replacement and removal of bio-retention facilities and drainage facilities (includes field inspections, record keeping, cost of permits and regulatory fees, environmental mitigation monitoring, annual reporting, vegetation management, removal of silt, sediment, trash and debris from the drainage areas, bio-retention basins and City catch basins, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

In addition, the following costs will also be financed by the special taxes levied within the CFD and be allocated to each improvement described above based upon their pro-rata share of needed administrative costs, operating reserves and capital reserves, and actual or estimated delinquencies.

1. Administrative Expenses including the costs incurred to determine, levy and collect the special taxes, including compensation of City employees for administrative work performed in relation to the CFD, the fees of consultants and legal counsel, the costs of collecting installments of the special taxes upon the general tax rolls, preparation of required reports, and any other costs incurred in the administration of the CFD by the City;

2. Any amounts needed for operating reserves and capital reserves; and

3. Any amounts needed to cure actual or estimated delinquencies in special taxes for the current or previous fiscal years.

EXHIBIT B

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Street Light, Landscape and Stormwater Services)

Cost Estimate
(FY 2021-22 Dollars)

Special Tax Component	FY 2021-22 Special Tax Requirement
Regional Park Maintenance Tax	$1,947.53
Community Parks Maintenance Tax	$4,300.79
Street Lighting Maintenance Tax	$849.16
Neighborhood Parks & Landscape Maintenance Tax	$0.00
Stormwater/Water Quality Maintenance Tax	$650.00
Total	**$7,747.48**

EXHIBIT C

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Street Light, Landscape and Stormwater Services)

SUPPLEMENT TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX – TAX ZONE NO. 28

Special Taxes in the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) (the "CFD" or "CFD No. 2015-2") shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All the property in CFD No. 2015-2, unless exempted by law or by the provisions of Section E herein, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2015-2, unless a separate Rate and Method of Apportionment of Special Tax is adopted for such annexation area.

Property annexed to City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) pursuant to Annexation No. 29 will be annexed to Tax Zone No. 28 per the Supplement to the Rate and Method of Apportionment of Special Tax shown below.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Accessory Unit" means a second residential unit of reduced size (e.g., granny cottage, etc.) that shares a Parcel with a Residential Unit.

"Acre" or **"Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other recorded County parcel map.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2015-2: the costs of computing the Special Tax and preparing the annual Special Tax collection schedules (whether by the City or any designee thereof or both); the costs of collecting the Special Taxes; the costs to the City, CFD No. 2015-2, or any designee thereof of complying with

disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries, protests, or appeals regarding the Special Taxes; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2015-2 for any other administrative purposes of CFD No. 2015-2, including attorney's fees, costs associated with annexations to CFD No. 2015-2, and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Administrator" means an official of the City, or any designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Tax.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" or **"APN"** means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Services" means the public services authorized to be funded by CFD No. 2015-2 as set forth in the documents adopted by the Council when CFD No. 2015-2 was formed.

"Building Permit" means a building permit issued by the City and having a building structure improvement valuation over $50,000. Building Permits for the construction of ancillary structures such as fences, swimming pools, retaining walls, etc. are excluded.

"**CFD" or "CFD No. 2015-2"** means the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services).

"City" means the City of Oakley.

"City Landscape Maintenance Standards" means the then applicable landscape maintenance standards or then applicable level of service for then applicable landscape maintenance contracts executed by the City that are in effect and relate to similar landscaping improvements.

"City Manager" means the City Manager of the City of Oakley.

"Commercial Unit" means an individual building structure for commercial uses as defined per the County Assessor (e.g., grocery stores, shopping centers, motel, hotel, service stations, and offices).

"Condominium Parcel" means a Parcel designated by the County Assessor as having a condominium, townhome, cluster home and co-op land use.

"Council" means the City Council of the City of Oakley, acting as the legislative body for CFD No. 2015-2.

"County" means the County of Contra Costa.

"County Assessor" means the Contra Costa County Assessor.

"County Land Use Code" means the land use code assigned to an Assessor's Parcel as indicated in the records of the County Assessor.

"Developed Property" means, in any Fiscal Year, all Parcels of Taxable Property for which a Building Permit was issued by the City for construction of a residential structure or a non-residential structure on or prior to June 30 of the preceding Fiscal Year. In the absence of a Building Permit, any Parcel of Taxable Property shall be classified as "Developed Property" if it has been occupied by a user as determined by the Administrator on or prior to June 30 of the preceding Fiscal Year.

"Final Map" or "Parcel Map" means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, *et seq.*) that creates individual lots on which a Building Permit can be issued for construction of Residential Units without further subdivision of the lots.

"Fiscal Year" means the period starting on July 1 and ending on the following June 30.

"Industrial" means an individual building structure for industrial uses as defined per the County Assessor (e.g., research and development, mini-warehouse, etc.).

"Institutional" means an individual building structure for institutional uses as defined per the County Assessor (e.g., churches, hospitals, assisted living, schools, etc.).

"Land Use Classification" means the current or intended use of a Taxable Parcel as determined by the Taxable Parcel's County Land Use Code.

"Maximum Special Tax" means, for each Special Tax Component, the maximum Special Tax, determined in accordance with Section C herein, which can be levied in any Fiscal Year.

"Mixed Use Parcel" means a Parcel designated by the County Assessor as having a multiple land uses such as residential land uses and commercial land uses, or multi-family land uses and commercial land uses.

"Multi-Family Parcel" means a Parcel designated by the County Assessor as having a multi-family residential land uses which includes duplexes, triplexes, fourplexes and apartments.

"Non-Residential Parcel" means for each Fiscal Year, all Assessor Parcels designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

"Non-Residential Parcel – In Compliance" this definition only applies for the purpose of calculating the annual neighborhood parks and landscaping maintenance tax component and means for each Fiscal Year, an Assessor Parcel designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional for which the Property Owner of the Commercial, Industrial, or Institutional Parcel has notified the City in writing by the preceding February 1st that it will maintain its parcel's frontage landscaping during the immediate following fiscal year and the City Manager or his/her designee has determined that the Property Owner has maintained its Parcel's frontage landscaping in previous Fiscal Years to City Landscape Maintenance Standards. In addition, in order for any Commercial, Industrial, or Institutional Parcel within a Tax Zone of CFD No. 2015-2 to be defined as a Non-Residential Parcel – In Compliance, all Non-Residential Parcels within the Tax Zone must also be defined as Non-Residential Parcel – In Compliance.

"Non-Residential Parcel – Out of Compliance" this definition only applies for the purpose of calculating the annual neighborhood parks and landscaping maintenance tax component and means for each Fiscal Year, an Assessor Parcel designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional for which the Property Owner of the Non-Residential Parcel has not notified the City in writing by the preceding February 1st that it will maintain its parcel's frontage landscaping during the immediate following fiscal year or the City Manager or his/her designee has determined that the Property Owner has not maintained its Parcel's frontage landscaping in previous Fiscal Years to City Landscape Maintenance Standards. In addition, if any Non-Residential Parcel within a Tax Zone of CFD No. 2015-2 is defined as a Non-Residential Parcel – Out of Compliance, then all Non-Residential Parcels within the Tax Zone must also be defined as Non-Residential Parcel – Out of Compliance.

"Property Owner" means the Property Owner of record per current County Assessor records unless more current information is available such as recorded deed of sale, etc.

"Proportionately" means, for Developed Property, that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Developed Property. For Undeveloped Property, "Proportionately" means that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Undeveloped Property.

"Public Property" means, for each Fiscal Year: (i) any property within the boundaries of CFD No. 2015-2 that is owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2015-2 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

"Residential Unit" means an individual building structure for residential or multi-family residential uses as defined per the County Assessor. An Accessory Unit that shares a Parcel with a Residential Unit shall not be considered a separate Residential Unit for purposes of this RMA.

"RMA" means this Rate and Method of Apportionment of Special Tax.

"Single-Family Parcel" means a Parcel designated by the County Assessor as having a single-family residential land use. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

"Special Tax" means any tax levied within CFD No. 2015-2 to pay the Special Tax Requirement, and includes each Special Tax Component.

"Special Tax Component" means one of the following components of the Special Tax: Community Park Maintenance Tax, Street Lighting Maintenance Tax, Neighborhood Parks and Landscape Maintenance Tax, or Stormwater Maintenance Tax.

"Special Tax Requirement" means, for each Special Tax Component, the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized Services related to the Special Tax Component; (ii) Administrative Expenses attributable to the Special Tax Component; and (iii) amounts needed to cover any delinquencies in the payment of the Special Tax Component which occurred in the previous Fiscal Year or, based on delinquency rates in prior years, may be expected to occur in the Fiscal Year in which the Special Tax will be collected.

"Taxable Property" or "Taxable Parcels" means all Assessors' Parcels within the boundaries of CFD No. 2015-2 that are not exempt from the Special Tax pursuant to law or Section E herein.

"Tax Zone" means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this RMA. All the property within CFD No. 2015-2 at the time of CFD Formation is within Tax Zone 1. Additional Tax Zones may be created when property is annexed to CFD No. 2015-2, and a separate Maximum Special Tax shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to CFD No. 2015-2 shall be identified by Assessor's Parcel Number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

"Unanimous Approval Form" means that form executed by the record owner of fee title to a Parcel or Parcels annexed into CFD No. 2015-2 that constitutes the property owner's approval and unanimous vote in favor of annexing into CFD No. 2015-2, the levy of the Special Tax against his/her Parcel or Parcels pursuant to this RMA.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property in CFD No. 2015-2 that are not classified as Developed Property.

B. DATA FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property within CFD No. 2015-2. The Administrator shall also determine: (i) whether each Assessor's Parcel of Taxable Property is Developed Property or Undeveloped Property, and (ii) the Special Tax Requirement for each Special Tax Component for the then-current Fiscal Year. Each Special Tax Component shall be levied only to pay for the related Special Tax Requirement.

In any Fiscal Year, if it is determined that (i) a Final Map or Parcel Map for a portion of property in CFD No. 2015-2 was recorded after the last date upon which the County Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or Parcel Map was recorded, the County Assessor does not yet recognize the new Parcels that will be created by the Final Map or Parcel Map, and (iii) one or more of the newly-created Parcels would meet the definition of Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or Parcel Map by determining the Special Tax that applies separately to each new Parcel that will be created by that Final Map or Parcel Map, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or Parcel Map.

C. MAXIMUM SPECIAL TAXES

1. Developed Property - The Fiscal Year 2021-22 Maximum Special Tax for each Special Tax Component for all Parcels of Developed Property shall be as shown in Table 1 below:

Table 1: Developed Property

Special Tax Component	Land Use Classification	FY 2021-22 Maximum Tax	
Regional Park Maintenance Tax	Single-Family Parcel	$149.81	per Parcel
Regional Park Maintenance Tax	Condominium Parcel	$112.36	per Parcel
Regional Park Maintenance Tax	Multi-Family Parcel	$74.90	per Unit
Regional Park Maintenance Tax	Non-Residential Parcel	$449.43	per Acre
Community Parks Maintenance Tax	Single-Family Parcel	$330.83	per Parcel
Community Parks Maintenance Tax	Condominium Parcel	$248.12	per Parcel
Community Parks Maintenance Tax	Multi-Family Parcel	$165.42	per Unit
Community Parks Maintenance Tax	Non-Residential Parcel	$992.48	per Acre
Street Lighting Maintenance Tax	Single-Family Parcel	$65.32	per Parcel
Street Lighting Maintenance Tax	Condominium Parcel	$48.99	per Parcel
Street Lighting Maintenance Tax	Multi-Family Parcel	$32.66	per Unit
Street Lighting Maintenance Tax	Non-Residential Parcel	$195.95	per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Single-Family Parcel	$0.00	per Parcel
Neighborhood Parks & Landscaping Maintenance Tax	Condominium Parcel	$0.00	per Parcel
Neighborhood Parks & Landscaping Maintenance Tax	Multi-Family Parcel	$0.00	per Unit
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel - In Compliance	$0.00	per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel - Out of Compliance	$0.00	per Acre
Stormwater/Water Quality Maintenance Tax	Single-Family Parcel	$50.00	per Parcel
Stormwater/Water Quality Maintenance Tax	Condominium Parcel	$37.50	per Parcel
Stormwater/Water Quality Maintenance Tax	Multi-Family Parcel	$25.00	per Unit
Stormwater/Water Quality Maintenance Tax	Non-Residential Parcel	$102.97	per Acre

Mixed Use Parcels will have their Maximum Tax calculated each Fiscal Year based upon their combined uses on the Parcel. For example, if a one-acre parcel has commercial on the ground floor and 50 condominiums on the second floor the property owner will be charged the Non-Residential Parcel rate for one acre and the Condominium Parcel Rate for the 50 condominiums.

2. Undeveloped Property - The Fiscal Year 2021-22 Maximum Special Tax for each Special Tax Component for all Parcels of Undeveloped Property shall be as shown in Table 2 below:

Table 2: Undeveloped Property

Special Tax Component	Land Use Classification	FY 2021-22 Maximum Tax	
Regional Park Maintenance Tax	Single-Family Parcel	$449.43	per Acre
Regional Park Maintenance Tax	Condominium Parcel	$337.07	per Acre
Regional Park Maintenance Tax	Multi-Family Parcel	$224.71	per Acre
Regional Park Maintenance Tax	Non-Residential Parcel	$224.71	per Acre
Community Parks Maintenance Tax	Single-Family Parcel	$992.48	per Acre
Community Parks Maintenance Tax	Condominium Parcel	$744.36	per Acre
Community Parks Maintenance Tax	Multi-Family Parcel	$496.25	per Acre
Community Parks Maintenance Tax	Non-Residential Parcel	$496.25	per Acre
Street Lighting Maintenance Tax	Single-Family Parcel	$195.95	per Acre
Street Lighting Maintenance Tax	Condominium Parcel	$146.96	per Acre
Street Lighting Maintenance Tax	Multi-Family Parcel	$97.98	per Acre
Street Lighting Maintenance Tax	Non-Residential Parcel	$97.98	per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Single-Family Parcel	$0.00	per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Condominium Parcel	$0.00	per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Multi-Family Parcel	$0.00	per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel - In Compliance	$0.00	per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel - Out of Compliance	$0.00	per Acre
Stormwater/Water Quality Maintenance Tax	Single-Family Parcel	$102.97	per Acre
Stormwater/Water Quality Maintenance Tax	Condominium Parcel	$102.97	per Acre
Stormwater/Water Quality Maintenance Tax	Multi-Family Parcel	$102.97	per Acre
Stormwater/Water Quality Maintenance Tax	Non-Residential Parcel	$102.97	per Acre

3. Escalation of Maximum Special Tax

On July 1, 2022, and each July 1 thereafter, the Maximum Special Tax for each Special Tax Component for the current Fiscal Year for Developed Property and Undeveloped Property shall be increased from the Maximum Special Tax for the respective Special Tax Component for the previous Fiscal Year by Consumer Price Index – All Urban Consumers (San Francisco-Oakland-San Jose, CA) (from February) with a minimum annual increase of three (3.00%) percent and a maximum annual increase of five (5.00%) percent for any given year.

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES

Each Fiscal Year, the Administrator shall determine the Special Tax Requirement for each Special Tax Component for that Fiscal Year and levy each Special Tax Component on all Parcels of Taxable Property as follows:

Step 1: Each Special Tax Component shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Special Tax for each Parcel of Developed Property for such Fiscal Year until the amount levied is equal to the Special Tax Requirement for such Special Tax Component;

Step 2: If additional revenue is needed after Step 1, each Special Tax Component shall be levied Proportionately on each Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for each Parcel of Undeveloped Property for such Fiscal Year until the amount levied, when combined with the amount of the Special Tax Component levied pursuant to Step 1, is equal to the Special Tax Requirement for such Special Tax Component.

The Special Tax for CFD No. 2015-2 shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of CFD No. 2015-2, and the Special Tax shall be subject to foreclosure if delinquent regardless of the manner in which it was collected.

E. EXEMPTIONS

No Special Tax shall be levied on Parcels of Public Property or any privately-owned Parcels that are non-developable, such as common areas, wetlands, and open space, parks, etc. except as otherwise provided in this RMA and in the Act.

F. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City through a resolution of the Council for purposes of clarifying any vagueness or ambiguity in this RMA.

G. TERM OF THE SPECIAL TAX

The Special Tax shall be levied in perpetuity as necessary to pay the Special Tax Requirement.

H. REPEAL OF THE SPECIAL TAX

CFD No. 2015-2 was established to levy the Special Tax to finance the Authorized Services as a condition of the entitlement to develop the Developed Property in CFD No. 2015-2. If the levy of the Special Tax is repealed by initiative or any other action participated in by the owners of Parcels in CFD No. 2015-2, the City shall cease to levy the Special Tax and shall cease to be obligated to provide the Authorized Services for which the Special Tax was levied.

I. SEVERABILITY

The invalidity or unenforceability of any provisions of this Rate and Method of Apportionment of Special Tax shall not affect the validity or enforceability of any other provision of this Rate and Method of Apportionment of Special Tax, which shall remain in full force and effect.

RESOLUTION NO. _____

RESOLUTION APPROVING THE ANNEXATION (ANNEXATION NO. 29) OF PROPERTY LOCATED IN THE FUTURE ANNEXATION AREA OF

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Street Light, Landscape and Stormwater Services)

RESOLVED by the City Council (the "Council") of the City of Oakley (the "City"), County of Contra Costa, State of California, that:

WHEREAS, this Council has adopted a resolution entitled "Resolution of Formation of Community Facilities District" (the "Resolution of Formation"), ordering the formation of the (i) the "City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services)" (the "CFD") and (ii) the "City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) (Future Annexation Area)," authorizing the levy of a special tax on property within the CFD, and preliminarily establishing an appropriations limit for the CFD, all pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act").

WHEREAS, under the Resolution of Formation and a resolution calling special election heretofore adopted by this Council, the propositions of the levy of the special tax and the establishment of the appropriations limit were submitted to the qualified electors of the CFD as required by the Act.

WHEREAS, on January 12, 2016, a special election was held among the landowner voters within the CFD, wherein such propositions were approved by the two-thirds vote required by the Act, as confirmed by resolution of this Council.

WHEREAS, on January 19, 2016, a notice of special tax lien (the "Notice of Special Tax Lien") was recorded with the Contra Costa County Recorder's office, thereby giving notice that the lien to secure payment of the Special Tax was imposed on the land in the CFD.

WHEREAS, the owner (the "Property Owner") of Assessor's Parcel Numbers 041-080-001 and 041-080-002 located within the Future Annexation Area (the "Property") has agreed to mitigate certain impacts of the proposed development of the Property by paying for certain services financed by the CFD.

WHEREAS, pursuant to the Act, the Property Owner has executed a Unanimous Approval constituting a unanimous approval and unanimous vote by the Property Owner in favor of the annexation of the Property to the CFD and the levy of the Special Tax.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, as follows:

1. Recitals. The foregoing recitals are all true and correct.

2. Approval of Annexation. The City Council hereby determines that Assessor's Parcel Numbers 041-080-001 and 041-080-002 are annexed into Tax Zone No. 28 of the CFD.

3. Amendment to Notice of Special Tax Lien. The City Council hereby directs the Clerk of the City Council to record an Amendment to Notice of Special Tax Lien, evidencing that Assessor's Parcel Numbers 041-080-001 and 041-080-002 are added to the CFD.

4. Boundaries Described. The revised boundaries of the CFD including Assessor's Parcel Numbers 041-080-001 and 041-080-002 are described in an amended boundary map, which this City Council hereby directs the City Clerk to record with the Contra Costa County Recorder's office.

5. General Authority; Ratification of Previous Actions. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate the transactions described herein or to otherwise effectuate the purposes of this resolution. Any actions previously taken by such officers that are consistent with the purposes of this resolution are hereby ratified and confirmed.

6. Effective Date. This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the December 14, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

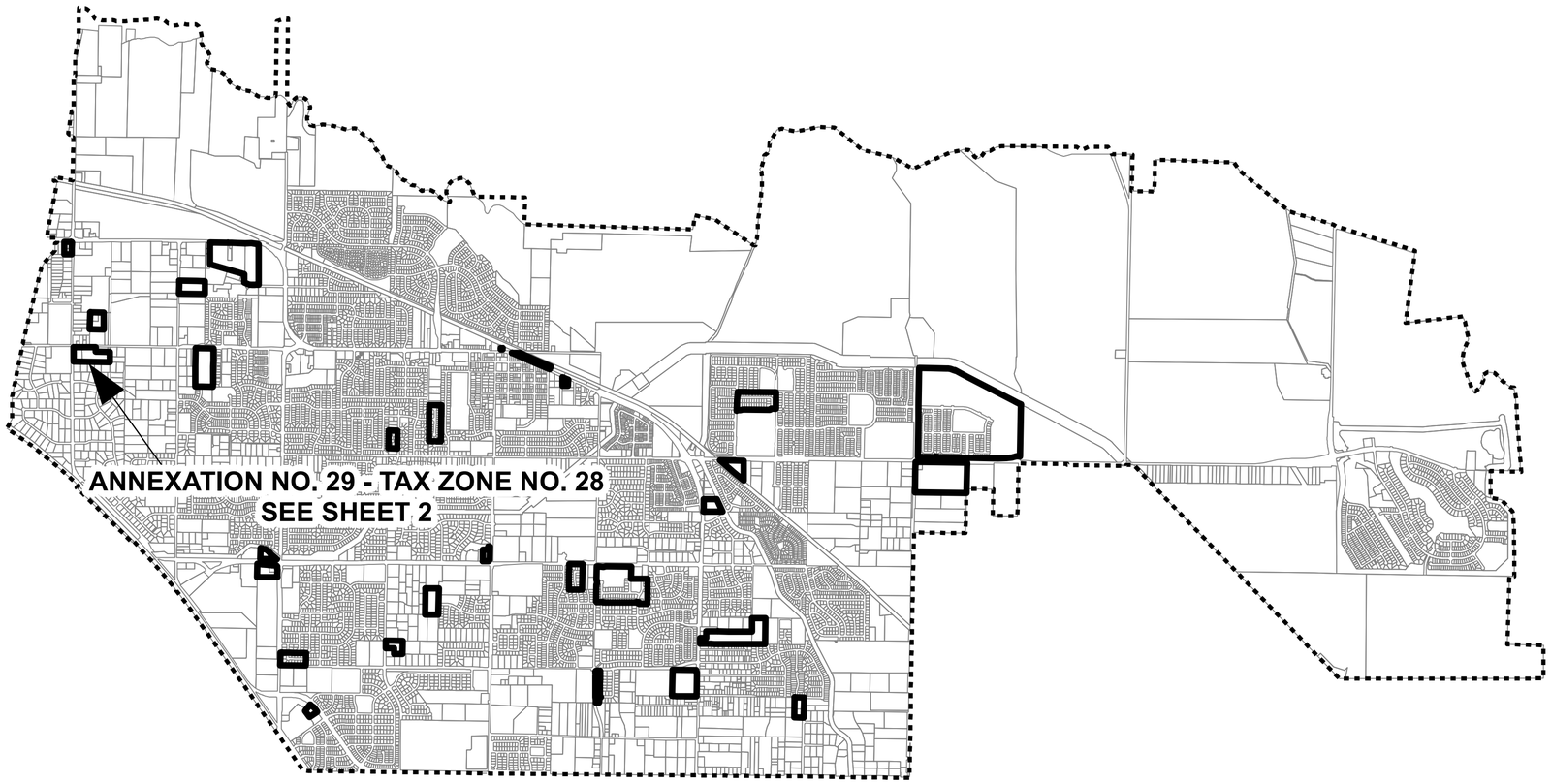
_____
Randy Pope, Mayor

ATTEST:

Libby Vreonis, City Clerk Date

ANNEXATION MAP No. 29 TO
CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2015-2
(PARKS, STREET LIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER)

CITY OF OAKLEY
CONTRA COSTA COUNTY, STATE OF CALIFORNIA



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF OAKLEY THIS _____ DAY OF _____, 2021.

_____
LIBBY VREONIS, CITY CLERK
CITY OF OAKLEY
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING ANNEXATION No. 29 TO CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2015-2 (PARKS, STREET LIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER), CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF OAKLEY, AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2021, BY ITS RESOLUTION No. _____.

_____
LIBBY VREONIS, CITY CLERK
CITY OF OAKLEY
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

FILED THIS _____ DAY OF _____, 2021, AT THE HOUR OF _____ __.M IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE _____, DOCUMENT No. _____ IN THE OFFICE OF THE COUNTY RECORDER IN CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

_____
COUNTY RECORDER
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

Legend

- CFD No. 2015-2 Boundary
- Oakley City Limits/CFD No. 2015-2 Future Annexation Area
- Parcel Lines

N

0 2,500 5,000
Feet

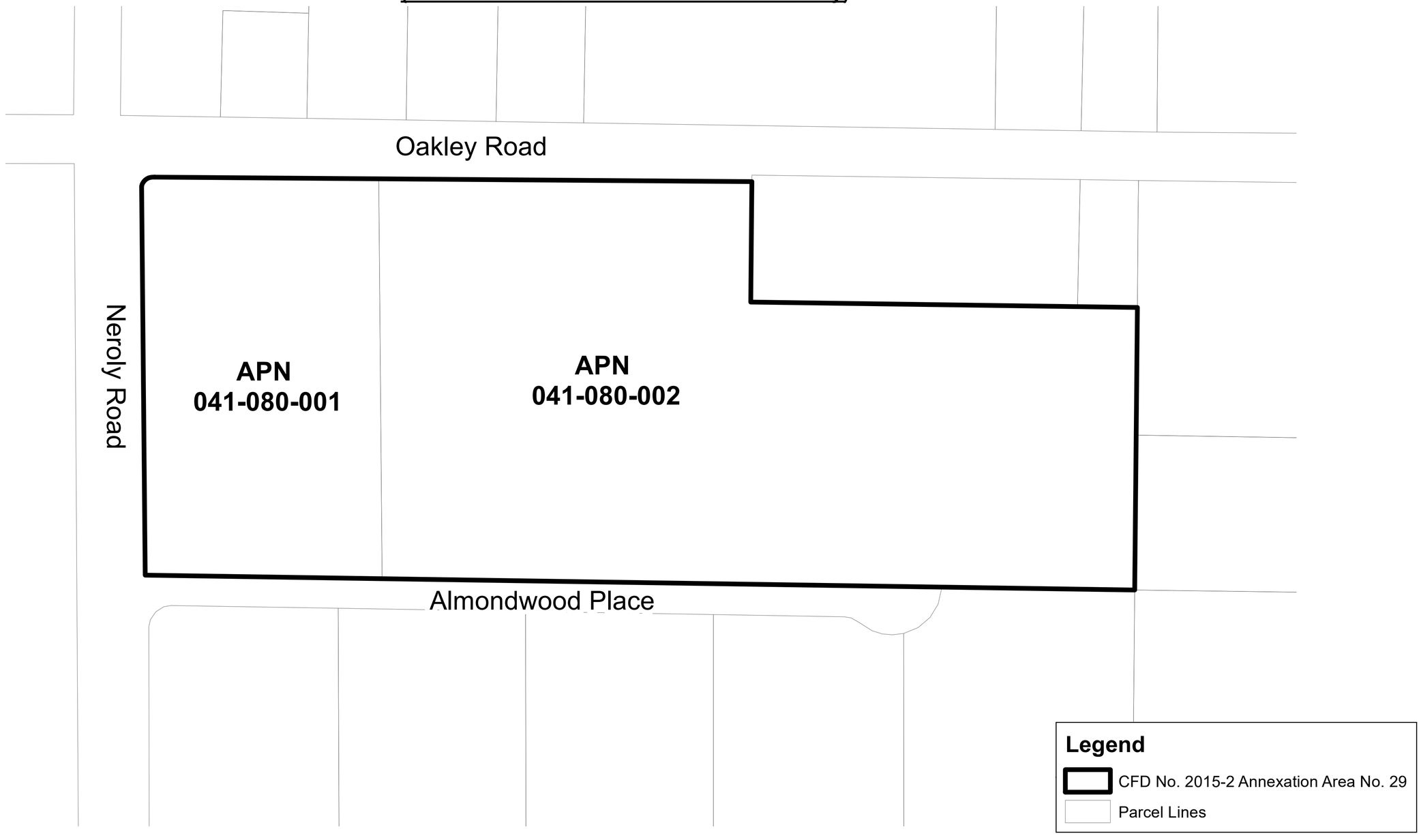
NOTE: THIS ANNEXATION MAP ANNEXES TERRITORY TO CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2015-2 (PARKS, STREET LIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER), CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, ON THE 9TH DAY OF NOVEMBER, 2015 IN BOOK 85 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT AT PAGE 20.

ASSESSOR PARCELS WITHIN BOUNDARY: FOR PARTICULARS OF LINES AND DIMENSIONS OF PARCELS, REFERENCE IS MADE TO THE ASSESSOR PARCEL MAPS OF CONTRA COSTA COUNTY FOR ASSESSOR PARCEL NUMBERS 032-010-002 AND 032-010-012.

ANNEXATION MAP No. 29 TO
CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2015-2
(PARKS, STREET LIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER)

CITY OF OAKLEY
CONTRA COSTA COUNTY, STATE OF CALIFORNIA

Annexation No. 29 - Tax Zone No. 28
(Subdivision 9284 - The Ranchettes at Neroly)



RECORDING REQUESTED BY AND
AFTER RECORDATION RETURN TO:

City Clerk
City of Oakley
City Hall
3231 Main Street
Oakley, California 94561

AMENDMENT NO. 29 TO NOTICE OF SPECIAL TAX LIEN

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Street Light, Landscape and Stormwater Services)

Annexation No. 29 - Tax Zone No. 28
(Subdivision 9284 – The Ranchettes at Neroly)

Pursuant to the requirements of Section 3117.5 of the Streets and Highways Code of California and the Mello-Roos Community Facilities Act of 1982, as amended, section 53311, et seq., of the California Government Code (the "Act"), the undersigned City Clerk of the City of Oakley (the "City"), County of Contra Costa, State of California, hereby gives notice that a lien to secure payment of a special tax, which the City is authorized to levy, is hereby imposed on the property described herein. The special tax secured by this lien is authorized to be levied for the purpose of paying for certain municipal services set forth in that certain Notice of Special Tax Lien heretofore recorded in the Office of the County Recorder of the County of Contra Costa, State of California on January 19, 2016, as Document No. 20160009045, to which reference is hereby made and the provisions of which are hereby incorporated by this reference.

This Amendment No. 29 to Notice of Special Tax Lien amends the Notice of Special Tax Lien to add to the territory of the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) (the "CFD"). The territory included in the existing CFD is set forth in the map of the CFD heretofore recorded as Document No. 15-234174 in the Office of the County Recorder of the County of Contra Costa, State of California on November 9, 2015, in Book 85 at Page 20 of Maps of Assessment and Community Facilities Districts, to which reference is hereby made. The territory to be added is set forth in that certain "Annexation Map No. 29 to Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services), County of Contra Costa, State of California," heretofore recorded at _____ on _____, 2021, in Book _____ at Page _____ of Maps of Assessment and Community Facilities Districts in the office of the County Recorder of the County of Contra Costa, State of California.

The rate, method of apportionment, and manner of collection of the authorized special tax, as supplemented with respect to the annexation of the territory described herein to the CFD, is set forth in Exhibit B hereto and hereby made a part hereof. The lien of the special tax is a continuing lien which shall secure the annual levy of the special tax and which shall continue in force and effect until the special tax obligation is permanently satisfied and canceled in accordance with law or until the special tax ceases to be levied and a notice of cessation of special tax is recorded in accordance with Government Code Section 53330.5.

Notice is further given that upon the recording of this notice in the office of the county recorder, the obligation to pay the special tax levy shall become a lien upon all nonexempt real property with in the territory to be added to the CFD in accordance with Section 3115.5 of the Streets and Highways Code.

The assessor's tax parcel(s) numbers of all parcels or any portion thereof which are included in this Amendment No. 29 to Notice of Special Tax Lien, together with the name(s) of the owner(s) thereof, as they appear on the latest secured assessment roll as of the date of recording hereof or as are otherwise known to the City are as set forth in Exhibit A hereto and hereby made a part hereof.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property subject to this special tax lien, interested persons should contact the Finance Director of the City of Oakley, City Hall, 3231 Main Street, Oakley, California 94561, telephone number (925) 625-7000.

Dated: As of _____, 2021

By: _____
Libby Vreonis, City Clerk,
City of Oakley

EXHIBIT A

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Street Light, Landscape and Stormwater Services)

Annexation No. 29 – Tax Zone No. 28

ASSESSOR'S PARCEL NUMBERS AND OWNERS OF LAND WITHIN ANNEXATION NO. 29 – TAX ZONE NO. 28

Assessor's Parcel No(s).	Name(s) of Property Owners
041-080-001	CYRUS LAND INVESTMENTS LLC
041-080-002	CYRUS LAND INVESTMENTS LLC

EXHIBIT B

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Street Light, Landscape and Stormwater Services)

SUPPLEMENT TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX – TAX ZONE NO. 28

Special Taxes in the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) (the "CFD" or "CFD No. 2015-2") shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All the property in CFD No. 2015-2, unless exempted by law or by the provisions of Section E herein, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2015-2, unless a separate Rate and Method of Apportionment of Special Tax is adopted for such annexation area.

Property annexed to City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) pursuant to Annexation No. 29 will be annexed to Tax Zone No. 28 per the Supplement to the Rate and Method of Apportionment of Special Tax shown below.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Accessory Unit" means a second residential unit of reduced size (e.g., granny cottage, etc.) that shares a Parcel with a Residential Unit.

"Acre" or **"Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other recorded County parcel map.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2015-2: the costs of computing the Special Tax and preparing the annual Special Tax collection schedules (whether by the City or any designee thereof or both); the costs of collecting

the Special Taxes; the costs to the City, CFD No. 2015-2, or any designee thereof of complying with disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries, protests, or appeals regarding the Special Taxes; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2015-2 for any other administrative purposes of CFD No. 2015-2, including attorney's fees, costs associated with annexations to CFD No. 2015-2, and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Administrator" means an official of the City, or any designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Tax.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" or **"APN"** means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Services" means the public services authorized to be funded by CFD No. 2015-2 as set forth in the documents adopted by the Council when CFD No. 2015-2 was formed.

"Building Permit" means a building permit issued by the City and having a building structure improvement valuation over $50,000. Building Permits for the construction of ancillary structures such as fences, swimming pools, retaining walls, etc. are excluded.

"CFD" or "CFD No. 2015-2" means the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services).

"City" means the City of Oakley.

"City Landscape Maintenance Standards" means the then applicable landscape maintenance standards or then applicable level of service for then applicable landscape maintenance contracts executed by the City that are in effect and relate to similar landscaping improvements.

"City Manager" means the City Manager of the City of Oakley.

"Commercial Unit" means an individual building structure for commercial uses as defined per the County Assessor (e.g., grocery stores, shopping centers, motel, hotel, service stations, and offices).

"Condominium Parcel" means a Parcel designated by the County Assessor as having a condominium, townhome, cluster home and co-op land use.

"Council" means the City Council of the City of Oakley, acting as the legislative body for CFD No. 2015-2.

"County" means the County of Contra Costa.

"County Assessor" means the Contra Costa County Assessor.

"County Land Use Code" means the land use code assigned to an Assessor's Parcel as indicated in the records of the County Assessor.

"Developed Property" means, in any Fiscal Year, all Parcels of Taxable Property for which a Building Permit was issued by the City for construction of a residential structure or a non-residential structure on or prior to June 30 of the preceding Fiscal Year. In the absence of a Building Permit, any Parcel of Taxable Property shall be classified as "Developed Property" if it has been occupied by a user as determined by the Administrator on or prior to June 30 of the preceding Fiscal Year.

"Final Map" or "Parcel Map" means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, *et seq.*) that creates individual lots on which a Building Permit can be issued for construction of Residential Units without further subdivision of the lots.

"Fiscal Year" means the period starting on July 1 and ending on the following June 30.

"Industrial" means an individual building structure for industrial uses as defined per the County Assessor (e.g., research and development, mini-warehouse, etc.).

"Institutional" means an individual building structure for institutional uses as defined per the County Assessor (e.g., churches, hospitals, assisted living, schools, etc.).

"Land Use Classification" means the current or intended use of a Taxable Parcel as determined by the Taxable Parcel's County Land Use Code.

"Maximum Special Tax" means, for each Special Tax Component, the maximum Special Tax, determined in accordance with Section C herein, which can be levied in any Fiscal Year.

"Mixed Use Parcel" means a Parcel designated by the County Assessor as having a multiple land uses such as residential land uses and commercial land uses, or multi-family land uses and commercial land uses.

"Multi-Family Parcel" means a Parcel designated by the County Assessor as having a multi-family residential land uses which includes duplexes, triplexes, fourplexes and apartments.

"Non-Residential Parcel" means for each Fiscal Year, all Assessor Parcels designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

"Non-Residential Parcel – In Compliance" this definition only applies for the purpose of calculating the annual neighborhood parks and landscaping maintenance tax component and means for each Fiscal Year, an Assessor Parcel designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional for which the Property Owner of the Commercial, Industrial, or Institutional Parcel has notified the City in writing by the preceding February 1st that it will maintain its parcel's frontage landscaping during the immediate following fiscal year and the City Manager or his/her designee has determined that the Property Owner has maintained its Parcel's frontage landscaping in previous Fiscal Years to City Landscape Maintenance Standards. In addition, in order for any Commercial, Industrial, or Institutional Parcel within a Tax Zone of CFD No. 2015-2 to be defined as a Non-Residential Parcel – In Compliance, all Non-Residential Parcels within the Tax Zone must also be defined as Non-Residential Parcel – In Compliance.

"Non-Residential Parcel – Out of Compliance" this definition only applies for the purpose of calculating the annual neighborhood parks and landscaping maintenance tax component and means for each Fiscal Year, an Assessor Parcel designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional for which the Property Owner of the Non-Residential Parcel has not notified the City in writing by the preceding February 1st that it will maintain its parcel's frontage landscaping during the immediate following fiscal year or the City Manager or his/her designee has determined that the Property Owner has not maintained its Parcel's frontage landscaping in previous Fiscal Years to City Landscape Maintenance Standards. In addition, if any Non-Residential Parcel within a Tax Zone of CFD No. 2015-2 is defined as a Non-Residential Parcel – Out of Compliance, then all Non-Residential Parcels within the Tax Zone must also be defined as Non-Residential Parcel – Out of Compliance.

“Property Owner” means the Property Owner of record per current County Assessor records unless more current information is available such as recorded deed of sale, etc.

“Proportionately” means, for Developed Property, that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Developed Property. For Undeveloped Property, “Proportionately” means that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Undeveloped Property.

“Public Property” means, for each Fiscal Year: (i) any property within the boundaries of CFD No. 2015-2 that is owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2015-2 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

“Residential Unit” means an individual building structure for residential or multi-family residential uses as defined per the County Assessor. An Accessory Unit that shares a Parcel with a Residential Unit shall not be considered a separate Residential Unit for purposes of this RMA.

“RMA” means this Rate and Method of Apportionment of Special Tax.

"Single-Family Parcel" means a Parcel designated by the County Assessor as having a single-family residential land use. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

“Special Tax” means any tax levied within CFD No. 2015-2 to pay the Special Tax Requirement, and includes each Special Tax Component.

“Special Tax Component” means one of the following components of the Special Tax: Community Park Maintenance Tax, Street Lighting Maintenance Tax, Neighborhood Parks and Landscape Maintenance Tax, or Stormwater Maintenance Tax.

“Special Tax Requirement” means, for each Special Tax Component, the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized

Services related to the Special Tax Component; (ii) Administrative Expenses attributable to the Special Tax Component; and (iii) amounts needed to cover any delinquencies in the payment of the Special Tax Component which occurred in the previous Fiscal Year or, based on delinquency rates in prior years, may be expected to occur in the Fiscal Year in which the Special Tax will be collected.

"Taxable Property" or "Taxable Parcels" means all Assessors' Parcels within the boundaries of CFD No. 2015-2 that are not exempt from the Special Tax pursuant to law or Section E herein.

"Tax Zone" means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this RMA. All the property within CFD No. 2015-2 at the time of CFD Formation is within Tax Zone 1. Additional Tax Zones may be created when property is annexed to CFD No. 2015-2, and a separate Maximum Special Tax shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to CFD No. 2015-2 shall be identified by Assessor's Parcel Number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

"Unanimous Approval Form" means that form executed by the record owner of fee title to a Parcel or Parcels annexed into CFD No. 2015-2 that constitutes the property owner's approval and unanimous vote in favor of annexing into CFD No. 2015-2, the levy of the Special Tax against his/her Parcel or Parcels pursuant to this RMA.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property in CFD No. 2015-2 that are not classified as Developed Property.

B. DATA FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property within CFD No. 2015-2. The Administrator shall also determine: (i) whether each Assessor's Parcel of Taxable Property is Developed Property or Undeveloped Property, and (ii) the Special Tax Requirement for each Special Tax Component for the then-current Fiscal Year. Each Special Tax Component shall be levied only to pay for the related Special Tax Requirement.

In any Fiscal Year, if it is determined that (i) a Final Map or Parcel Map for a portion of property in CFD No. 2015-2 was recorded after the last date upon which the County Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or Parcel Map was recorded, the County Assessor does not yet recognize the new Parcels that will be created by the Final Map or Parcel Map, and (iii) one or more of the newly-created Parcels would meet the definition of Developed Property, the Administrator shall calculate the Special

Tax for the property affected by recordation of the Final Map or Parcel Map by determining the Special Tax that applies separately to each new Parcel that will be created by that Final Map or Parcel Map, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or Parcel Map.

C. MAXIMUM SPECIAL TAXES

1. Developed Property - The Fiscal Year 2021-22 Maximum Special Tax for each Special Tax Component for all Parcels of Developed Property shall be as shown in Table 1 below:

Table 1: Developed Property

Special Tax Component	Land Use Classification	FY 2021-22 Maximum Tax	
Regional Park Maintenance Tax	Single-Family Parcel	$149.81	per Parcel
Regional Park Maintenance Tax	Condominium Parcel	$112.36	per Parcel
Regional Park Maintenance Tax	Multi-Family Parcel	$74.90	per Unit
Regional Park Maintenance Tax	Non-Residential Parcel	$449.43	per Acre
Community Parks Maintenance Tax	Single-Family Parcel	$330.83	per Parcel
Community Parks Maintenance Tax	Condominium Parcel	$248.12	per Parcel
Community Parks Maintenance Tax	Multi-Family Parcel	$165.42	per Unit
Community Parks Maintenance Tax	Non-Residential Parcel	$992.48	per Acre
Street Lighting Maintenance Tax	Single-Family Parcel	$65.32	per Parcel
Street Lighting Maintenance Tax	Condominium Parcel	$48.99	per Parcel
Street Lighting Maintenance Tax	Multi-Family Parcel	$32.66	per Unit
Street Lighting Maintenance Tax	Non-Residential Parcel	$195.95	per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Single-Family Parcel	$0.00	per Parcel
Neighborhood Parks & Landscaping Maintenance Tax	Condominium Parcel	$0.00	per Parcel
Neighborhood Parks & Landscaping Maintenance Tax	Multi-Family Parcel	$0.00	per Unit
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel - In Compliance	$0.00	per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel - Out of Compliance	$0.00	per Acre
Stormwater/Water Quality Maintenance Tax	Single-Family Parcel	$50.00	per Parcel
Stormwater/Water Quality Maintenance Tax	Condominium Parcel	$37.50	per Parcel
Stormwater/Water Quality Maintenance Tax	Multi-Family Parcel	$25.00	per Unit
Stormwater/Water Quality Maintenance Tax	Non-Residential Parcel	$102.97	per Acre

Mixed Use Parcels will have their Maximum Tax calculated each Fiscal Year based upon their combined uses on the Parcel. For example, if a one-acre parcel has commercial on the ground floor and 50 condominiums on the second floor the property owner will be charged the Non-Residential Parcel rate for one acre and the Condominium Parcel Rate for the 50 condominiums.

2. Undeveloped Property - The Fiscal Year 2021-22 Maximum Special Tax for each Special Tax Component for all Parcels of Undeveloped Property shall be as shown in Table 2 below:

Table 2: Undeveloped Property

Special Tax Component	Land Use Classification	FY 2021-22 Maximum Tax	
Regional Park Maintenance Tax	Single-Family Parcel	$449.43	per Acre
Regional Park Maintenance Tax	Condominium Parcel	$337.07	per Acre
Regional Park Maintenance Tax	Multi-Family Parcel	$224.71	per Acre
Regional Park Maintenance Tax	Non-Residential Parcel	$224.71	per Acre
Community Parks Maintenance Tax	Single-Family Parcel	$992.48	per Acre
Community Parks Maintenance Tax	Condominium Parcel	$744.36	per Acre
Community Parks Maintenance Tax	Multi-Family Parcel	$496.25	per Acre
Community Parks Maintenance Tax	Non-Residential Parcel	$496.25	per Acre
Street Lighting Maintenance Tax	Single-Family Parcel	$195.95	per Acre
Street Lighting Maintenance Tax	Condominium Parcel	$146.96	per Acre
Street Lighting Maintenance Tax	Multi-Family Parcel	$97.98	per Acre
Street Lighting Maintenance Tax	Non-Residential Parcel	$97.98	per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Single-Family Parcel	$0.00	per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Condominium Parcel	$0.00	per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Multi-Family Parcel	$0.00	per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel - In Compliance	$0.00	per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel - Out of Compliance	$0.00	per Acre
Stormwater/Water Quality Maintenance Tax	Single-Family Parcel	$102.97	per Acre
Stormwater/Water Quality Maintenance Tax	Condominium Parcel	$102.97	per Acre
Stormwater/Water Quality Maintenance Tax	Multi-Family Parcel	$102.97	per Acre
Stormwater/Water Quality Maintenance Tax	Non-Residential Parcel	$102.97	per Acre

3. Escalation of Maximum Special Tax

On July 1, 2022, and each July 1 thereafter, the Maximum Special Tax for each Special Tax Component for the current Fiscal Year for Developed Property and Undeveloped Property shall be increased from the Maximum Special Tax for the respective Special Tax Component for the previous Fiscal Year by Consumer Price Index – All Urban Consumers (San Francisco-Oakland-San Jose, CA) (from February) with a minimum annual increase of three (3.00%) percent and a maximum annual increase of five (5.00%) percent for any given year.

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES

Each Fiscal Year, the Administrator shall determine the Special Tax Requirement for each Special Tax Component for that Fiscal Year and levy each Special Tax Component on all Parcels of Taxable Property as follows:

Step 1: Each Special Tax Component shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Special Tax for each Parcel of Developed Property for such Fiscal Year until the amount levied is equal to the Special Tax Requirement for such Special Tax Component;

Step 2: If additional revenue is needed after Step 1, each Special Tax Component shall be levied Proportionately on each Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for each Parcel of Undeveloped Property for such Fiscal Year until the amount levied, when combined with the amount of the Special Tax Component levied pursuant to Step 1, is equal to the Special Tax Requirement for such Special Tax Component.

The Special Tax for CFD No. 2015-2 shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of CFD No. 2015-2, and the Special Tax shall be subject to foreclosure if delinquent regardless of the manner in which it was collected.

E. EXEMPTIONS

No Special Tax shall be levied on Parcels of Public Property or any privately-owned Parcels that are non-developable, such as common areas, wetlands, and open space, parks, etc. except as otherwise provided in this RMA and in the Act.

F. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City through a resolution of the Council for purposes of clarifying any vagueness or ambiguity in this RMA.

G. TERM OF THE SPECIAL TAX

The Special Tax shall be levied in perpetuity as necessary to pay the Special Tax Requirement.

H. REPEAL OF THE SPECIAL TAX

CFD No. 2015-2 was established to levy the Special Tax to finance the Authorized Services as a condition of the entitlement to develop the Developed Property in CFD No. 2015-2. If the levy of the Special Tax is repealed by initiative or any other action participated in by the owners of Parcels in CFD No. 2015-2, the City shall cease to levy the Special Tax and shall cease to be obligated to provide the Authorized Services for which the Special Tax was levied.

I. SEVERABILITY

The invalidity or unenforceability of any provisions of this Rate and Method of Apportionment of Special Tax shall not affect the validity or enforceability of any other provision of this Rate and Method of Apportionment of Special Tax, which shall remain in full force and effect.

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: December 14, 2021

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

FROM: Kevin Rohani, P.E., Public Works Director/City Engineer

SUBJECT: Annexation No. 7 (The Ranchettes at Neroly - Subdivision 9284) to the City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services)

Background and Analysis

On September 11, 2018, the City Council adopted a resolution approving the Ranchettes at Neroly project's General Plan Amendment (GPA 01-18) to amend the land use designation from Single Family Very Low Residential to Single Family Low Residential. The Ranchettes at Neroly project, located on the southeast corner of Oakley Road and Neroly Road, is currently comprised of APNs 041-080-001 and 041-080-002 and will consist of 13 single family homes at build-out.

The Conditions of Approval for the Ranchettes at Neroly project (Subdivision 9284) require the property owner to mitigate their project's financial impact on fire protection services, which are currently provided by the East Contra Costa Fire Protection District ("ECCFPD"). On October 23, 2018, the Oakley City Council formed City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services) ("CFD No. 2018-1"). CFD No. 2018-1 authorizes the annual levy of a special tax on parcels located within CFD No. 2018-1 to mitigate their financial impact on the fire protection services budget. The property owner for the Ranchettes at Neroly project (Subdivision 9284) has requested that the City assist them with the annexing of their development into CFD No. 2018-1 to satisfy their conditions of approval.

Prior to tonight's City Council meeting, the property owner executed the attached Unanimous Approval Form. This form constitutes unanimous approval and a unanimous vote by the property owner in favor of annexing their property to CFD No. 2018-1 including the subsequent annual levy of special taxes to mitigate their project's financial impact on the fire protection services budget.

Fiscal Impact

There will be no financial impact to the City's General Fund. The applicants have funded all costs associated with the annexation of their project to CFD No. 2018-1.

The FY 2021-22 maximum special tax rate is $304.16 per single family home. Annexation No. 7 (The Ranchettes at Neroly) is expected to consist of 13 single family homes at build-out. Therefore, successful annexation into CFD No. 2018-1 could provide up to $3,954.08 (FY 2021-22 dollars) in revenue annually when the property is developed. The taxes can be collected on the property tax rolls commencing in FY 2022-23.

Staff Recommendation

The conditions of approval for the Ranchettes at Neroly project (Subdivision 9284) located on the southeast corner of Oakley Road and Neroly Road require the property owner to mitigate their project's financial impact on the fire protection services budget. Staff recommends that the City Council:

1. Adopt a Resolution Approving the Annexation (Annexation No. 7) of Property Located in the Future Annexation Area of the City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services)

Attachments

1. Unanimous Approval of Annexation to a Community Facilities District and Related Matters - City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services);
    a. Exhibit A: Description of Services;
    b. Exhibit B: Cost Estimate; and
    c. Exhibit C: Supplement to the Rate and Method of Apportionment of Special Tax – Tax Zone No. 2;
2. Resolution Approving the Annexation (Annexation No. 7) of Property Located in the Future Annexation Area of the City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services);
3. Boundary Map – Annexation Map No. 7 to City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services); and
4. Amendment No. 7 to Notice of Special Tax Lien - City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services).

UNANIMOUS APPROVAL
of Annexation to a Community Facilities District
and Related Matters

CITY OF OAKLEY
Community Facilities District No. 2018-1
(Fire Protection Services)

Annexation No. 7 – Tax Zone No. 2
(Subdivision 9284 – The Ranchettes at Neroly)

December 14, 2021

To the Honorable City Council,
City of Oakley
3231 Main Street
Oakley, CA 94561

Members of the City Council:

This constitutes the Unanimous Approval (the "Unanimous Approval") of the record owner(s) (the "Property Owner") of the fee title to the real property identified below (the "Property") contemplated by Section 53339.3 et seq. of the Mello-Roos Community Facilities Act of 1982, as amended (the "Act") to annexation of the Property to the "City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services)" (the "CFD"), and it states as follows:

1. Property Owner. This Unanimous Approval is submitted by the Property Owner as the record owner(s) of fee title to the Property. The Property Owner has supplied to the City current evidence of its ownership of fee title to the Property.

2. Approval of Annexation. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the annexation of the Property to the CFD. The CFD was formed to finance the municipal services (the "Services") described in Exhibit A hereto and made a part hereof.

3. Approval of Special Tax and the Services. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the levy of special taxes (the "Special Taxes") on the Property to finance the Services. The Special Taxes will be levied according to the "Supplement to the Rate and Method of Apportionment of Special Tax – Tax Zone No. 2" attached hereto as

Exhibit C and made a part hereof (the "Rate and Method"). The cost estimate for the Services is attached hereto as Exhibit B.

4. Waivers and Vote. The Property Owner hereby confirms that this Unanimous Approval constitutes its approval and unanimous vote as described herein and as contemplated by Section 53339.3 et seq. of the Act and Article XIIIA of the California Constitution. The Property Owner hereby waives all other rights with respect to the annexation of the Property, the levy of the Special Taxes on the Property and the other matters covered in this Unanimous Approval.

5. Recordation of Amendment to Notice of Special Tax Lien. The Notice of Special Tax Lien for the CFD was recorded in the Office of the County Recorder of the County of Contra Costa, State of California on October 31, 2018, as Document No. 20180177468. The Property Owner hereby authorizes and directs the City Clerk to execute and cause to be recorded in the office of the County Recorder of the County of Contra Costa an amendment to the Notice of Special Tax Lien for the CFD as required by Section 3117.5 of the California Streets and Highways Code. The amendment to the Notice of Special Tax Lien shall include the Rate and Method as an exhibit thereto.

6. Authority Warranted. The Property Owner warrants to the City that the presentation of this Unanimous Approval, any votes, consents or waivers contained herein, and other actions mandated by the City for the annexation of the Property to the CFD shall not constitute or be construed as events of default or delinquencies under any existing or proposed financing documents entered into or to be entered into by the Property Owner for the Property, including any “due-on-encumbrance” clauses under any existing security instruments secured by the Property.

7. Due Diligence and Disclosures. The Property Owner agrees to cooperate with the City and its attorneys and consultants and to provide all information and disclosures required by the City about the Special Taxes to purchasers of the Property or any part of it.

8. Agreements. The Property Owner further agrees to execute such additional or supplemental agreements as may be required by the City to provide for any of the actions and conditions described in this Unanimous Approval, including any cash deposit required to pay for the City’s costs in annexing the Property to the CFD.

9. The Property. The Property is identified as follows:

Assessor’s Parcel Nos.: 041-080-001 and 041-080-002

Acres: 7.14 acres

By executing this Unanimous Approval, the Property Owner agrees to all of the above.

Annexation No. 7 - Tax Zone No. 2

Property Owner

By: _____

Name: _____

Title: _____

Notice Address: _____

_____

_____

EXHIBIT A

CITY OF OAKLEY
Community Facilities District No. 2018-1
(Fire Protection Services)

DESCRIPTION OF SERVICES

The City of Oakley (the "City") is establishing the captioned community facilities district (the "CFD") to finance, in whole or in part, the following services ("services" shall have the meaning given that term in the Mello-Roos Community Facilities Act of 1982):

Fire Protection Services

The proposed CFD special taxes shall provide and fund certain types of services including, but not limited to:

1. The annual operation, maintenance and servicing, including emergency medical services (EMS), fire suppression, rescue, hazardous conditions, and all other emergency and non-emergency calls for services;
2. Payment for the operation and maintenance of fire stations, equipment, vehicles, and other appurtenant facilities, etc.; and
3. Any other appurtenant services or expenses necessary to ensure the continued annual operation and maintenance of the services previously referenced.

Administrative Expenses and Reserve Collection

In addition, the following costs will be funded by the special taxes levied within the CFD: Administrative Expenses, operating reserves and capital reserves, and actual or estimated delinquencies.

1. Administrative Expenses including costs incurred to determine, levy and collect the special taxes, including compensation of City staff for administrative work performed in relation to the CFD and a proportionate amount of the City's general administrative overhead related thereto, the fees of consultants and legal counsel, the costs of collecting installments of the special taxes upon the property tax rolls, preparation of required reports, and any other costs incurred in the administration of the CFD by the City;
2. Any amounts needed to establish or replenish operating reserves and capital reserves; and
3. Any amounts needed to cure actual or estimated delinquencies in special taxes for the current or previous fiscal years.

EXHIBIT B

CITY OF OAKLEY
Community Facilities District No. 2018-1
(Fire Protection Services)

COST ESTIMATE
(FY 2021-22 Dollars)

Fire Protection Services	$3,954.08

EXHIBIT C

CITY OF OAKLEY
Community Facilities District No. 2018-1
(Fire Protection Services)

SUPPLEMENT TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX – TAX ZONE NO. 2

Special Taxes in the City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services) (the "CFD" or "CFD No. 2018-1") shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All the property in CFD No. 2018-1, unless exempted by law or by the provisions of Section E herein, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2018-1, unless a separate Rate and Method of Apportionment of Special Tax is adopted for such annexation area.

Property annexed to City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services) pursuant to Annexation No. 7 will be annexed to Tax Zone No. 2 per the Supplement to the Rate and Method of Apportionment of Special Tax shown below.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Accessory Unit" means a second Residential Unit of reduced size (e.g., granny cottage, etc.) that shares a Parcel with a Residential Unit. An Accessory Unit shall not be considered a separate Residential Unit for purposes of this RMA and will not be levied a Special Tax.

"Acre" or **"Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map, Parcel Map or functionally equivalent map or instrument recorded in the Office of the County Recorder. In the absence of such map, the Administrator will make the final "Acre" or "Acreage" determination utilizing available spatial and Geographic Information Systems (GIS) data.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the actual or reasonably estimated costs incurred by the City or their designee, acting for and on behalf of the CFD as the Administrator thereof, to compute, determine, levy and collect the Special Taxes, including salaries of City staff and a proportionate amount of the City's general administrative overhead related thereto, and the fees of consultants and legal counsel providing services related to the administration of the CFD; the costs of collecting installments of the Special Taxes, including charges levied by the County, the costs related to the preparation of required reports; and any other costs required to administer the CFD as determined by the Administrator. Administrative expenses shall also include amounts estimated or advanced by the City, public agency, or the CFD for any other administrative purposes related to the CFD.

"Administrator" means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes according to this Rate and Method of Apportionment of Special Taxes.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" or **"APN"** means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Services" means the public services authorized to be funded by CFD No. 2018-1 as set forth in the documents adopted by the Council when CFD No. 2018-1 was formed.

"Building Permit" means a building permit having a building structure improvement valuation over $50,000. Building Permits for the construction of ancillary structures such as fences, swimming pools, retaining walls, etc. are excluded.

"Building Square Footage" or "Bldg. Sq. Ft." means the floor area square footage reflected on the original building permit issued for construction of a Non-Residential Parcel, plus or minus any square footage subsequently added or eliminated from a building on a Non-Residential Parcel after the issuance of a subsequent building permit for expansion or renovation of such building.

"**Capital Reserves"** means any amounts that shall be collected, accumulated, and/or held for the CFD in each Fiscal Year to provide for asset replacement, long-term capital projects, or other large anticipated expenditures.

"**CFD" or "CFD No. 2018-1"** means the City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services).

"City" means the City of Oakley.

"City Manager" means the City Manager of the City of Oakley.

"Commercial Parcel" means a Parcel designated by the County Assessor as having a commercial land use, which includes but is not limited to, grocery stores, shopping centers, motel, hotel, retail stores, service stations, etc. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Commercial (Office) Parcel" means a Parcel designated by the County Assessor as having a commercial (office) land use. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Condominium Parcel" means a Parcel designated by the County Assessor as having a condominium, townhome, cluster home, or co-op land use. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Council" means the City Council of the City of Oakley, acting as the legislative body for CFD No. 2018-1.

"County" means the County of Contra Costa.

"County Assessor" means the Contra Costa County Assessor.

"County Land Use Code" means the land use code assigned to an Assessor's Parcel as indicated in the records of the County Assessor.

"Developed Property" means, in any Fiscal Year, all Parcels of Taxable Property for which a Building Permit was issued by the City for construction of a residential structure or a non-residential structure on or prior to June 30 of the preceding Fiscal Year in which Special Taxes are to be levied. In the absence of a Building Permit, any Parcel of Taxable Property shall be classified as "Developed Property" if it has been occupied by a user as determined by the Administrator on or prior to June 30 of the preceding Fiscal Year.

"Final Map" or "Parcel Map" means a Final Map, Parcel Map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.), that creates lots that do not need to be further subdivided prior to issuance of a building permit for a residential or non-residential structure. The term "Final Map" or "Parcel Map" shall not include an Assessor's Parcel Map or subdivision map or portion thereof, that does not create lots that are in their final configuration, including Assessor's Parcels that are designated as remainder parcels.

"Fiscal Year" means the period starting on July 1 and ending on the following June 30.

"Industrial Parcel" means a Parcel designated by the County Assessor as having an industrial land use, which includes but is not limited to, research and development, warehouses, etc. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Institutional Parcel" means a Parcel designated by the County Assessor as having an institutional land use, which includes but is not limited to, churches, hospitals, schools, etc. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Land Use Classification" means the current or intended use of a Taxable Parcel as determined by the Taxable Parcel's County Land Use Code.

"Maximum Special Tax" means the maximum Special Tax determined in accordance with Section C herein, which can be levied in any Fiscal Year.

"Mixed Use Parcel" means a Parcel designated by the County Assessor as having multiple Land Use Classifications such as a residential Land Use Classification and a commercial Land Use Classification, or a residential Land Use Classification and an industrial Land Use Classification.

"Multi-Family Parcel" means a Parcel designated by the County Assessor as having a multi-family residential land use which includes duplexes, triplexes, fourplexes and apartments. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Non-Residential Parcel" means for each Fiscal Year, all Assessor Parcels designated by the County Assessor with a County Land Use Code of Commercial, Commercial (Office), Industrial, or Institutional. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

"**Operating Reserves"** means any amounts that shall be collected, accumulated, and/or held for the CFD in each Fiscal Year to provide for necessary cash flow for the first six months of each Fiscal Year, working capital to cover operation, maintenance, and service cost overruns or any unexpected expenditures, funds to cover delinquencies in the payment of Special Taxes, and a reasonable buffer to prevent large variations in annual Special Tax levies.

"Property Owner" means the Property Owner of record per current County Assessor records unless more current information is available such as a recorded deed of sale, etc.

"Proportionately" means, for Developed Property, that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Developed Property within each respective Tax Zone.

"Public Property" means, for each Fiscal Year: (i) any property within the boundaries of CFD No. 2018-1 that is owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2018-1 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

"RMA" means this Rate and Method of Apportionment of Special Tax.

"Residential Unit" means an individual residential dwelling unit such as a Single-Family Parcel, Condominium Parcel, townhome, apartment, co-op, etc.

"Single-Family Parcel" means a Parcel designated by the County Assessor as having a single-family residential land use and a Residential Unit, excluding residential condominium parcels. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Special Tax" means the tax levied on Taxable Property within CFD No. 2018-1 to pay the annual Special Tax Requirement.

"Special Tax Requirement" means, the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized Services; (ii) Administrative Expenses; (iii) any amounts needed to establish or replenish Operating Reserves and Capital Reserves; and (iv) amounts needed to cover any delinquencies in the payment of the Special Tax which occurred in the previous Fiscal Year or, based on delinquency rates in prior years, that may be expected to occur in the Fiscal Year in which the Special Tax will be collected.

"Taxable Property" or "Taxable Parcels" means all Assessors' Parcels within the boundaries of CFD No. 2018-1 that are not exempt from the Special Tax pursuant to law or Section E herein.

"Tax Zone" means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this RMA. All property within CFD No. 2018-1 at the time of CFD Formation is within Tax Zone 1. Additional Tax Zones may be created when property is annexed to CFD No. 2018-1, and a separate Maximum Special Tax shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to CFD No. 2018-1 shall be identified by Assessor's Parcel Number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

"Unanimous Approval Form" means that form executed by the record owner of fee title to a Parcel or Parcels annexed into CFD No. 2018-1 that constitutes the Property Owner's approval and unanimous vote in favor of annexing into CFD No. 2018-1, and the levy of the Special Tax against his/her Parcel or Parcels pursuant to this RMA.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property in CFD No. 2018-1 that are not classified as Developed Property.

B. DATA FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall: (i) identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property within CFD No. 2018-1, (ii) determine the Land Use Classification for each Taxable Parcel, (iii) determine whether each Assessor's Parcel of Taxable Property is Developed Property or Undeveloped Property, and (iv) determine the Special Tax Requirement for the CFD.

In any Fiscal Year, if it is determined that a Final Map or Parcel Map for a portion of property in CFD No. 2018-1 was recorded after the last date upon which the County Assessor will incorporate the newly-created Parcels into the then current tax roll, and the County Assessor does not yet recognize the new Parcels that will be created by the Final Map or Parcel Map, and one or more of the newly-created Parcels

would meet the definition of Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or Parcel Map by determining the Special Tax that applies separately to each new Parcel that will be created by that Final Map or Parcel Map, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or Parcel Map.

C. MAXIMUM SPECIAL TAXES

1. Developed Property - The Fiscal Year 2021-22 Maximum Special Tax for all Taxable Parcels of Developed Property within Tax Zone No. 2 shall be as shown below in Table No. 1.

Table No. 1 - Developed Property

Land Use Classification	Fiscal Year 2021-22 Maximum Special Tax
Residential	
Single-Family Parcel	$304.16 per Parcel
Condominum Parcel	$228.12 per Parcel
Multi-Family Parcel	$152.08 per Residential Unit
Non-Residential	
Commercial Parcel	$186.60 per 1,000 Bldg. Sq. Ft.
Commercial (Office) Parcel	$373.20 per 1,000 Bldg. Sq. Ft.
Industrial Parcel	$158.61 per 1,000 Bldg. Sq. Ft.
Institutional Parcel	$186.60 per 1,000 Bldg. Sq. Ft.

Mixed Use Parcels will have their Maximum Tax calculated each Fiscal Year based upon their combined uses on the Parcel. For example, if a Parcel has commercial on the ground floor and 50 condominiums on the second floor, the property owner will be taxed the Non-Residential Parcel rate for the Building Square Footage of commercial and the Condominium Parcel Rate for the 50 condominiums.

2. Escalation of Maximum Special Tax

Commencing on July 1, 2022, and each July 1 thereafter, the Maximum Special Tax Rates for Developed Property shown in Table No. 1, shall be increased by applying the percentage increase, if any, in the Consumer Price Index for the San Francisco All Urban Wage Earners Category for the prior calendar year to the Maximum Special Tax in effect for the current fiscal year. Each annual adjustment of the Maximum Special Tax shall become effective on the subsequent July 1.

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES

Each Fiscal Year, the Administrator shall determine the Special Tax Requirement for that Fiscal Year and levy all Parcels of Taxable Property therein as follows:

Step 1: Each Parcel of Developed Property shall be levied Proportionately up to 100% of the Maximum Special Tax for such Fiscal Year until the amount levied is equal to the Special Tax Requirement.

The Special Tax for CFD No. 2018-1 shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of CFD No. 2018-1.

E. EXEMPTIONS

No Special Tax shall be levied on Parcels of Public Property or any privately-owned Parcels that are non-developable, such as common areas, wetlands, and open space, parks, etc. except as otherwise provided in this RMA and in the Act.

F. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City through a resolution of the Council for purposes of clarifying any vagueness or ambiguity in this RMA.

G. TERM OF THE SPECIAL TAX

The Special Tax shall be levied in perpetuity if Authorized Services are being provided and is necessary to pay the Special Tax Requirement.

H. PREPAYMENT OF SPECIAL TAX

The Maximum Special Tax may not be prepaid and shall continue to be levied in accordance with Section D of this Rate and Method of Apportionment on an annual basis on all Taxable Property in CFD No. 2018-1 for the purpose of funding ongoing Authorized Services.

I. REVIEW/APPEALS OF THE SPECIAL TAX

The Administrator may establish such procedures, as it deems necessary to undertake the review of any such appeal. The Administrator shall interpret this Rate and

Method of Apportionment and make determinations relative to the annual administration of the Special Tax and any property owner appeals, as herein specified.

Any property owner who believes that the amount of the Special Tax levied on their Assessor's Parcel is in error shall first consult with the Administrator regarding such error. If following such consultation, the Administrator determines that an error has occurred; the Administrator in consultation with the City Manager shall take any of the following actions to correct the error:

- Amend the Special Tax levy on the property owner's Property Tax Bill for the current Fiscal Year, or

- Have the CFD reimburse the property owner for the amount of overpayment for the current Fiscal Year if CFD funds are available, or

- Grant a credit against, eliminate or reduce the future Special Taxes on the property owner's Assessor's Parcel(s) for overpayment for the current Fiscal Year.

If following such consultation and action (if any by the Administrator), the property owner believes such error still exists, such person may file a written notice with the City Manager appealing the amount of the Special Tax levied on such Assessor's Parcel. If following such consultation and action (if any by the City Manager), the property owner believes such error still exists, such person may file a written notice with the City Council appealing the amount of the Special Tax levied on such Assessor's Parcel. If the City Council determines an error exists; the Administrator shall take any actions as described above, in order to correct the error. The decision of the City Council shall be final and binding to all persons.

J. REPEAL OF THE SPECIAL TAX

If the levy of the Special Tax is repealed by initiative or any other action participated in by the property owners of Assessor's Parcels in CFD No. 2018-1, the City shall cease to levy the Special Tax and shall cease to be obligated to provide the Authorized Services for which the Special Tax was levied. The obligation to provide the Authorized Services previously funded by the repealed Special Tax shall become the joint obligations of the property owners of Assessor's Parcels within CFD No. 2018-1.

K. SEVERABILITY

The invalidity or unenforceability of any provisions of this Rate and Method of Apportionment of Special Tax shall not affect the validity or enforceability of any other provision of this Rate and Method of Apportionment of Special Tax, which shall remain in full force and effect.

RESOLUTION NO. _____

RESOLUTION APPROVING THE ANNEXATION (ANNEXATION NO. 7) OF PROPERTY LOCATED IN THE FUTURE ANNEXATION AREA OF

CITY OF OAKLEY
Community Facilities District No. 2018-1
(Fire Protection Services)

RESOLVED by the City Council (the "Council") of the City of Oakley (the "City"), County of Contra Costa, State of California, that:

WHEREAS, this Council has adopted a resolution entitled "Resolution of Formation of Community Facilities District" (the "Resolution of Formation"), ordering the formation of the (i) the "City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services)" (the "CFD") and (ii) the "City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services) (Future Annexation Area)," authorizing the levy of a special tax on property within the CFD, and preliminarily establishing an appropriations limit for the CFD, all pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act").

WHEREAS, under the Resolution of Formation and a resolution calling special election heretofore adopted by this Council, the propositions of the levy of the special tax and the establishment of the appropriations limit were submitted to the qualified electors of the CFD as required by the Act.

WHEREAS, on October 23, 2018, a special election was held among the landowner voters within the CFD, wherein such propositions were approved by the two-thirds vote required by the Act, as confirmed by resolution of this Council.

WHEREAS, on October 31, 2018, a notice of special tax lien (the "Notice of Special Tax Lien") was recorded with the Contra Costa County Recorder's office, thereby giving notice that the lien to secure payment of the Special Tax was imposed on the land in the CFD.

WHEREAS, the owner (the "Property Owner") of Assessor's Parcel Numbers 041-080-001 and 041-080-002 located within the Future Annexation Area (the "Property") has agreed to mitigate certain impacts of the proposed development of the Property by paying for certain services financed by the CFD.

WHEREAS, pursuant to the Act, the Property Owner has executed a Unanimous Approval constituting a unanimous approval and unanimous vote by the Property Owner in favor of the annexation of the Property to the CFD and the levy of the Special Tax.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, as follows:

1. Recitals. The foregoing recitals are all true and correct.

2. Approval of Annexation. The City Council hereby determines that Assessor's Parcel Numbers 041-080-001 and 041-080-002 are annexed into Tax Zone No. 2 of the CFD.

3. Amendment to Notice of Special Tax Lien. The City Council hereby directs the Clerk of the City Council to record an Amendment to Notice of Special Tax Lien, evidencing that Assessor's Parcel Numbers 041-080-001 and 041-080-002 are added to the CFD.

4. Boundaries Described. The revised boundaries of the CFD including Assessor's Parcel Numbers 041-080-001 and 041-080-002 are described in an amended boundary map, which this City Council hereby directs the City Clerk to record with the Contra Costa County Recorder's office.

5. General Authority; Ratification of Previous Actions. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate the transactions described herein or to otherwise effectuate the purposes of this resolution. Any actions previously taken by such officers that are consistent with the purposes of this resolution are hereby ratified and confirmed.

6. Effective Date. This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the December 14, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

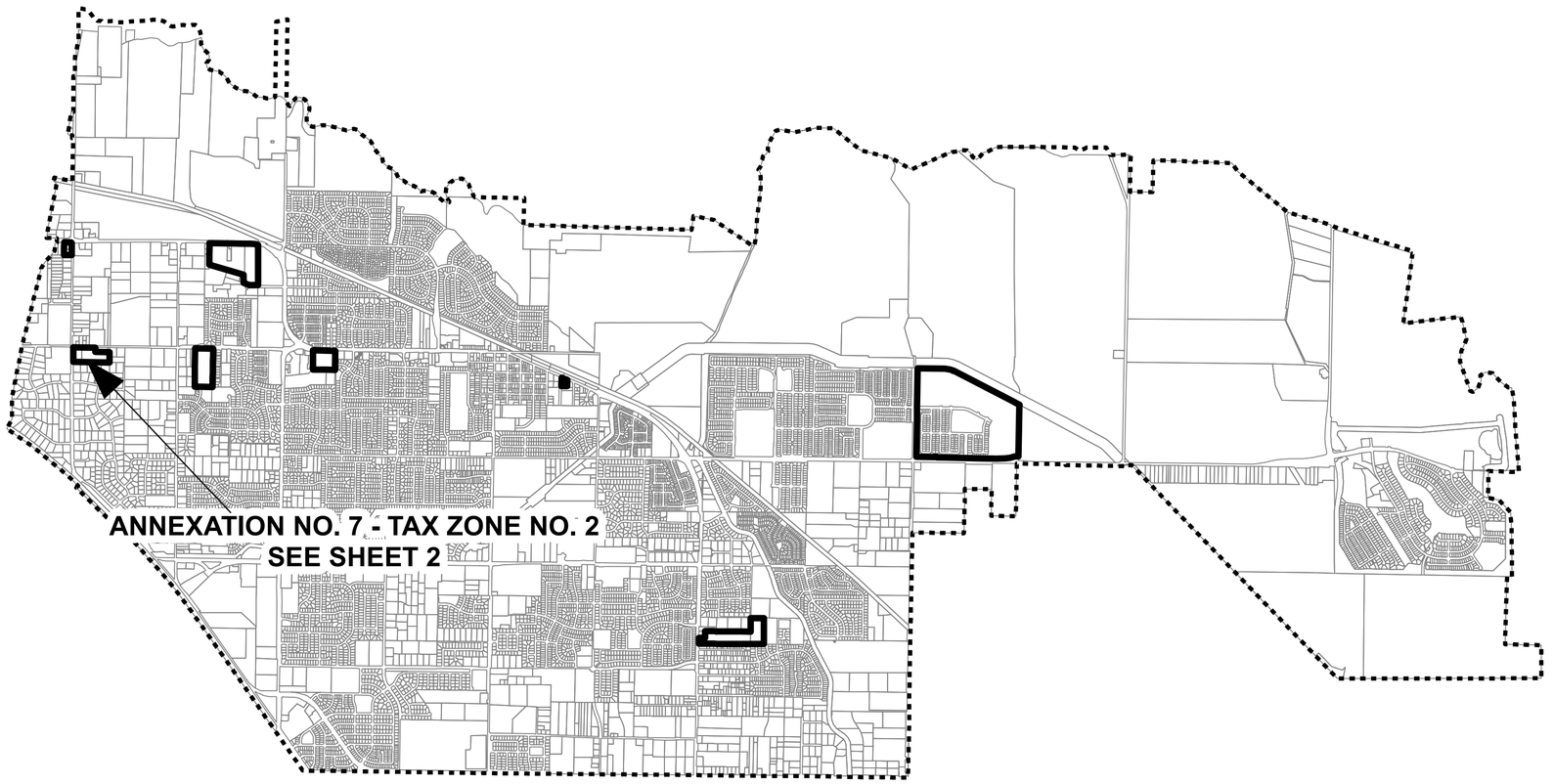
_____
Randy Pope, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

ANNEXATION MAP No. 7 TO
CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2018-1
(FIRE PROTECTION SERVICES)

CITY OF OAKLEY
CONTRA COSTA COUNTY, STATE OF CALIFORNIA



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF OAKLEY THIS _____ DAY OF _____, 2021.

_____
LIBBY VREONIS, CITY CLERK
CITY OF OAKLEY
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING ANNEXATION No. 7 TO CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2018-1 (FIRE PROTECTION SERVICES), CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA,WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF OAKLEY, AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2021, BY ITS RESOLUTION No. _____.

_____
LIBBY VREONIS, CITY CLERK
CITY OF OAKLEY
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

FILED THIS _____ DAY OF _____, 2021, AT THE HOUR OF _____ __.M IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE _____, DOCUMENT No. _____ IN THE OFFICE OF THE COUNTY RECORDER IN CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

_____
COUNTY RECORDER
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

Legend

- CFD No. 2018-1 Boundary
- Oakley City Limits/CFD No. 2018-1 Future Annexation Area
- Parcel Lines

N

0 2,500 5,000 Feet

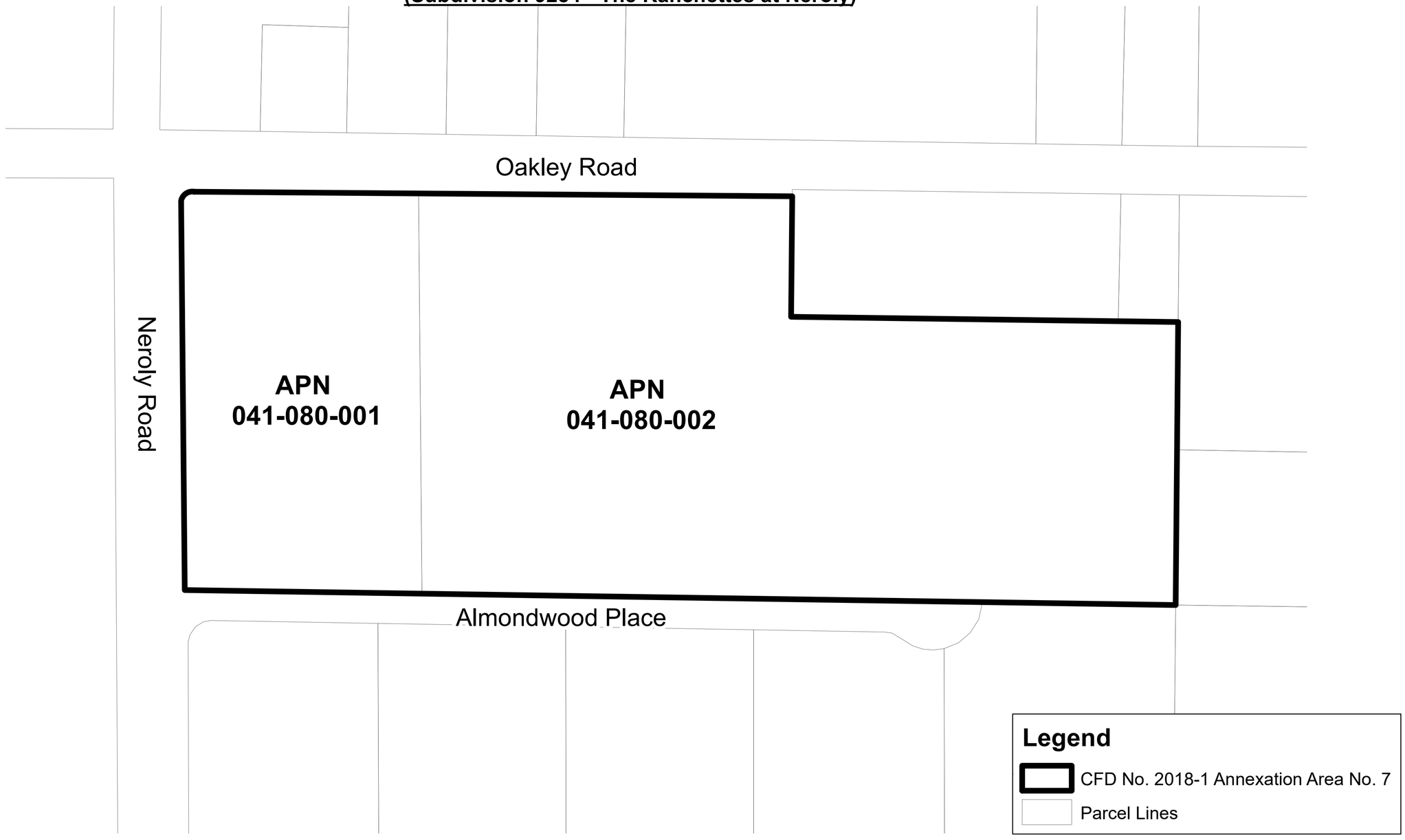
NOTE: THIS ANNEXATION MAP ANNEXES TERRITORY TO CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2018-1 (FIRE PROTECTION SERVICES), CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, ON THE 25TH DAY OF SEPTEMBER, 2018 IN BOOK 87 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT AT PAGES 17-18.

ASSESSOR PARCELS WITHIN BOUNDARY: FOR PARTICULARS OF LINES AND DIMENSIONS OF PARCELS, REFERENCE IS MADE TO THE ASSESSOR PARCEL MAPS OF CONTRA COSTA COUNTY FOR ASSESSOR PARCEL NUMBERS 041-080-001 AND 041-080-002.

ANNEXATION MAP No. 7 TO
CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2018-1
(FIRE PROTECTION SERVICES)

CITY OF OAKLEY
CONTRA COSTA COUNTY, STATE OF CALIFORNIA

Annexation No. 7 - Tax Zone No. 2
(Subdivision 9284 - The Ranchettes at Neroly)



RECORDING REQUESTED BY AND
AFTER RECORDATION RETURN TO:

City Clerk
City of Oakley
City Hall
3231 Main Street
Oakley, California 94561

AMENDMENT NO. 7 TO NOTICE OF SPECIAL TAX LIEN

CITY OF OAKLEY
Community Facilities District No. 2018-1
(Fire Protection Services)

Annexation No. 7 - Tax Zone No. 2
(Subdivision 9284 – The Ranchettes at Neroly)

Pursuant to the requirements of Section 3117.5 of the Streets and Highways Code of California and the Mello-Roos Community Facilities Act of 1982, as amended, section 53311, et seq., of the California Government Code (the "Act"), the undersigned City Clerk of the City of Oakley (the "City"), County of Contra Costa, State of California, hereby gives notice that a lien to secure payment of a special tax, which the City is authorized to levy, is hereby imposed on the property described herein. The special tax secured by this lien is authorized to be levied for the purpose of paying for certain municipal services set forth in that certain Notice of Special Tax Lien heretofore recorded in the Office of the County Recorder of the County of Contra Costa, State of California on October 31, 2018, as Document No. 20180177468, to which reference is hereby made and the provisions of which are hereby incorporated by this reference.

This Amendment No. 7 to Notice of Special Tax Lien amends the Notice of Special Tax Lien to add to the territory of the City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services) (the "CFD"). The territory included in the existing CFD is set forth in the map of the CFD heretofore recorded as Document No. 2018-0152310 in the Office of the County Recorder of the County of Contra Costa, State of California on September 25, 2018, in Book 87 at Page 17-18 of Maps of Assessment and Community Facilities Districts, to which reference is hereby made. The territory to be added is set forth in that certain "Annexation Map No. 7 to Community Facilities District No. 2018-1 (Fire Protection Services), County of Contra Costa, State of California," heretofore recorded at _____ on _____, 2021, in Book _____ at Page _____ of Maps of Assessment and Community Facilities Districts in the office of the County Recorder of the County of Contra Costa, State of California.

The rate, method of apportionment, and manner of collection of the authorized special tax, as supplemented with respect to the annexation of the territory described herein to the CFD, is set forth in Exhibit B hereto and hereby made a part hereof. The lien of the special tax is a continuing lien which shall secure the annual levy of the special tax and which shall continue in force and effect until the special tax obligation is permanently satisfied and canceled in accordance with law or until the special tax ceases to be levied and a notice of cessation of special tax is recorded in accordance with Government Code Section 53330.5.

Notice is further given that upon the recording of this notice in the office of the county recorder, the obligation to pay the special tax levy shall become a lien upon all nonexempt real property with in the territory to be added to the CFD in accordance with Section 3115.5 of the Streets and Highways Code.

The assessor's tax parcel(s) numbers of all parcels or any portion thereof which are included in this Amendment No. 7 to Notice of Special Tax Lien, together with the name(s) of the owner(s) thereof, as they appear on the latest secured assessment roll as of the date of recording hereof or as are otherwise known to the City are as set forth in Exhibit A hereto and hereby made a part hereof.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property subject to this special tax lien, interested persons should contact the Finance Director of the City of Oakley, City Hall, 3231 Main Street, Oakley, California 94561, telephone number (925) 625-7000.

Dated: As of _____, 2021

By: _____
Libby Vreonis, City Clerk,
City of Oakley

EXHIBIT A

CITY OF OAKLEY
Community Facilities District No. 2018-1
(Fire Protection Services)

Annexation No. 7 – Tax Zone No. 2

ASSESSOR'S PARCEL NUMBERS AND OWNERS OF LAND WITHIN ANNEXATION NO. 7 – TAX ZONE NO. 2

Assessor's Parcel No(s).	Name(s) of Property Owners
041-080-001	CYRUS LAND INVESTMENTS LLC
041-080-002	CYRUS LAND INVESTMENTS LLC

EXHIBIT B

CITY OF OAKLEY
Community Facilities District No. 2018-1
(Fire Protection Services)

SUPPLEMENT TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX – TAX ZONE NO. 2

Special Taxes in the City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services) (the "CFD" or "CFD No. 2018-1") shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All the property in CFD No. 2018-1, unless exempted by law or by the provisions of Section E herein, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2018-1, unless a separate Rate and Method of Apportionment of Special Tax is adopted for such annexation area.

Property annexed to City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services) pursuant to Annexation No. 7 will be annexed to Tax Zone No. 2 per the Supplement to the Rate and Method of Apportionment of Special Tax shown below.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Accessory Unit" means a second Residential Unit of reduced size (e.g., granny cottage, etc.) that shares a Parcel with a Residential Unit. An Accessory Unit shall not be considered a separate Residential Unit for purposes of this RMA and will not be levied a Special Tax.

"Acre" or **"Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map, Parcel Map or functionally equivalent map or instrument recorded in the Office of the County Recorder. In the absence of such map, the Administrator will make the final "Acre" or "Acreage" determination utilizing available spatial and Geographic Information Systems (GIS) data.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the actual or reasonably estimated costs incurred by the City or their designee, acting for and on behalf of the CFD as the Administrator thereof, to compute, determine, levy and collect the Special Taxes, including salaries of City staff and a proportionate amount of the City's general administrative overhead related thereto, and the fees of consultants and legal counsel providing services related to the administration of the CFD; the costs of collecting installments of the Special Taxes, including charges levied by the County, the costs related to the preparation of required reports; and any other costs required to administer the CFD as determined by the Administrator. Administrative expenses shall also include amounts estimated or advanced by the City, public agency, or the CFD for any other administrative purposes related to the CFD.

"Administrator" means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes according to this Rate and Method of Apportionment of Special Taxes.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" or **"APN"** means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Services" means the public services authorized to be funded by CFD No. 2018-1 as set forth in the documents adopted by the Council when CFD No. 2018-1 was formed.

"Building Permit" means a building permit having a building structure improvement valuation over $50,000. Building Permits for the construction of ancillary structures such as fences, swimming pools, retaining walls, etc. are excluded.

"Building Square Footage" or "Bldg. Sq. Ft." means the floor area square footage reflected on the original building permit issued for construction of a Non-Residential Parcel, plus or minus any square footage subsequently added or eliminated from a building on a Non-Residential Parcel after the issuance of a subsequent building permit for expansion or renovation of such building.

"**Capital Reserves"** means any amounts that shall be collected, accumulated, and/or held for the CFD in each Fiscal Year to provide for asset replacement, long-term capital projects, or other large anticipated expenditures.

"**CFD" or "CFD No. 2018-1"** means the City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services).

"City" means the City of Oakley.

"City Manager" means the City Manager of the City of Oakley.

"Commercial Parcel" means a Parcel designated by the County Assessor as having a commercial land use, which includes but is not limited to, grocery stores, shopping centers, motel, hotel, retail stores, service stations, etc. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Commercial (Office) Parcel" means a Parcel designated by the County Assessor as having a commercial (office) land use. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Condominium Parcel" means a Parcel designated by the County Assessor as having a condominium, townhome, cluster home, or co-op land use. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Council" means the City Council of the City of Oakley, acting as the legislative body for CFD No. 2018-1.

"County" means the County of Contra Costa.

"County Assessor" means the Contra Costa County Assessor.

"County Land Use Code" means the land use code assigned to an Assessor's Parcel as indicated in the records of the County Assessor.

"Developed Property" means, in any Fiscal Year, all Parcels of Taxable Property for which a Building Permit was issued by the City for construction of a residential structure or a non-residential structure on or prior to June 30 of the preceding Fiscal Year in which Special Taxes are to be levied. In the absence of a Building Permit, any Parcel of Taxable Property shall be classified as "Developed Property" if it has been occupied by a user as determined by the Administrator on or prior to June 30 of the preceding Fiscal Year.

"Final Map" or "Parcel Map" means a Final Map, Parcel Map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.), that creates lots that do not need to be further subdivided prior to issuance of a building permit for a residential or non-residential structure. The term "Final Map" or "Parcel Map" shall not include an Assessor's Parcel Map or subdivision map or portion thereof, that does not create lots that are in their final configuration, including Assessor's Parcels that are designated as remainder parcels.

"Fiscal Year" means the period starting on July 1 and ending on the following June 30.

"Industrial Parcel" means a Parcel designated by the County Assessor as having an industrial land use, which includes but is not limited to, research and development, warehouses, etc. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Institutional Parcel" means a Parcel designated by the County Assessor as having an institutional land use, which includes but is not limited to, churches, hospitals, schools, etc. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Land Use Classification" means the current or intended use of a Taxable Parcel as determined by the Taxable Parcel's County Land Use Code.

"Maximum Special Tax" means the maximum Special Tax determined in accordance with Section C herein, which can be levied in any Fiscal Year.

"Mixed Use Parcel" means a Parcel designated by the County Assessor as having multiple Land Use Classifications such as a residential Land Use Classification and a commercial Land Use Classification, or a residential Land Use Classification and an industrial Land Use Classification.

"Multi-Family Parcel" means a Parcel designated by the County Assessor as having a multi-family residential land use which includes duplexes, triplexes, fourplexes and apartments. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Non-Residential Parcel" means for each Fiscal Year, all Assessor Parcels designated by the County Assessor with a County Land Use Code of Commercial, Commercial (Office), Industrial, or Institutional. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

"**Operating Reserves"** means any amounts that shall be collected, accumulated, and/or held for the CFD in each Fiscal Year to provide for necessary cash flow for the first six months of each Fiscal Year, working capital to cover operation, maintenance, and service cost overruns or any unexpected expenditures, funds to cover delinquencies in the payment of Special Taxes, and a reasonable buffer to prevent large variations in annual Special Tax levies.

"Property Owner" means the Property Owner of record per current County Assessor records unless more current information is available such as a recorded deed of sale, etc.

"Proportionately" means, for Developed Property, that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Developed Property within each respective Tax Zone.

"Public Property" means, for each Fiscal Year: (i) any property within the boundaries of CFD No. 2018-1 that is owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2018-1 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

"RMA" means this Rate and Method of Apportionment of Special Tax.

"Residential Unit" means an individual residential dwelling unit such as a Single-Family Parcel, Condominium Parcel, townhome, apartment, co-op, etc.

"Single-Family Parcel" means a Parcel designated by the County Assessor as having a single-family residential land use and a Residential Unit, excluding residential condominium parcels. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Special Tax" means the tax levied on Taxable Property within CFD No. 2018-1 to pay the annual Special Tax Requirement.

"Special Tax Requirement" means, the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized Services; (ii) Administrative Expenses; (iii) any amounts needed to establish or replenish Operating Reserves and Capital Reserves; and (iv) amounts needed to cover any delinquencies in the payment of the Special Tax which occurred in the previous Fiscal Year or, based on delinquency rates in prior years, that may be expected to occur in the Fiscal Year in which the Special Tax will be collected.

"Taxable Property" or "Taxable Parcels" means all Assessors' Parcels within the boundaries of CFD No. 2018-1 that are not exempt from the Special Tax pursuant to law or Section E herein.

"Tax Zone" means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this RMA. All property within CFD No. 2018-1 at the time of CFD Formation is within Tax Zone 1. Additional Tax Zones may be created when property is annexed to CFD No. 2018-1, and a separate Maximum Special Tax shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to CFD No. 2018-1 shall be identified by Assessor's Parcel Number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

"Unanimous Approval Form" means that form executed by the record owner of fee title to a Parcel or Parcels annexed into CFD No. 2018-1 that constitutes the Property Owner's approval and unanimous vote in favor of annexing into CFD No. 2018-1, and the levy of the Special Tax against his/her Parcel or Parcels pursuant to this RMA.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property in CFD No. 2018-1 that are not classified as Developed Property.

B. DATA FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall: (i) identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property within CFD No. 2018-1, (ii) determine the Land Use Classification for each Taxable Parcel, (iii) determine whether each Assessor's Parcel of Taxable Property is Developed Property or Undeveloped Property, and (iv) determine the Special Tax Requirement for the CFD.

In any Fiscal Year, if it is determined that a Final Map or Parcel Map for a portion of property in CFD No. 2018-1 was recorded after the last date upon which the County Assessor will incorporate the newly-created Parcels into the then current tax roll, and the County Assessor does not yet recognize the new Parcels that will be created by the Final Map or Parcel Map, and one or more of the newly-created Parcels

would meet the definition of Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or Parcel Map by determining the Special Tax that applies separately to each new Parcel that will be created by that Final Map or Parcel Map, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or Parcel Map.

C. MAXIMUM SPECIAL TAXES

1. Developed Property - The Fiscal Year 2021-22 Maximum Special Tax for all Taxable Parcels of Developed Property within Tax Zone No. 2 shall be as shown below in Table No. 1.

Table No. 1 - Developed Property

Land Use Classification	Fiscal Year 2021-22 Maximum Special Tax
Residential	
Single-Family Parcel	$304.16 per Parcel
Condominum Parcel	$228.12 per Parcel
Multi-Family Parcel	$152.08 per Residential Unit
Non-Residential	
Commercial Parcel	$186.60 per 1,000 Bldg. Sq. Ft.
Commercial (Office) Parcel	$373.20 per 1,000 Bldg. Sq. Ft.
Industrial Parcel	$158.61 per 1,000 Bldg. Sq. Ft.
Institutional Parcel	$186.60 per 1,000 Bldg. Sq. Ft.

Mixed Use Parcels will have their Maximum Tax calculated each Fiscal Year based upon their combined uses on the Parcel. For example, if a Parcel has commercial on the ground floor and 50 condominiums on the second floor, the property owner will be taxed the Non-Residential Parcel rate for the Building Square Footage of commercial and the Condominium Parcel Rate for the 50 condominiums.

2. Escalation of Maximum Special Tax

Commencing on July 1, 2022, and each July 1 thereafter, the Maximum Special Tax Rates for Developed Property shown in Table No. 1, shall be increased by applying the percentage increase, if any, in the Consumer Price Index for the San Francisco All Urban Wage Earners Category for the prior calendar year to the Maximum Special Tax in effect for the current fiscal year. Each annual adjustment of the Maximum Special Tax shall become effective on the subsequent July 1.

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES

Each Fiscal Year, the Administrator shall determine the Special Tax Requirement for that Fiscal Year and levy all Parcels of Taxable Property therein as follows:

Step 1: Each Parcel of Developed Property shall be levied Proportionately up to 100% of the Maximum Special Tax for such Fiscal Year until the amount levied is equal to the Special Tax Requirement;

The Special Tax for CFD No. 2018-1 shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of CFD No. 2018-1.

E. EXEMPTIONS

No Special Tax shall be levied on Parcels of Public Property or any privately-owned Parcels that are non-developable, such as common areas, wetlands, and open space, parks, etc. except as otherwise provided in this RMA and in the Act.

F. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City through a resolution of the Council for purposes of clarifying any vagueness or ambiguity in this RMA.

G. TERM OF THE SPECIAL TAX

The Special Tax shall be levied in perpetuity if Authorized Services are being provided and is necessary to pay the Special Tax Requirement.

H. PREPAYMENT OF SPECIAL TAX

The Maximum Special Tax may not be prepaid and shall continue to be levied in accordance with Section D of this Rate and Method of Apportionment on an annual basis on all Taxable Property in CFD No. 2018-1 for the purpose of funding ongoing Authorized Services.

I. REVIEW/APPEALS OF THE SPECIAL TAX

The Administrator may establish such procedures, as it deems necessary to undertake the review of any such appeal. The Administrator shall interpret this Rate and

Method of Apportionment and make determinations relative to the annual administration of the Special Tax and any property owner appeals, as herein specified.

Any property owner who believes that the amount of the Special Tax levied on their Assessor's Parcel is in error shall first consult with the Administrator regarding such error. If following such consultation, the Administrator determines that an error has occurred; the Administrator in consultation with the City Manager shall take any of the following actions to correct the error:

- Amend the Special Tax levy on the property owner's Property Tax Bill for the current Fiscal Year, or

- Have the CFD reimburse the property owner for the amount of overpayment for the current Fiscal Year if CFD funds are available, or

- Grant a credit against, eliminate or reduce the future Special Taxes on the property owner's Assessor's Parcel(s) for overpayment for the current Fiscal Year.

If following such consultation and action (if any by the Administrator), the property owner believes such error still exists, such person may file a written notice with the City Manager appealing the amount of the Special Tax levied on such Assessor's Parcel. If following such consultation and action (if any by the City Manager), the property owner believes such error still exists, such person may file a written notice with the City Council appealing the amount of the Special Tax levied on such Assessor's Parcel. If the City Council determines an error exists; the Administrator shall take any actions as described above, in order to correct the error. The decision of the City Council shall be final and binding to all persons.

J. REPEAL OF THE SPECIAL TAX

If the levy of the Special Tax is repealed by initiative or any other action participated in by the property owners of Assessor's Parcels in CFD No. 2018-1, the City shall cease to levy the Special Tax and shall cease to be obligated to provide the Authorized Services for which the Special Tax was levied. The obligation to provide the Authorized Services previously funded by the repealed Special Tax shall become the joint obligations of the property owners of Assessor's Parcels within CFD No. 2018-1.

K. SEVERABILITY

The invalidity or unenforceability of any provisions of this Rate and Method of Apportionment of Special Tax shall not affect the validity or enforceability of any other provision of this Rate and Method of Apportionment of Special Tax, which shall remain in full force and effect.

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: December 14, 2021

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

FROM: Kevin Rohani, P.E., Public Works Director/City Engineer

SUBJECT: Award of a contract to Waterworks Industries, Inc. for Lake, Aeration Fountain, Pump Station, and Generator Maintenance Services at Cypress Grove Subdivision, Emerson Ranch Subdivision, Delaney Park Subdivision, City Hall and Oakley Plaza

Background and Analysis

The City of Oakley utilizes a wide range of consultants and contractors across all departments to augment City staff as needed to accommodate the workload activities. One of the areas that this approach is used, is in various public works maintenance operations (i.e. Landscaping, Street Sweeping, Traffic Signals, Street Lights, etc.) to ensure the community receives high quality and timely maintenance services.

The construction of the Cypress Grove, Emerson Ranch, and Delaney Park Subdivisions has added 3 new lakes, aeration fountains, complex pump stations, generators, and their associated infrastructure to the City's ownership and maintenance responsibilities. In addition to these large infrastructure systems, the City owns and operates the fountains outside of City Hall and at the Oakley Plaza Shopping Center.

The City staff does not have the unique expertise and certifications for the maintenance of these facilities and have to use the services of specialty maintenance contractors to keep these important infrastructure assets in good operating condition for the enjoyment of the community.

For the past two (2) years, the City has used the services of Solitude Lake Management, Inc. and Cummins, Inc. for lake, aeration fountain, pump station, and generator maintenance services at cost of over $100K per year. This figure does not include the cost to maintain the City Hall and Oakley Plaza fountains which is currently costing over $12K per year to maintain; in addition to the Stormwater Outfall structures and their pumps, which is currently costing over $5K per year to maintain.

The quality of the services provided has not been satisfactory and to the standards expected and despite a number of discussions and meetings with the contractors, performance improvements have not been observed.

Staff have researched other maintenance contractors who provide similar services to agencies, in addition to reaching out to our colleagues in other municipalities in the Contra Costa County region. As a result of this research, staff has determined that the firm of Waterworks Industries, Inc. would be best suited to provide the maintenance services that the City needs for lakes, aeration fountains, complex pump stations, generators, and their associated infrastructure.

Waterworks Industries, Inc. is a company with over 40 years of experience and with aquatic maintenance professionals specializing in customized lake management, including water quality testing, algae and aquatic weed control, maintenance and operation of fountains and aeration systems, and pump station maintenance services. They have offices throughout California and serve a large number of municipalities, including the Cities of San Ramon and Walnut Creek in Contra Costa County. They have staff available in the East County area and can respond promptly in case of emergency service needs, in addition to regular maintenance service.

Staff has negotiated a comprehensive and all-inclusive scope of work with Waterworks Industries, Inc. to provide the City the full maintenance services that are needed for City owned lakes, fountains, pump stations, and generators at a very competitive price. Having all of these maintenance services under one contractor is more efficient, as all having these components work in coordination with each other and one contractor can provide a more effective and stable service.

Staff is recommending that an agreement with Waterworks Industries, Inc. be approved by the City Council for an annual cost of $119,810 to provide maintenance services for lakes, aeration fountains, complex pump stations, generators, and their associated infrastructure.

Fiscal Impact

Funding for the above referenced maintenance service is included in the City of Oakley Storm Drain Community Facility District (CFD) budget allocations, and there are no impacts to the City's General Fund for this maintenance service contract.

Staff Recommendation

Staff recommends that the City Council adopt the Resolution approving the agreement with Waterworks Industries, Inc. for Lake, Aeration Fountain, Pump Station, and Generator Maintenance Services at Cypress Grove, Emerson Ranch, and Delaney Park Subdivisions, and at City Hall and Oakley Plaza starting from January 1, 2022 to June 30, 2024 and to authorize the City Manager to execute this agreement.

Attachments

1) Resolution
2) Proposal from Waterworks Industries, Inc.

RESOLUTION NO. ___-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING AN AWARD OF CONTRACT WITH WATERWORKS INDUSTRIES, INC. FOR LAKE, FOUNTAIN, PUMP STATION, AND GENERATOR MAINTENANCE SERVICES AT CYPRESS GROVE, EMERSON RANCH, DELANEY PARK SUBDIVISIONS, CITY HALL, AND OAKLEY PLAZA AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT

WHEREAS, the City of Oakley Public Works Department is responsible for the overall maintenance and operation of all City's Parks and Facilities; and

WHEREAS, the City of Oakley does not have the unique expertise and certifications for the maintenance of these lakes and its associated infrastructure and as a result have researched outside resources for this specialty maintenance service; and

WHEREAS, Waterworks Industries, Inc. is a firm specializing in aquatic maintenance with over 40 years of experience and are the best suited to provide the City this service; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City Council of the City of Oakley that the Maintenance Services agreement with Waterworks Industries, Inc. for Lake, Aeration Fountain, and Pump Station, and Generator Maintenance Services at Cypress Grove, Emerson Ranch, Delaney Park Subdivisions, City Hall, and Oakley Plaza for an amount not to exceed $ 119,810 annually and pro-rated for the remainder of Fiscal Year 2021/22 and to continue until June 30, 2024 is hereby approved, and the City Manager is authorized to execute said agreement.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 14th of December, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

THE CITY OF OAKLEY

OAKLEY, CA

POND, FOUNTAIN, AND PUMP STATION MAINTENANCE PROPOSAL

Prepared By:

Waterworks Industries
930 Shiloh Rd, Bldg. 38, Suite D
Windsor, CA 95492

Prepared For:

The City of Oakley
Oakley, CA 94561

POND SERVICE PROPOSAL

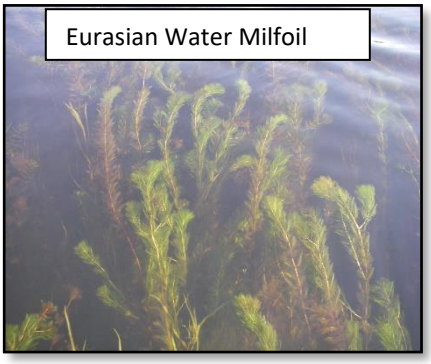
Waterworks Industries, Inc. is a full-service design, construction, and maintenance company. Our company was started in 1980 as The Waterworks Company specializing in aquatic management. Within a few years of our start up, our clients began to ask us to provide more services. As the services that we provided grew, we incorporated our company and modified our name to better fit our capabilities. Waterworks Industries, Inc. is that company.

Waterworks Industries is licensed and registered to fulfill all the requirements of this proposal. Waterworks Industries is a multi-discipline licensed contractor with the State of California, Contractors State License Board # 678182 with the following classifications: Class A - General Engineering Contractor, Class B - General Building Contractor, Class C-36 Plumbing Contractor, C-27 Landscape and Class C-53 Swimming Pool and D-21 Machinery and Pump Contractor. Waterworks Industries is licensed with the California State Department of Pesticide Regulation, Pest Control Business License # 30609.

SCOPE OF WORK

Waterworks Industries Inc. shall provide all equipment, labor, PPEs, and materials required for the treatments, and the work performed will be performed in accordance with the highest industry standards to manage the water features throughout The City of Oakley.

Objective - The objective is to control nuisance aquatic vegetation including Sago Pond weed, Eurasian Water Milfoil, other submerged Aquatic grasses, and Algae. The algicides and herbicides utilized will be provided by Waterworks to perform the treatments and is included in the cost proposal. All work shall be performed in accordance with the highest industry standards.



Waterworks Industries Inc. would also provide all necessary labor to remove normal debris on a weekly basis. Major debris and or cleaning due to storms or natural disasters would be an additional cost to the normal services.

SYSTEM COMPREHENSION

At the inception of maintenance, Contractor will review the system completely to clarify any unfamiliar items in the below pictured properties. We are very familiar with these types of pond systems and fountains.

CITY OF OAKLEY PONDS

CITY HALL FOUNTAINS

A. System Monitoring and Inspections

The time of day and duration of visit shall be at the discretion of the Contractor. Variations in the day-to-day scheduling can occur depending on such conditions as climatic changes, traffic conditions, and emergency conditions elsewhere, etc.

- Weekly Monitoring: The Ponds will be monitored one **(1) time(s)** per week to ensure high water quality. Pumps, water level, time clocks, lighting, electrical panels, and all other components will be monitored to ensure proper operation. Any component not working properly will be brought immediately to the management's attention if in need of repair.

- Annual Fountain Inspections: Fountains and panels will be inspected weekly for proper operation. Once annually, all Floating fountains in ponds will be inspected, intakes cleaned, remove buildup of algae/scum from fountain structure, and fountain anchors inspected. Any repairs necessary will be reported to the city with costs.

B. Water Quality – Weekly Service

- Debris Clean -Up: Floating debris (trash, leaves, etc.) In addition, visible bottom debris shall be removed and held to a minimum by routine collection during each service visit.

- Mechanical System Maintenance: Water overflow intakes, pump intakes, screens, and circulating jets to be checked at each service visit and maintained operational and free of debris. Necessary cleaning and service to be done when discovered.

- Water Treatment: The water will be treated as necessary with EPA approved Algaecides to inhibit the growth of all types of algae. Contractor to provide chemicals as necessary and will be billed as an addition to the contract.

- Equipment: Contractor shall furnish all application equipment, as necessary.

C. Cypress Pond & Pump Station (3.5 Surface acres) – Weekly Service

- Pump Station: Maintain & Monitor pump station including general housekeeping of the pump station room.

- Alert system: Receive alerts and respond, if necessary, via phone alert. All service calls necessary will be billed at an additional charge to normal maintenance. Weekly service visits will log alerts as not to respond if alert has been verified previously.

- Irrigation Well Pump: Monitor pump station and report any issues as necessary.

- Generator: Monitor generator station and report any issues as necessary. Generator service will be an additional cost.

D. Emerson Ranch Pond & Pump Station (3.3 Surface Acres) – Weekly Service

- Pump Station: Maintain & Monitor pump station including general housekeeping of the pump station room.

- Alert system: Receive phone alerts and respond, if necessary. All service calls necessary will be billed at an additional charge to normal maintenance. Weekly service visits will log alerts as not to respond if alert has been verified previously.

- Fountains: Three (3) Fountains will be monitored, maintained, cleaned annually by certified diver. Any needed repairs found will be reported to City.

- Irrigation Well Pump: Monitor pump station and report any issues as necessary.

- Outfall DI's: Three (3) Outfalls with DI's will be monitored, panels checked for alerts, manhole covers removed bi-monthly for visual inspection.

- Generator: Monitor generator station and report any issues as necessary. Generator service will be an additional cost.

E. Delaney Park Pond & Pump Station (4.9 surface acres) – Weekly Service

- Pump Station: Maintain & Monitor pump station including general housekeeping of the pump station room.

- Alert system: Receive alerts via SCADA system, respond if necessary. All service calls necessary will be billed at an additional charge above regular maintenance service. Weekly service visits will log alerts as not to respond if alert has been verified previously.

- Fountains: One (1) Fountains will be monitored, maintained, cleaned annually by certified diver, and any repairs found to be necessary will be reported to the City.

- Outfall DI's: Three (3) Outfalls with DI's will be monitored, panels checked for alerts, manhole covers removed bi-monthly for visual inspection.

- Irrigation Well Pump: Monitor pump station and report any issues as necessary.

- Generator: Monitor generator station and report any issues as necessary. Generator service will be an additional cost.

F. City Hall Large & Small Fountain – Weekly Service

- Equipment Vault: Maintain & Monitor pump station including general housekeeping of the pump station vault.

- Fountain Basins: Routine maintenance of bowls, basins, fountain structure for an aesthetically pleasing appearance.

- Annual Inspections: At least annually, all electrical contact points of pump start motors to be visually inspected for overheating, corrosion, etc. and serviced properly.

- Pumping Systems: Clean intakes, strainers, fountain jets, and discharge ports as necessary.

- Lighting Systems: Maintain and monitor lights as necessary. Repairs and replacement of lamps are additional.

G. Oakley Plaza Fountain – Weekly Service

Equipment Vault: Maintain & Monitor pump station including general housekeeping of the pump station vault.

- Fountain Basins: Routine maintenance of bowls, basins, fountain structure for an aesthetically pleasing appearance.

- Surge Tank: Surge tank to be cleaned annually at the end of Fall season.

- Annual Inspections: At least annually, all electrical contact points of pump start motors to be visually inspected for overheating, corrosion, etc., and serviced properly.

- Pumping Systems: Clean intakes, strainers, fountain jets, and discharge ports as necessary.

- Lighting Systems: Maintain and monitor lights as necessary. Repairs and replacement of lamps are additional.

H. Exclusions

Contractor shall not be responsible for:

- Parts: Repair or replacement parts required for routine maintenance (i.e., pump seals, belts, gaskets, filters, basket, floats, pipefitting, motors, etc.).
- Utilities: Water and electrical costs.
- Outside services: Outside services of electricians, certified backflow preventer services, motor rewinding, and other specialty services not specifically covered in the basic responsibilities.
- Clean-up jobs: Dredging, pond draining, and major cleanup jobs dictated by uncontrollable conditions. This type of work would need a separately prepared proposal and approval by the City before this work would be implemented.
- Off schedule service calls: Any service call that occurs outside your normal service days will be charged to your account. Minimal service will be provided during the week of December 24 – January 2.
- Chemicals: In the event of Vandalism Defoamer will be charged at an additional charge of $75.00 per gallon. Clarifier will be charged at an additional charge of $50.00 per gallon.

WATERWORKS INDUSTRIES hereby agree to perform the above services set forth in the following service agreement at **THE CITY OF OAKLEY, OAKLEY, CA** for the dollar amount **SPECIFIED IN EXHIBIT A** on an annual basis. This agreement shall be effective for one-year from the date of signed approval. If both parties continue to perform after the one-year anniversary of the effective date, and neither party informs the other of its intention to terminate services, services shall continue, in full for another year with a rate increase equal to the CPI increase for the region.

We look forward to working with you on your water features. If you have any questions about this proposal, budgetary issues, our services, or any modifications, concerns, or questions that you may have, please do not hesitate to reach out to me at 925-270-5514 or my email Andy@Waterworksindustries.com

Sincerely,

Waterworks Industries, Inc.

Andy Trujillo
Regional Manager

Approved By

_____ _____ _____

Signature: Title: Date:

EXHIBIT A - PROPOSAL PRICING

CITY OF OAKLEY MANAGEMENT COST ESTIMATE				
Services	**Monthly Cost**	**Unit**	**Estimated Units per Year**	**Estimated Annual Cost**
CYPRESS POND – 3.5 SURFACE ACRES				
Weekly Pond & pump station Monitoring (inclusive of all costs for conducting event)	$2,060.00	Monthly	12	$24,720.00
250 kw Monthly Generator inspection, readiness status, oil levels, fuel levels, alert condition. **Consumables are an added cost.**	$260.00	Once Per Month	12	$3,120.00
Annual Service 250kw unit **WITH** 2-hour load test to conform to Air Quality standards	$2,100.00	Yearly	1	$2,100.00
EMERSON RANCH POND – 3.3 SURFACE ACRES				
Weekly Pond & pump station Monitoring (inclusive of all costs for conducting event)	$2,039.00	Monthly	12	$24,468.00
300 kw Monthly Generator inspection, readiness status, oil levels, fuel levels, alert condition. **Consumables are an added cost.**	$286.00	Once per Month	12	$3,432.00
Annual Service 300kw unit **WITH** 2-hour load test to conform to Air Quality standards	$2,100.00	Yearly	1	$2,100.00
Three (3) Outfalls with DI's will be monitored, panels checked for alerts, manhole covers removed 2 times per month for visual inspection.	$163.00 Per Inspection	Monthly	24	$3,912.00

DELANEY RANCH POND – 4.9 SURFACE ACRES				
Weekly Pond & pump station Monitoring (inclusive of all costs for conducting event)	$2,140.00	Monthly	12	$25,680.00
300 kw Monthly Generator inspection, readiness status, oil levels, fuel levels, alert condition. **Consumables are an added cost.**	$300.00	Once per Month	12	$3,600.00
Annual Service 300kw unit **WITH** 2-hour load test to conform to Air Quality standards	$2,100.00	Yearly	1	$2,100.00
Three (3) Outfalls with DI's will be monitored, panels checked for alerts, manhole covers removed 2 times per month for visual inspection.	$163.00 Per Inspection	Monthly	24	$3,912.00
CITY HALL – LARGE & SMALL FOUNTAINS				
Weekly Fountain & pump vault Monitoring (inclusive of all costs for conducting event)	$698.00	Monthly	12	$8,376.00
450 kw Monthly Generator inspection, readiness status, oil levels, fuel levels, alert condition. **Consumables are an added cost**	$320.00	Monthly	12	$3,840.00
Annual Service 450kw unit **WITH** 2-hour load test to conform to Air Quality standards	$2,750.00	Yearly	1	$2,750.00
OAKLEY PLAZA FOUNTAIN				
Weekly Fountain & pump vault Monitoring (inclusive of all costs for conducting event)	$475.00	Monthly	12	$5,700.00

Additional Rates	**Cost**	**Unit**		
Repair labor rate normal hours	$145.00	Hour		
Labor rates nights & weekends	$195.00	Hour		
Electrician rate normal hours	$160.00	Hour		
Electrician rates nights & weekends	$275.00	Hour		
Generator repair rate normal hours	$225.00	Hour		
Generator repair nights & Saturdays	$350.00	Hour		
Generator repair Sundays	$420.00	Hour		

ADDITIONAL RATES ARE PORTAL TO PORTAL FOR ALL WORK PERFORMED

Andrew L. Trujillo

Regional Manager

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: December 14, 2021

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

FROM: Jeri Tejeda, Interim HR Director

SUBJECT: **Adopt Resolution Amending the 2021-2022 Employee Salary Schedule adding New Job Classifications and Revising Existing Job Classifications and approving a budget appropriation.**

Background and Analysis

The Compensation Policy in 1.A. states that "new or any modifications to the salary ranges will be recommended by the City Manager and adopted by the City Council." It further describes the process by which the salary range for each classification will be established, in short for fulltime employees the minimum of the range is the mean (average) of the survey agencies and the maximum is the mean of the survey agencies plus thirteen percent (13%). The survey cities are also provided in the Compensation Policy and currently consist of Antioch, Brentwood, San Ramon, Pittsburg, Tracy, Pleasant Hill, and Martinez.

Salary ranges for part-time employees will be set by the City Manager, but are informed by the survey of the comparable cities.

Similarly, the Personnel Manual Section 9.1 Compensation Plan, states the City Council shall by resolution adopt and maintain a Compensation Policy with a salary range for each regular full-time position.

Finally, the California Public Employees' Retirement System (CalPERS) through California Code of Regulations, section 570.5 requires a pay schedule that includes every position's (classification) title, the ranges, the time base (monthly, hourly etc.) and the effective dates and dates of revisions (amendments). CalPERS also requires that the pay schedule be approved and adopted by the City's governing body (including amendments) in order for the pay provided to employees be counted as earnable towards the employee's pensions at the time of retirement.

The proposed amendments within the salary schedule would:

1) Add the classifications/positions of Facilities Maintenance Worker and Planning Manager

2) Rename Facilities Maintenance Custodian to "Custodian" and Facilities Maintenance Aide to "Custodial Aide," distinguishing from the Facilities Maintenance Worker
3) Remove the reference to "Economic" Development from the Community & Economic Development Director, as the incumbent hired would not be responsible for the supervision of Economic Development activities

Since the last approval of the salary schedule on May 11, 2021, we have evaluated the City's organizational needs and determined the above noted changes will add the needed support to the departments. The position of Facilities Maintenance Worker would provide a dedicated staff person who would proactively address and coordinate building maintenance needs of all City facilities. Up until now, these duties were being only partially performed by existing staff (Assistant to the City Manager and Facilities Maintenance Custodian). However, the City's operations have grown and COVID19 has added further demands to the degree that support to Facilities Maintenance has been negligible. The need for dedicated staff is very much warranted at this time and into the future.

The addition of Planning Manager to the salary schedule would allow for the promotion of an internal staff member who has been performing the related duties of Planning Manager, while Mr. McMurray performed both the Community and Economic Development Director and Interim City Manager duties.

Now having been formally appointed as City Manager, Mr. McMurray would be relieved of Community Development Director duties through a recruitment that has commenced, however, McMurray will continue to supervise all economic development activities, thus the removal of "Economic" from his former position title.

In addition to the above, the City Manager would like to fill the position of Assistant to the City Manager with a full time position. This will provide dedicated support and administrative assistant to the City Manager's department. This position is an already approved position on the Salary Schedule, but will require a budget appropriation as outlined in the fiscal impact section.

Fiscal Impact

To accommodate the positions outlined above the following appropriations to the FY 2021/22 budget are being requested.

Assistant to the City Manager: filling a full time position of Assistant to the City Manager would increase the budget by approx. $192,500 annually. For FY 2021/22 the budget appropriation request would be for 5 months of employment at a cost for salary and benefits of $80,208. In the original budget a part time Administrative Assistant was budgeted at $23,325 using ARPA funds as it was anticipated the City would require assistance in tracking these

funds. With the hiring of HDL, the need for the department has changed and therefore, the request for a full time Assistant to the City Manager.

Facilities Maintenance Worker: adding a full time Facilities Maintenance Worker would increase the budget by approx. $97,950 annually. For FY 2021/22 the budget appropriation request would be for 5 months of employment at a cost for salary and benefits of $40,800.

Planning Manager: adding a Planning Manager position to replace the current Principal Planner would increase the budget by approx. $9,500 annually. For FY 2021/22 the budget appropriation request would be for 7 months of employment at a cost for salary and benefits of $5,500.

The Custodial and Community Development Director positions will not affect the budget as they are name changes only.

Staff Recommendation

Adopt the resolution amending the 2021-2022 Salary Ranges as described and reflected in the attachments.

Attachments

1. Resolution
2. Amended Salary Ranges for Fiscal Year 2021-2022
3. Budget Appropriation
4. Compensation Policy

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY AMENDING THE 2021-2022 EMPLOYEE SALARY SCHEDULE ADDING NEW JOB CLASSIFICATIONS AND REVISING EXISTING JOB CLASSIFICATIONS AND APPROVING A BUDGET APPRORIATION

WHEREAS, the City Council adopted a Compensation Policy on June 25, 2001 establishing the City of Oakley's policy regarding employee compensation in conformance to City Ordinance 17-00; and

WHEREAS, the Compensation Policy was amended on June 24, 2008 and on June 13, 2017; and

WHEREAS, pursuant to the Compensation Policy, the City conducts at least every two years a comparative salary and benefit survey using comparable cities; and

WHEREAS, a comparative salary and benefit study was conducted for Fiscal Year 2021-2022; and

WHEREAS, the City Council utilized this comparative salary and benefit study in approving the 2021- 2022 Employee Classifications and Salary Schedule; and

WHEREAS, to improve the operational efficiency of the City, it is desired to establish some new full-time employee classifications and to revise others; and

WHEREAS, the City Council desires to approve the new employee classifications and the corresponding salary ranges pursuant to the Compensation Policy.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley hereby approves the following:

The Employee Position Classifications and Salary Ranges as identified in "Attachment 2" that is attached hereto, which now includes the positions of Facilities Maintenance Worker and Planning Manager and revises Community & Economic Development Director to Community Development Director, Facilities Maintenance Custodian to Custodian and Facilities Maintenance Aide to Custodial Aide.

A budget appropriation to the FY 2021/2022 budget to increase salary and benefits as identified in "Attachment 3" that is attached hereto, which adds a full time Assistant to the City Manager with a budget increase of $80,208, a Facilities Maintenance Worker with a budget increase of $40,800 and replaces the Principal Planner with the Planning Manager position with a budget increase of $5,500.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Oakley held on the 14th day of December, 2021 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Mayor

ATTEST:

_____
Libby Vreonis, City Clerk Date

City of Oakley

Salary Schedule

Effective Date: 12.24.2021 at noon (staff on 9/80 schedule) or 12.26.2021 (all other staff)

Proposed: 12/14/2021

Position	Approved		Recommended	
	FY 18-19/19-20/20-21 Ranges		FY 21-22 & 22-23 Ranges	
	Monthly Minimum	Monthly Maximum	Monthly Minimum	Monthly Maximum
ACCOUNTING ASSISTANT	$ 3,943	$ 5,670	$ 4,433	$ 6,161
ACCOUNTING MANAGER	*Vacant*		$ 10,445	$ 15,065
ADMINISTRATIVE ASSISTANT	$ 3,791	$ 5,208	$ 4,036	$ 5,543
ADMINISTRATIVE SPECIALIST	$ 5,645	$ 7,796	$ 6,182	$ 8,538
ASSISTANT ENGINEER*	$ 6,930	$ 9,657	$ 8,688	$ 11,987
ASSISTANT TO THE CITY MANAGER (1)	$ 9,211	$ 13,055	$ 10,103	$ 14,234
ASSOCIATE ENGINEER*	$ 7,818	$ 10,988	$ 8,688	$ 11,987
BLDG. INSPECTOR I w/CERT	$ 5,973	$ 8,324	$ 6,568	$ 9,154
BLDG. INSPECTOR II w/COMBO CERT	$ 6,746	$ 9,399	$ 7,428	$ 10,350
CAPITAL PROJECTS ENGINEER	$ 7,818	$ 10,988	$ 8,688	$ 11,987
CHIEF BUILDING OFFICIAL*	$ 9,670	$ 13,632	$ 10,608	$ 14,961
CITY CLERK (2)	$ 9,414	$ 13,735	$ 10,064	$ 14,345
CITY COUNCIL	$457		$457	
CITY MANAGER	up to $20,953		up to $23,048	
CODE ENFORCEMENT OFFICER I	$ 5,617	$ 7,804	$ 6,161	$ 8,560
CODE ENFORCEMENT OFFICER II	$ 6,179	$ 8,584	$ 6,771	$ 9,416
CODE ENFORCEMENT TECHNICIAN	$ 4,213	$ 5,853	$ 4,621	$ 6,420
COMMUNITY ~~& ECONOMIC~~ DEVELOPMENT DIRECTOR	$ 11,656	$ 16,878	$ 12,954	$ 18,603
~~FACILITIES MAINTENANCE~~ CUSTODIAN	$ 3,416	$ 4,721	$ 3,929	$ 5,430
DEPUTY CITY CLERK	*Vacant*		$ 5,852	$ 8,224

ECONOMIC DEVELOPMENT ANALYST	$ 7,166	$ 10,172	$ 7,289	$ 10,346
ENGINEERING TECHNICIAN	$ 5,269	$ 7,274	$ 5,400	$ 7,502
FACILITIES MAINTENANCE WORKER	*Vacant*		$ 4,685	$ 6,531
FINANCE DIRECTOR	$ 11,864	$ 17,372	$ 13,376	$ 19,217
HUMAN RESOURCES DIRECTOR	*Vacant*		$ 13,307	$ 18,983
HUMAN RESOURCES TECHNICIAN*	$ 5,243	$ 7,270	$ 5,698	$ 8,017
MANAGEMENT ANALYST (3)	$ 6,475	$ 8,421	$ 7,197	$ 10,231
OFFICE ASSISTANT	*Vacant*		$ 3,398	$ 4,716
PARALEGAL	$ 4,638	$ 6,543	$ 5,102	$ 7,197
PARKS & LANDSCAPE MAINTENANCE DIVISION MANAGER	$ 8,569	$ 12,354	$ 9,414	$ 13,229
PARKS & LANDSCAPE MAINTENANCE FOREMAN	$ 5,958	$ 7,096	$ 6,752	$ 9,435
PARKS & LANDSCAPE MAINTENANCE LABORER*	$ 3,319	$ 4,618	$ 3,644	$ 5,070
PARKS & LANDSCAPE MAINTENANCE WORKER*	$ 4,093	$ 5,697	$ 4,489	$ 6,247
PARKS RANGER	$ 4,911	$ 6,836	$ 5,387	$ 7,496
PERMIT TECHNICIAN I	$ 5,072	$ 7,053	$ 4,953	$ 6,837
PERMIT TECHNICIAN II	*Vacant*		$ 5,696	$ 7,863
PLANNING MANAGER	*Vacant*		$ 10,802	$ 14,830
PLANNING TECHNICIAN	$ 4,882	$ 6,854	$ 5,354	$ 7,462
POLICE CHIEF	$ 14,460	$ 20,279	$ 16,216	$ 22,290
POLICE LIEUTENANT	$ 10,289	$ 14,760	$ 11,496	$ 16,395
POLICE OFFICER	$ 6,751	$ 9,771	$ 7,453	$ 10,699
POLICE RECORDS ASSISTANT	$ 4,017	$ 5,541	$ 4,377	$ 6,038
POLICE SERGEANT	$ 8,248	$ 11,700	$ 9,098	$ 12,857
POLICE SERVICES ASSISTANT	$ 4,436	$ 6,165	$ 4,817	$ 6,717
PRINCIPAL ENGINEER	$ 10,797	$ 15,035	$ 11,024	$ 15,357
PRINCIPAL PLANNER	$ 8,965	$ 12,673	$ 9,650	$ 13,671

PROGRAM COORDINATOR	$ 4,640	$ 6,350	$ 5,377	$ 7,365
PUBLIC WORKS DIRECTOR/CITY ENGINEER	$ 12,415	$ 1,818	$ 13,701	$ 19,616
PUBLIC WORKS INSPECTOR I	$ 6,191	$ 8,644	$ 6,909	$ 9,645
PUBLIC WORKS INSPECTOR II	$ 6,887	$ 9,546	$ 7,635	$ 10,662
PUBLIC WORKS MAINTENANCE LABORER*	$ 3,319	$ 4,618	$ 3,644	$ 5,070
PUBLIC WORKS MAINTENANCE WORKER	$ 4,093	$ 5,697	$ 4,489	$ 6,247
RECREATION DIRECTOR(4)	***Vacant***		$ 11,193	$ 15,854
RECREATION & EVENTS COORDINATOR	$ 4,893	$ 6,750	$ 5,579	$ 7,688
SENIOR ACCOUNTING TECHNICIAN	$ 5,354	$ 7,441	$ 5,883	$ 8,176
SENIOR PLANNER*	$ 8,147	$ 11,517	$ 8,849	$ 12,500
STREETS MAINTENANCE FOREMAN	$ 6,253	$ 8,589	$ 7,173	$ 9,852
TREE WORKER	$ 4,707	$ 6,551	$ 4,938	$ 6,871

* Not a budgeted position

1- Employee serves in two positions (Human Resources Director)

2- Employee serves in two positions (Paralegal)

3- Employee serves in two positions (Program Coordinator)

4- Employee serves in added capacity of (Website Coordinator)

Part-Time Schedule

Position	Approved		Recommended	
	FY 18-19/19-20/20-21 Ranges		FY 21-22 & 22-23 Ranges	
	Hourly Minimum	Hourly Maximum	Hourly Minimum	Hourly Maximum
ACCOUNTING ASSISTANT	$ 17.50	$ 23.50	$ 18.75	$ 25.00
ADMINISTRATIVE ASSISTANT	$ 18.00	$ 22.50	$ 19.25	$ 24.00
ADMINISTRATIVE SUPPORT ASSOCIATE	$ 18.00	$ 22.50	$ 19.25	$ 24.00
BUILDING INSPECTOR I	$ 31.00	$ 43.21	$ 33.50	$ 46.00
BUILDING INSPECTOR II	$ 45.50	$ 75.80	$ 48.50	$ 80.00
BUILDING OFFICIAL	$ 62.50	$ 85.75	$ 67.00	$ 90.00
CODE ENFORCMENT OFFICER	$ 28.50	$ 39.62	$ 30.50	$ 42.50
CODE ENFORCMENT TECHNICIAN	$ 18.25	$ 25.50	$ 19.50	$ 27.25
EXECUTIVE ASSOCIATE	$ 50.00	$ 100.00	$ 55.00	$ 110.00
FACILITIES ATTENDANT	$ 14.00	$ 16.00	$ 15.00	$ 17.00
FACILITIES MAINTENANCE AIDE	$ 14.00	$ 20.00	$ 15.00	$ 21.50
INTERN	$ 14.00	$ 15.00	$ 15.00	$ 16.00
PARKS & LANDSCAPE MAINTENANCE CONTRACTS MONITOR			$ 22.00	$ 33.00
PERMIT TECHNICIAN	$ 26.00	$ 37.00	$ 27.75	$ 39.50
POLICE OFFICER TRAINEE	*$28*		$32	
POLICE RECORDS ASSISTANT	$ 17.00	$ 24.50	$ 18.00	$ 26.00
POLICE SERVICES ASSISTANT	$ 21.00	$ 27.00	$ 22.50	$ 29.00
PROFESSIONAL ASSOCIATE	$ 50.00	$ 90.00	$ 53.50	$ 96.00
RECEPTIONIST	$ 14.50	$ 17.50	$ 15.75	$ 18.75
RECREATION AIDE	$ 14.00	$ 15.00	$ 15.00	$ 16.00
RECREATION LEADER	$ 15.00	$ 17.50	$ 16.00	$ 18.75

SEASONAL PARKS & LANDSCAPE LABORER	$ 14.50	$ 23.00	$ 15.75	$ 24.75
SPORTS FIELD MAINTENANCE LABORER	$ 14.50	$ 23.00	$ 15.75	$ 24.75
SENIOR CODE ENFORCEMENT OFFICER	$ 35.00	$ 54.00	$ 37.50	$ 58.00
SENIOR RECREATION LEADER	$ 15.50	$ 20.00	$ 16.75	$ 21.50

Attachment 3

BUDGET TRANSFER/REVISION REQUEST FORM

Date Received in Finance	Division	Activity	Budget Adjustment #
12/14/2021	City Manager/Maintenance/Planning	Appropriate Budget	BA-13

Source of Funding

- ☐ From Existing Budget Appropriations
- ☐ From Donations, Fees or Grants
- ☑ From Unappropriated Fund Balance

Type of Transfer

- ☐ Intra-Division Transfer (within a division)
- ☐ Inter-Division Transfer (between divisions)
- ☐ Interfund Transfer (between funds)

Reason for Request

Addition of an Assistant to the City Manager, Facilities Maintenance Worker and the replacement of the Principal Planner with the Planning Manager

						Amount	
	Description	Fund	Account Number	Project#	Project Phase/Task	Increase	Decrease
1	Salaries	100	100-12-020-4101			$80,208	
2	Salaries	100	100-12-070-4101			$40,800	
3	Salaries	100	100-18-006-4101			$5,500	
4							
5							
6							
7							
8							

Division Requesting Change:

Division Head Signature | Date

Jeri Tejeda | 11/30/2021

Prepared by (print name and initial) | Date

The above information has been reviewed, is complete and accurate and the appropriations

Finance Division Action:

Accounting Manager Signature | Date

Director of Finance Signature | Date

City Council Action:

☐ Approved ☐ Disapproved ☐ Not Required

Resolution Number | 12/14/2021 Council Meeting Date

City Manager Action:

☐ Approved ☐ Disapproved ☑ Not Required

City Manager Signature | Date

OAKLEY
CALIFORNIA

COMPENSATION POLICY

A compensation policy states the City Council's policy regarding compensation of City employees and provides consistent guidelines in the setting of salary ranges and the movement of employees through the salary ranges.

COMPENSATION POLICY

Compensation for City employees is based upon a philosophy of recruiting a small, highly qualified staff, providing competitive compensation, and expecting a high level of work performance.

It is the intent of the City Council to establish a compensation policy, which will support and recognize innovation and exceptional performance. It is the City Council's policy that compensation is based on performance, therefore, individual compensation adjustments are not "automatic", step-oriented, or solely based on cost-of-living adjustments.

It is the City's goal to establish and maintain a compensation program reflective of its mission, vision, and values. The total compensation program offered includes wage/salary, incentive pay opportunities as applicable, and a wide range of benefits.

The City of Oakley Salary structure and ranges will be reviewed as necessary and will be based on the following criteria: (1) an evaluation of the City's ability to pay; (2) competitive market place survey data; (3) the relative value of each position; (4) individual performance; and (5) qualifications and experience.

The compensation program is designed to enable the City of Oakley to successfully attract, develop, retain, and reward employees for their knowledge and contributions.

The City also wishes to foster a team concept within the organization, recognizing the importance of a satisfied, productive, and cohesive workforce. In implementing this program, the following guidelines will be considered based upon the financial resources of the City.

1. Considerations in Establishing Compensation Package

A. Competitive Position – Establishment of Ranges

Employment classifications will be grouped into salary ranges. The salary ranges will include management and non-management employees. New or any modifications to salary ranges will be recommended by the City Manager and adopted by the City Council.

For each individual classification, the City will establish a salary range with a minimum and maximum salary. It is the City's objective to establish ranges that closely match the salary ranges of surveyed classifications at the mean (average) of the survey agencies plus thirteen percent (13%) for the top end of the ranges. After reaching the maximum point, an employee has the opportunity to earn a lump sum merit award based on exceptional performance, but may not be considered for base salary increases unless his or her salary range is adjusted. Salary ranges for part-time employees will be set by the City Manager.

The City will analyze each individual classification as it best matches the classifications of the survey agencies. The salary ranges for classifications that are not closely matched will be set based on internal relationships or a relationship to a similarly surveyed classification.

B. Labor Market – Comparative Cities

The City has established the following comparative cities for salary setting purposes:

- Antioch
- Brentwood
- San Ramon
- Pittsburg
- Tracy
- Pleasant Hill
- Martinez

C. Measurement of Competitive Position

In considering the City's competitive position, total cash compensation will be considered which includes base salary and any cash related add-ons to base salary. Benefits will be considered, but will not be a part of the direct compensation comparison.

D. Frequency of Salary Survey

At least every two years, the salary ranges for the City's job classifications will be surveyed to assess the City's position relative to the comparative cities as described above. Benchmark classifications will be included in the survey along with other positions that may be common among the survey agencies. Salary ranges will be adjusted at the discretion of the City Council, if necessary to maintain the City's competitive position in the market, taking into consideration the City's financial situation.

2. Individual Employee Compensation

A. Employee Salary Adjustments

Individual compensation adjustments within the salary ranges will not be "automatic," step-oriented or based solely on cost-of-living adjustments, but will be based on 1) fiscal prudence, 2) objectives achieved, and 3) exceptional individual performance.

The City Manager sets the actual salaries for each new employee to be hired within each City Council approved salary range between the minimum point and the maximum point. The City Manager has the ability to administratively move an individual within the salary range. (The City Council sets the actual salary of the City Manager).

Periodically, the City Council will adopt revised salary ranges that take into consideration the competitive market place and the cost of living. When the City Council approves a new or adjusted salary range, the City Manager shall consider said adjustment as each affected employee is evaluated for a merit increase.

NOTE: The approved adjustment to a salary range does NOT automatically move the employee within the range, but grants the authority to the City Manager to consider such an increase based on merit, cost of living, and competitiveness along with any other merit increase range approved by the City Council.

At the time employees are evaluated, the level of performance for each employee will be determined. The range for the percentage of any merit increase (x % - x %) will be determined by the City Council before July 1st of each year depending upon the City's competitive position in the market and taking into consideration the City's financial situation. Performance evaluations for all employees will then be conducted and any merit increase

considered by the City Manager to be effective the first full pay period of August. (The City Manager will consider an adjustment or postponement of the merit increase is warranted if an employee began employment near the first full pay period of August).

B. Adjustment to the Middle of the Salary for Employees with at least Five (5) Years of Service

If an employee has served in a job classification for at least five (5) consecutive years, his or her salary shall be at least at the middle of the City Council-approved salary range for that job classification. An employee reclassified or promoted shall be placed at least at the middle of the salary range for the *previous* classification they held, if he or she has served at least five (5) consecutive years with the City. (An employee is not eligible to receive an adjustment of salary to at least the middle of the salary range of the *new* classification until such time as the employee has served at least five (5) years in that *new* classification). Adjustments to salary pursuant to this subsection shall be made during the first full pay period following the date the eligible employee completes five (5) consecutive years of service.

C. Recognition of On-going Innovation and Exceptional Performance (Annual Merit Award)

Employees who exhibit innovation and exceptional performance during the previous year may be eligible to receive a lump sum merit award as deemed appropriate by the City Manager. The award will not exceed 10%. Any award above this amount requires approval of the City Council.

3. Non-Salary Benefits

At least every two years, the City will review the benefits and related costs provided by the City's survey agencies, to assure the City remains competitive on the basis of total compensation ***and*** benefits. Any change in benefits will be approved by the City Council with consideration of the City's competitive position in the market and taking into consideration the City's financial situation.

STAFF REPORT

DATE: December 14, 2021

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

FROM: Kevin Rohani, P.E., Public Works Director/City Engineer

SUBJECT: Resolution Naming the Parcel of Land, Parcel K of the substantial Conformance Exhibit dated February 17, 2021 for Subdivision 9307 Summer Lake North as "Dal Porto Ranch Park"

Background and Analysis

DeNova Homes, Inc., a California Corporation, is the developer of Subdivision 9307, Summer Lake North Subdivision. This subdivision is located east of Bethel Island Road and north of East Cypress Road. The subdivision includes Parcel K that is dedicated for public park purposes. Parcel K is a 16.1 acre parcel park north of the future elementary school in this subdivision as shown in the attached Vicinity Map.

Consistent with the City of Oakley Strategic Plan (area of focus #5) for Parks, Streetscape, and Recreation Opportunities, the developer is currently preparing the construction documents for the park and intends to start collaborating with City staff to determine the amenities that would be included in this park.

The developer would like to name the park to honor a local resident, Salvadore Dal Porto, and the descendants of his family. Salvadore became a resident of Oakley in 1908. He purchased the Oakley Hotel and operated it himself with his family until it was destroyed in a Fire in 1924. He then he rebuilt the hotel in 1926 where it still stands today. The Dal Porto's were key players in the early development of Oakley. They built the post office, Oakley Garage, Oakley Theater, the hotel and restaurant. They also started the first car dealership in town. They established the School Bus Operation that took Oakley students to Antioch. They built schools, town Hall, established the Fire District and the Oakley Sanitation District plus much more. They also had one of the largest Cattle Ranches with Angus and Hereford stock, which is where the proposed subdivision site sits today.

Attached are historical articles of the Dal Porto family from local newspapers and Local Historic books. These go into much more detail of the family's history. To this day, the developer is still employing one of the relatives from the Dal Porto family. Gabe Dal Porto is a consultant for DeNova Homes, as their structural engineer for the past 8

years. He actually grew up in the old Hotchkiss house mentioned in the article. With the rich history of this land, the developer wishes to name the park “Dal Porto Ranch Park”. The park name is in line with the City’s adopted Facilities Naming Policy (attached).

Fiscal Impact

There is no budgetary impact to this policy decision. The cost to incorporate the permanent park name into a park sign will be included in the design to build the park by the developer.

Staff Recommendation

Staff recommends that the City Council adopt the resolution formally naming Parcel K park of Subdivision 9307 “Dal Porto Ranch Park”.

Attachments

1) Resolution
2) Vicinity Map
3) City Facilities Naming Policy
4) Articles

RESOLUTION NO. __-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY NAMING PARCEL K OF SUBDIVISION 9307, "DAL PORTO RANCH PARK"

WHEREAS, DeNova Homes, Inc., a California Corporation is the developer of Subdivision 9307, Summer Lake North; and

WHEREAS, Parcel K of Subdivision 9307 will be dedicated to the City of Oakley for public park and landscape purposes upon recordation of the final map for this development; and

WHEREAS, in February 2007 the City Council approved a City Facilities Naming Policy; and

WHEREAS, the developer proposes "Dal Porto Ranch Park" to honor Salvadore Dal Porto, and the descendants of his family; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the City Council of the City of Oakley hereby names Parcel K of Subdivision 9307, as "Dal Porto Ranch Park".

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on 14th of December, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

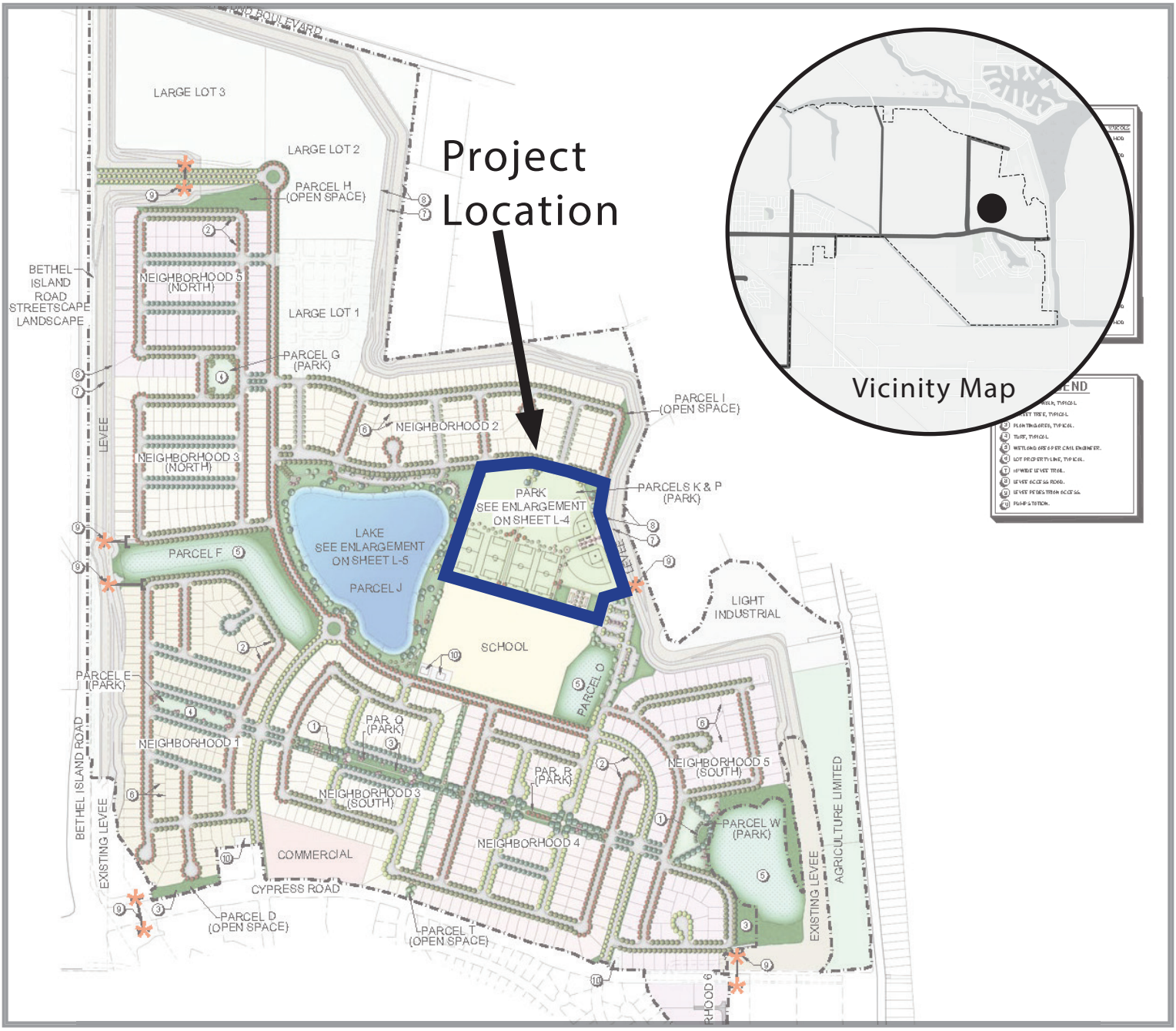
APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date



OAKLEY
CALIFORNIA

Dal Porto Ranch Park

Attachment 2

CITY FACILITIES NAMING POLICY

Approved February 26, 2007

PURPOSE:

To provide guidelines and procedures for naming of City Facilities and Parks.

DEFINITIONS:

City Facilities: Any facility, park or property owned, controlled and/or maintained by the City to conduct City business or City-sponsored activities, including developed areas, undeveloped areas and designated open spaces.

PROCEDURE:

City staff will coordinate the generation of potential names and forward them to the City Manager. The City Manager will provide recommendation(s) regarding the proposed name(s) to the City Council for its consideration and the City Council shall have final approval.

POLICY:

1) Naming shall be of such that it would provide an easy and recognizable reference to the facility and be compatible to the area in which the facility is located.

2) Naming based on a geographic location should reflect the well-known geographic name of the area within which the facility is located, the street adjacent to the facility, or other acceptable identification with the consideration of specific place, neighborhood, subdivision, or well-confirmed cultural or historical significance.

3) Naming based on a person or family should be done only for an individual (or family) that has had a clearly positive and significant impact or contribution to the City, State or Country. (This could include significant donors to the facility or previous property owners). Names should be avoided that would cause undue contention or concern.

4) Naming should take into account the names of other facilities (public or private) so as to not duplicate or utilize a name that could be readily confused by others, particularly emergency response personnel.

East Contra Costa County

Footprints in the Sand

SALVADORE DAL PORTO

Salvadore and Maria Dal Porto were both born and reared in Italy. Salvadore was born near Lucca on November 5, 1865, and Maria on May 14, 1868. They were married in San Francisco in 1892 and settled in Jackson, where they operated a boarding house for gold miners working in the Kennedy Mine, before moving to Oakley in 1908. The Dal Portos had five children: Anthony, Frank, Ben, and twin daughters Lena and Edith. Their first home in the Oakley area was a small farm on Live Oak Avenue.

In 1910 they purchased the Oakley Hotel, which they remodeled and expanded to 32 guest rooms and a living space for their family. The hotel was Oakley's social center and a good place for traveling men to spend the night when passing through the area. Salvadore managed the hotel, Maria cooked, and the children all assisted in the general maintenance of the business. Maria's culinary talents were well known throughout the region. She cooked on one wood-burning stove and a kerosene stove, sending tempting aromas throughout the hotel. Lena and Edith waited on tables in the hotel restaurant and Ben and Frank ran the bar.

Ben established a saloon and pool hall in his parents' hotel, known as "Ben's Place," that was active for more than sixty years.

The Dal Porto family lived in the hotel until 1918, when they built a beautiful home on the corner of Ruby and Third Streets. In 1918 Salvadore hired Mr. and Mrs. Joe Brag to manage the hotel and dedicated his time to other enterprises. The hotel and several other Oakley businesses were destroyed by fire in 1924 and the Dal Portos rebuilt a new, modern structure to replace it in 1926. Salvadore hired Tenna and Gladys Sad to manage the new hotel and restaurant. The Sad family purchased the hotel in 1932 from Salvadore Dal Porto's estate.

The Dal Portos were key players in the early development of Oakley. Salvadore was one of the foremost leaders in the community for many years. He built the post office at a cost of $8,000; the Oakley Garage for $15,000; the Oakley Theater block, also costing $15,000; and the new Oakley Hotel at an expense of $50,000.

Anthony and Frank both served their country in World War I, Anthony in the Army and Frank in the Navy. After the war, in 1919, the brothers decided to open the Oakley Garage. The garage was originally a Ford agency, but in 1926 they changed to Chevrolet and also took over the distributorship of International Harvester trucks, tractors and farm equipment for Contra Costa County.

Frank pioneered an "open air" school bus operation that took Oakley students to Antioch High School from 1913 until 1933. He also drove a bus for the Oakley School District, with an accident-free record, for 36 years.

The Dal Porto family has definitely left footprints in the chapters of Oakley's past. This family was instrumental in the early development of the Oakley business district; active in the schools; built the town hall; had a large cattle ranch with Angus and Hereford stock; and even owned Oakley's first waterworks. Anthony Dal Porto was instrumental in forming the Oakley Fire District and was appointed the first fire chief. He was also elected to serve on the first board for the Oakley Sanitation District. Salvadore Dal Porto remained one of the town's most prominent citizens until 1932, when he was hurled to instant death when the truck on which he was riding collided with a Santa Fe freight train.

I can't help but wonder what Salvadore Dal Porto would think of Oakley today.
Until next time…

Oakley's boundaries at the turn of the century were Dutch Slough on the north, on the east Marsh Creek, and to the south sand hills covered with chaparral.

On July 1, 1900 the first Santa Fe train stopped in Oakley. The Santa Fe Railroad provided the spur needed for agricultural growth of the area and afforded local farmers a means of transporting their products to market.

Oakley's first school was the Iron House School organized in 1862 by Sarah Abbott Sellers. Iron House was the first school east of Antioch. The Oakley School opened in a tiny building downtown in 1903 and was moved to a schoolhouse on O'Hara Avenue between Acme and Ruby Streets the following year. In 1904 fifteen students were enrolled at the school and by 1920 the school had been enlarged to three rooms with a teacher for each room plus a principal, Edith Dal Porto Berta, and an enrollment of fifty students.

In 1908 Salvador Dal Porto, a boarding house operator from Jackson, settled in Oakley. Dal Porto was instrumental in the development of Oakley's business district. It didn't take long before the town had two social halls, four churches, two saloons, a barber shop, two grocery stores, a black-smith shop, several warehouses, a bank, and many more business's. In 1910 Dal Porto purchased, remodeled, and enlarged the Oakley Hotel. In 1917 the Bank of Oakley was established.

The Ladies Improvement Club was organized in 1913 with Mary O'Hara serving as the first president. These women were instrumental in the development of Oakleys first library. A small library was first housed in Farrell's general store offering the residents of Oakley three hundred books. In 1916 the Ladies Improvement Club purchased the Congregational Church building for a clubhouse and public library. The Ladies Improvement Club later changed their name to the Oakley Women's Club.

In 1924 the Oakley Hotel and most of the businesses downtown were destroyed by a fire. Dal Porto rebuilt his hotel and several other businesses. He also installed a waterworks. He remained one of the towns most prominent citizens until his death in 1932.

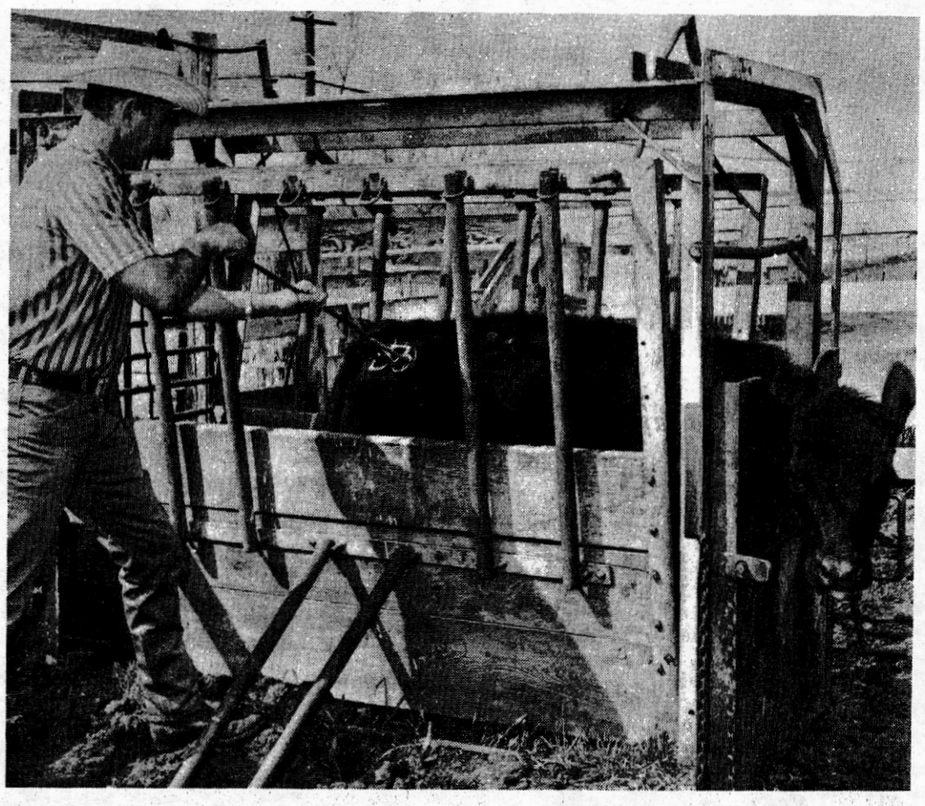
By the1930s there were packing sheds along the Santa Fe spur that shipped carloads of produce to eastern markets. During harvest time Oakley was filled with men that had come to work in the fields and packing sheds.

It took a special breed of pioneer to settle in the Oakley area. It was necessary to face long hot summers with winds blowing that would cover everything in sight with the local sand.

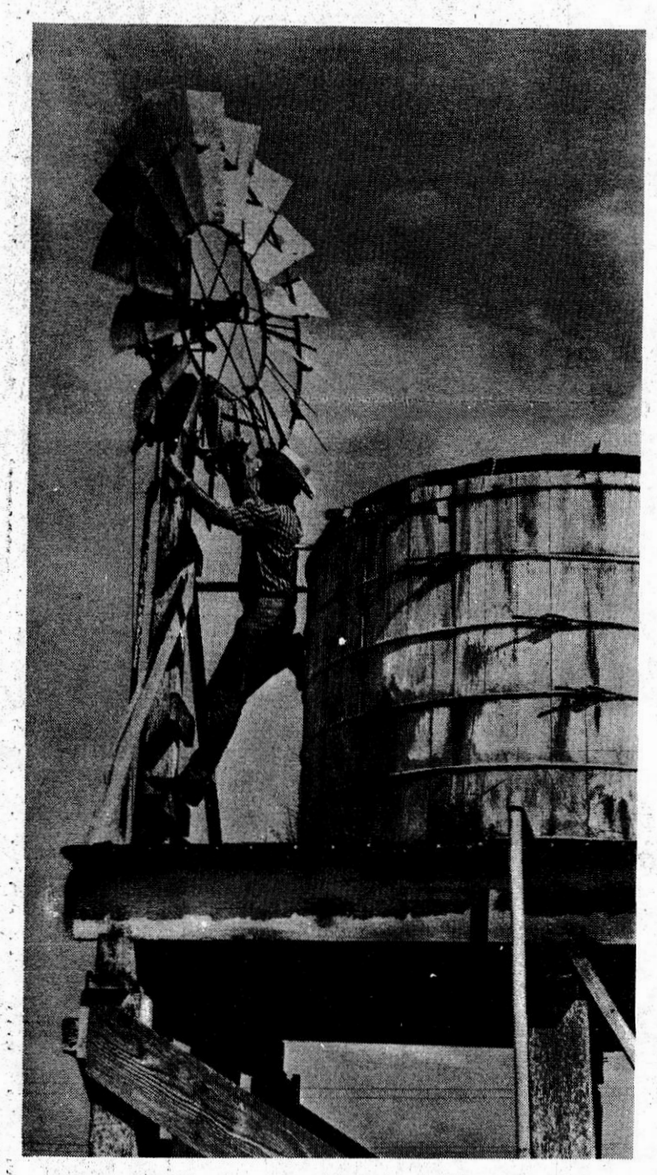
Until NextTime....

East County Rancher's Work Never Done

FEED LOT—East County rancher Bob Dal Porto spends part of every morning checking livestock and their health on his 600-cattle capacity feed lot near Bethel Island. The Angus cattle are fattened and sold for about $250 a head to buyers in the state. Accompanying him on his morning round are his son, Dave, and German hunting dog, Ruff.



TIGHT SQUEEZE—A device known as the "squeeze" serves several functions on a cattle ranch—branding, drenching cattle for intestinal worms, de-horning and vaccinating.



REPAIR TIME—In the rolling foothills south of Antioch on Dal Porto ranch land, the windmill is the only source of power for cattle lot water and must be kept functioning.

Range Cattleman Vanishing Breed

No two days are alike for East County rancher Bob Dal Porto, a partner and the "son" in the A. J. Dal Porto & Son firm which operates extensive land holdings near Antioch, Pittsburg and Bethel Island.

The Dal Porto interests include 2,600 acres of land used for cattle grazing and hay and grain farming, plus a commercial irrigation land leveling business.

His ranch duties require a 10 to 12 hour working day, six days a week. His first task at 7 each morning is to assign his seven ranch employes to their day's work, and during certain times of the year, he personally channels irrigation flow in the fields.

Another morning chore is to inspect cattle at the feed lot for weight increase or decrease, or illness during the cold months. Another daily inspection tour is made in the foothills south of Antioch where more cattle graze.

Dal Porto customarily then drives to areas of the Delta where his commercial land-leveling business is operating. This week one stop was on Holland Tract where a ditch-cleaning operation is underway.

The day is filled with numerous unexpected crises; repairs for a broken tractor or swather, a faulty windmill, lice on the cattle, water feed ditches to be dug, supplies to be picked up, or strays in a neighbor's field which usually means a fence to be mended.

He travels baout 2,000 miles a month in his pickup truck overseeing the operations.

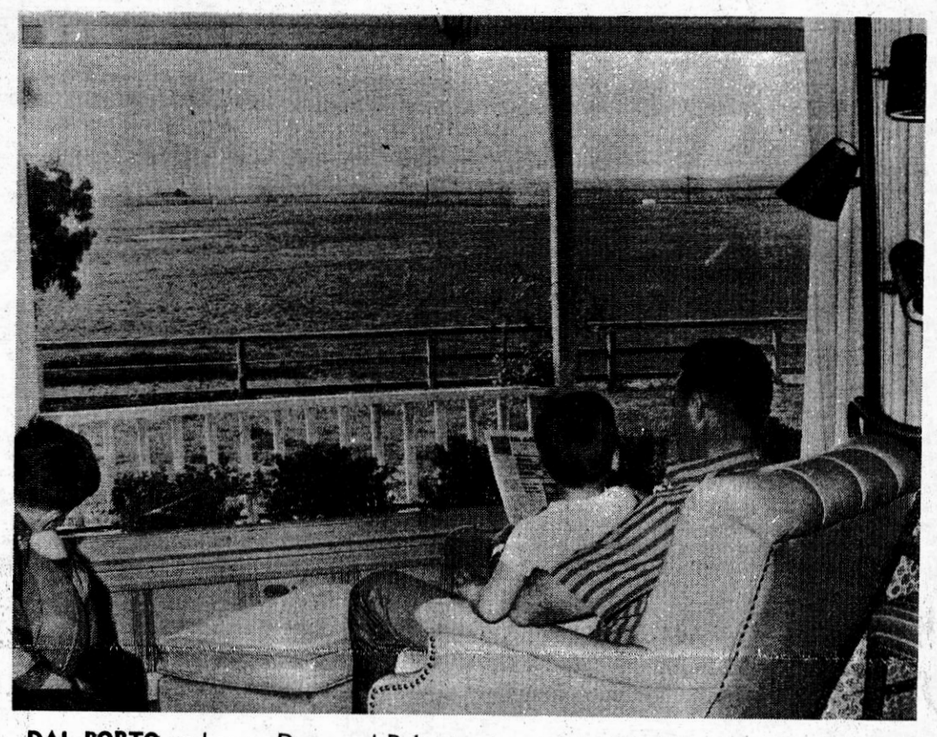
About twice weekly he saddles a horse and roams the hills in search of strays or to check places in the hills not accessible by truck.

"However," Dal Porto points out, "the range cattleman on horseback is a vanishing breed in the East County."

A graduate of the University of California at Berkeley in 1949 where he lettered in track and football, Dal Porto was born in Stockton and raised in the Oakley-Bethel Island area.

He takes an active part in the development of the Delta region and has been an Oakley school board member for 17 years, is a past president of the Lions Club, was a 1967 grand jury member, and chairman of the Contra Costa County Agriculture Stabilization and Conservation Committee.

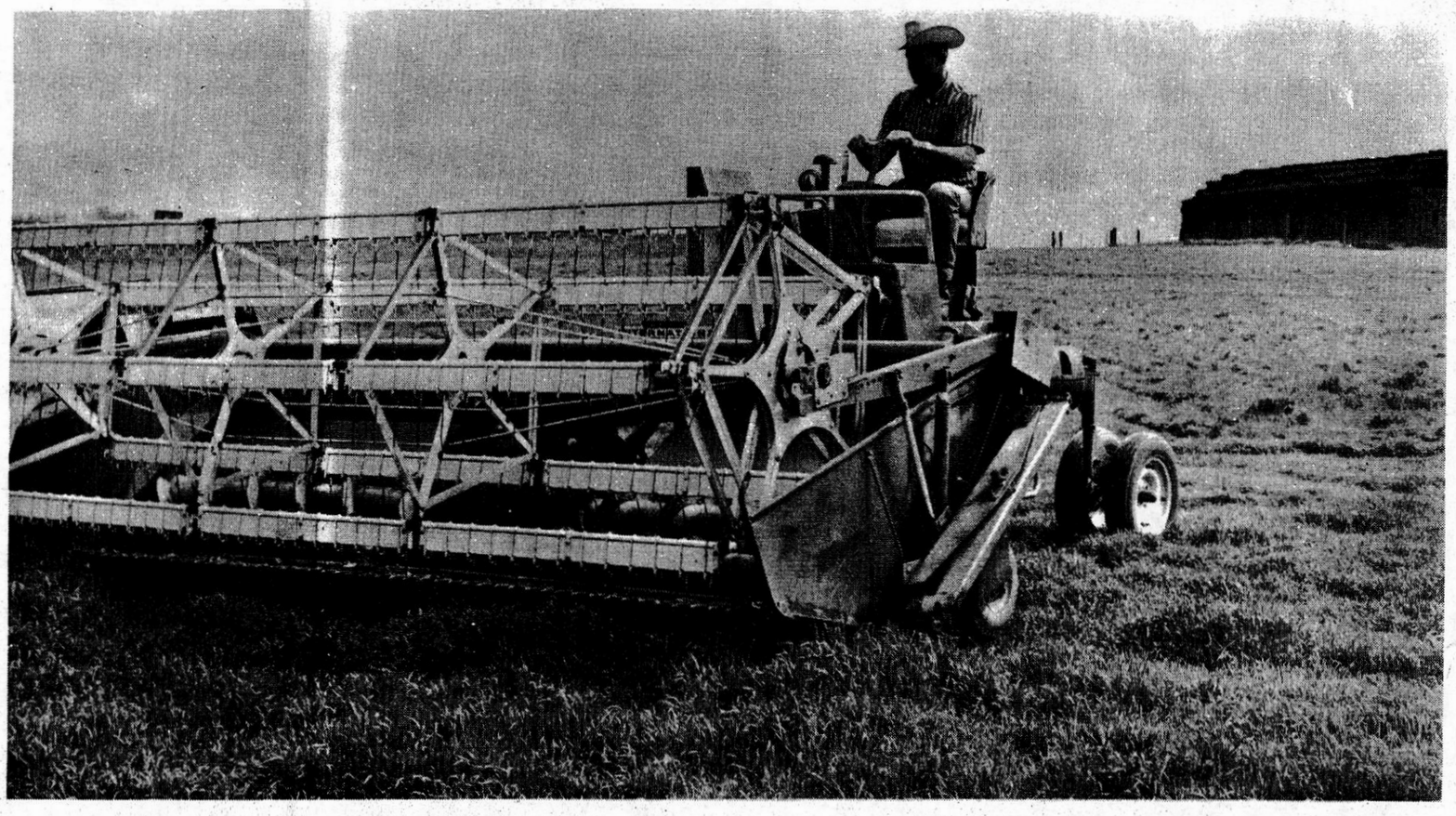
He is also a member of the county highway advisory committee, agricultural representative of the CCC negotiating committee to the State Bureau of Delta Waters, Future Farmers of America advisory committee at Liberty Union High School, and a member of the California Cattleman's Association.



DAL PORTO and sons, Dave and Robert Jr., take a few moments after lunch to read the "Western Livestock Journal," which keeps them posted on meat and crop prices. Their house near Bethel Island overlooks their land which extends hundreds of acres in all directions.

TIME TO RELAX—Evenings are spent playing cards, especially bridge, with his family. Shown here are sons Dave, 11, and Robert Jr., 4, and wife Norma. The Dal Portos also have a daughter, Sandra, 16, who attends Liberty High of Brentwood as a junior, and a son, Steve, 19, a freshman at the University of Colorado.

SCHOOL BOARD MEMBER—Much of Dal Porto's free time has been devoted to school board business for the past 17 years. Here, he calls at the Oakley School District office to pick up the minutes and agenda from secretary Dolores Hauan.



THE SWATHER is a massive machine which cuts, crimps and prepares alfalfa for bailing in one cycle of its powerful blades. Corn planting on the Dal Porto ranch is a month away and time must now be devoted to land preparation. The barley and wheat crops are just ending their yearly cycle.

It's calving time at the Dal Porto Ranch

photos by Amy Loyd

"I'd much rather be out ere working than sitting in n office," said David Dal 'orto as he looked across he 850 acres of his family's ome ranch off Bethel Island Road. David did work in a ank for one year after he graduated from college, so he nows his choice is right.

People driving to and from Bethel Island at this time of he year can catch glimpses of newborn calves walking around on unsteady legs in the ranch pasture. David took over the management of the cow-calf operation two years ago and the tiny calves are all his "babies."

This is calving season and the 350 commercial cows and heifers scattered over the area have to be checked twice a day. If you spot a calf that isn't wearing a blue tag on its ear, it has probably just been born that day. David tries to tag all the calves within a day after their birth so he knows which calf belongs to which cow.

"We have to keep close watch on the heifers" (young cows who have not born a calf), explained David, "because they sometimes have trouble with their first calf." Angus cows are "very good mothers," he said.

Almost all the cattle on the ranch are sleek Black Angus although there are a few spotted calves produced by Simmental bulls.

Besides the 350 commercial cows that roam the property, the Dal Portos have 50 pedigreed Black Angus cows which are separately pastured. These animals are carefully bred using modern techniques which David learned at Chico State where his major was Agriculture Business Management.

They are "always hoping for that extra special registered bull," said Norma Dal Porto, David's mother. David explained that when a registered bull calf appears to have good potential it is watched very closely and given lots of extra care.

David's grandfather bought the ranch in 1940. David's parents, Bob and Norma Dal Porto, moved to the ranch after Bob graduated from the University of California in 1949.

The house where David and his older brother, Steve, his sister, Sandra, and his younger brother Robert grew up was built in 1889 by the Hotchkiss family. The Hotchkisses had a dairy operation and an asparagus farm. Bob and Norma built a new home on the ranch six years ago and now Steve and his wife and their infant son live in the Hotchkiss house. Steve runs the horse operation at the ranch.

The Dal Porto family keeps busy running a commercial hay business and an agricultural leveling business in addition to their cow-calf operation and the horse business.

While still in high school, David started to build his own herd. He began with three cows and has now built the herd to 90 cows which he keeps on leased land.

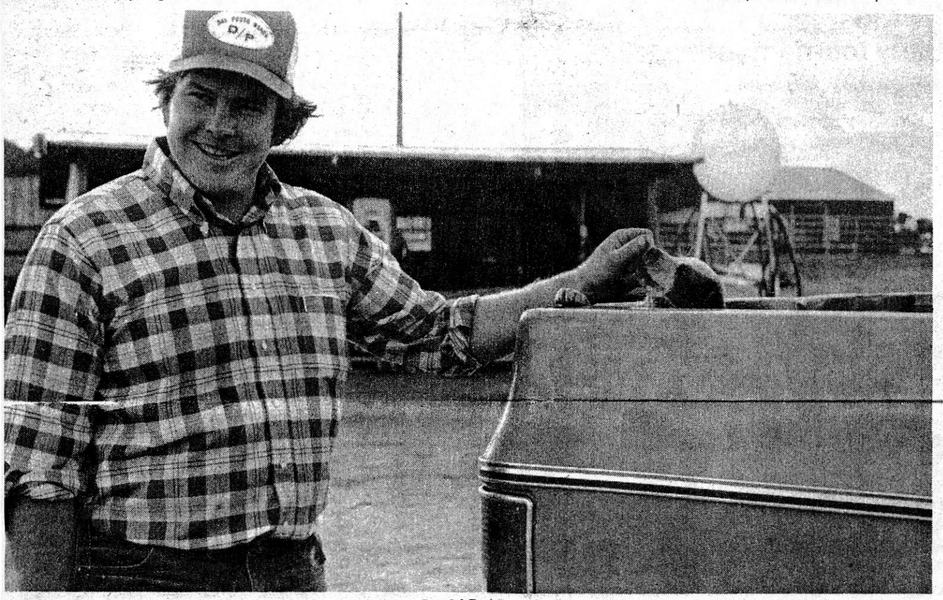
The Dal Portos plan to continue their ranching and farming businesses until development in the area makes a viable agricultural operation difficult. "Our neighbors are wonderful and very helpful," commented Bob. "They give us help and support, and when they spot an animal down or something else wrong, they let us know."

Later, when more concentrated development comes to the Island area it will be the end of an era and ranchers like the Dal Portos will be phased out. The family is aware that they will have to move to a more isolated area to continue ranching.

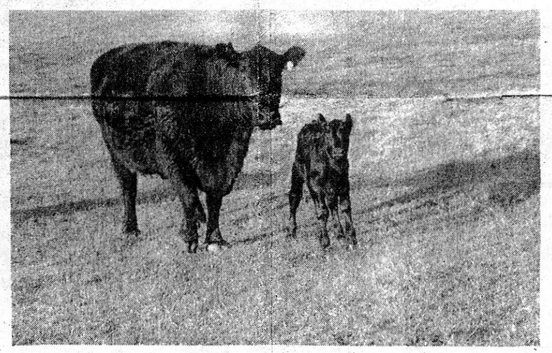
"People in this area should not be afraid of development," said Bob, "if it is well planned and schools and police services are well thought out."

David looks forward to owning his own ranch someday. Because he started his herd while in high school, he has a good start for his future. "There are good jobs in agriculture, but realistically you need a foot in the door, such as a family or land, if you plan to own your own ranch someday. Taxes, machinery costs, energy costs, and land costs make it very hard to start from scratch," he said.

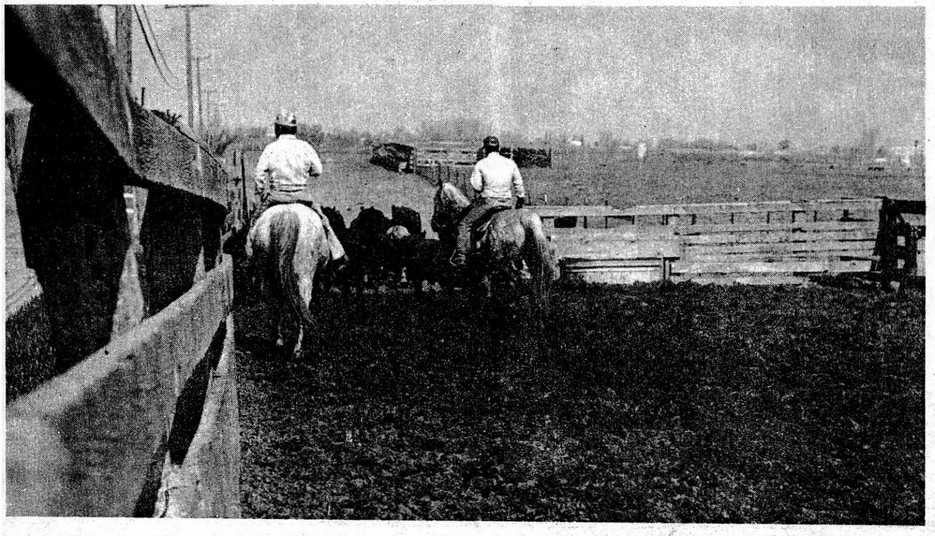
Ranch life looks deceptively simple and relaxing, but there is work to do almost every moment, spring, summer, and winter. David spotted a newborn calf and he took off quickly to put a blue tag on its ear. "If you don't tag them on the first or second day, you'll never catch them," said David.



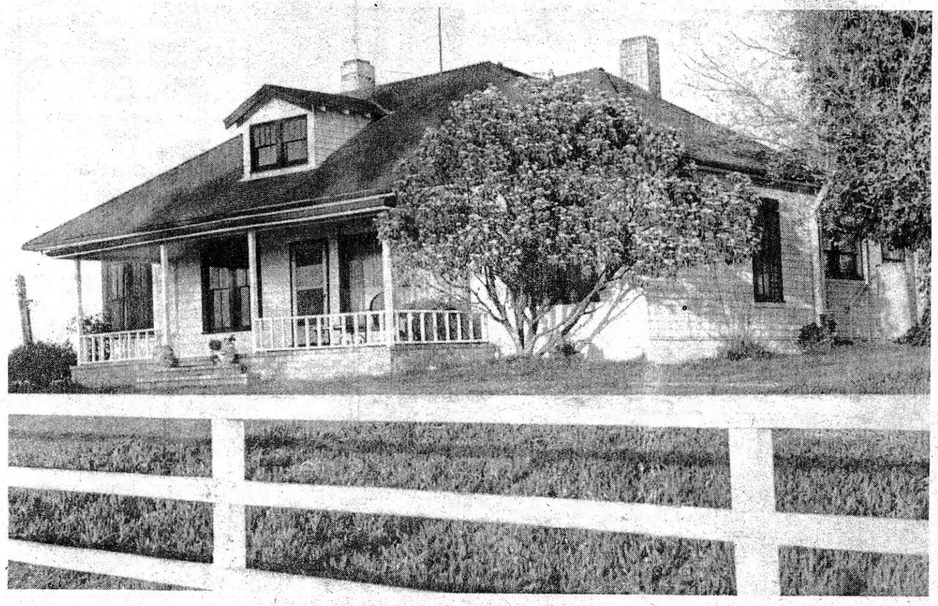
David Dal Porto



David and Bob talk at the end of a busy day



"Sissy" and "Moe" playing



Old Hotchkiss house

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: December 14, 2021

Approved and Forwarded to the City Council

TO: Joshua McMurray, City Manager

FROM: Kevin Rohani, P.E., Public Works Director/City Engineer

SUBJECT: California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 Per Capita Program Funding

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Background and Analysis

This program originates from Proposition 68, placed on the ballot via Senate Bill 5 (DeLeon, Chapter 852, statutes of 2017), and approved by voters on June 5, 2018. Funds for the program were appropriated via State Budget item 3790-101-6088(b). Legislative program information is found in the Public Resources Code (PRC) beginning at §80000 (see page 50).

Non-competitive grant funds are available for local park rehabilitation, creation, and improvement grants to local governments on a per capita basis. Grant recipients are encouraged to utilize awards to rehabilitate existing infrastructure and to address deficiencies in neighborhoods lacking access to the outdoors (PRC §80061(a)). The general Per Capita Program has a total allocation of $185,000,000.

Additional funds are available for Per Capita grants to cities and districts in urbanized counties (a county with a population of 500,000 or more) providing park and recreation services within jurisdictions of 200,000 or less in population. An entity eligible to receive funds under this subdivision shall also be eligible to receive funds available under the General Per Capita Program (PRC §80061(b)). The total allocation under the Urban County Per Capita is $13,875,000.

Grantees must use Per Capita Grant fund to supplement existing expenditures, rather than replace them (PRC §80062(d)).

On May 15, 2019, the City of Oakley Public Works Department submitted a pre-application questionnaire to secure the per capita allocation, and in November 2021 a project fact summary sheet for the Holly Creek Park Playground Tile Project was submitted.

The City has been allocated a total of $203,474.00 from the per capita funds to be used for park rehabilitation.

After a review of potential projects that can benefit from these funds, City Staff has identified the Holly Creek Park Playground Tile installation as the preferred project for these grant funds. This project is to remove the existing loose fill rubber from the playground areas at the Holly Creek Park and replace it with a unitary rubber tile system.

The unitary rubber tile system will meet ADA compliance by allowing seamless transition from pathways to the playground structures providing for access to and from the playground, a path of travel within and around the playground, and provides a ratio of ground level to elevated play events and activities that are easily accessible for mobility impaired individuals.

The unitary rubber tile system has been installed at multiple parks within the city and provide superior fall protection to other materials, including the loose fill rubber, and is easier to maintain. The rubber tile system also allows sections to be replaced if damaged.

Other projects City staff considered for funding included: Marsh Creek Glenn Park Playground Replacement, Outdoor exercise equipment and/or Volleyball Court at Novarina Park or Summer Lake Park or to upgrade the skate park at Creekside Park.

The Holly Creek Park Playground Tile Installation project was selected as the preferred project because the existing loose rubber presents ADA accessibility concerns, is difficult to maintain, park user complaints, and new research suggests it may not provide sufficient fall protection. Grant funding does not typically fund this type of standalone project and the City has limited budget to complete the project without the grant funding. Furthermore, if the grant funding is used to benefit a disadvantaged area within the City, the project does not require matching funds. Using the California Department of Parks and Recreation Per Capita Match Calculator Tool, the Holly Creek Park project serves such an area. Projects not serving a disadvantaged community area must provide a 20% cost share match.

In order to receive the allocated Per Capita Funds, the City Council must adopt a resolution and a full application must be submitted by March 2022; however, City Staff would prefer to submit an application in January 2022 to try to secure a grant agreement by March/April 2022. This resolution authorizes the City Manager and/or his designee to submit a grant application for the City to rehabilitate a City park.

Fiscal Impact

Approval of the resolution will authorize the City Manager to submit a grant application securing non-competitive grant funding from the 2018 Per Capita Grant Program and execute an agreement with the California Department of Parks and Recreation.

While no matching local funds are required for this grant program; the estimated cost of the scope of work Project is $250,000. The source funds are as follows:

Funding Source	Amount
2018 Per Capita Grant Program Allocation	$ 203,474
City of Oakley, Capital Improvement Funds	$ 46,526
Total All Funding Sources	**$250,000**

Staff Recommendation

Staff recommends the City Council adopt the resolution authorizing the City Manager to sign and submit the Per Capita grant application.

Attachments

1. Resolution
2. Per Capita Match Calculator Map

RESOLUTION NO. ___-21

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING APPLICATION(S) FOR PER CAPITA GRANT FUNDS

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Per Capita Grant Program, setting up necessary procedures governing application(s); and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the grantee's Governing Body to certify by resolution the approval of project application(s) before submission of said applications to the State; and

WHEREAS, the grantee will enter into a contract with the State of California to complete project(s);

NOW, THEREFORE, BE IT RESOLVED that the City of Oakley City Council hereby;

1. Approves the filing of project application(s) for Per Capita program grant project(s); and
2. Certifies that said grantee has or will have available, prior to commencement of project work utilizing Per Capita funding, sufficient funds to complete the project(s); and
3. Certifies that the grantee has or will have sufficient funds to operate and maintain the project(s), and
4. Certifies that all projects proposed will be consistent with the park and recreation element of the City of Oakley general or recreation plan (PRC §80063(a)),and
5. Certifies that these funds will be used to supplement, not supplant, local revenues in existence as of June 5, 2018 (PRC §80062(d)), and
6. Certifies that it will comply with the provisions of §1771.5 of the State Labor Code, and
7. (PRC §80001(b)(8)(A-G)) To the extent practicable, as identified in the "Presidential Memorandum--Promoting Diversity and Inclusion in Our National Parks, National Forests, and Other Public Lands and Waters," dated January 12, 2017, the City of Oakley will consider a range of actions that include, but are not limited to, the following:

   (A) Conducting active outreach to diverse populations, particularly minority, low- income, and disabled populations and tribal communities, to increase awareness within those communities and the public generally about specific programs and opportunities.

   (B) Mentoring new environmental, outdoor recreation, and conservation leaders to increase diverse representation cross these areas.

(C) Creating new partnerships with state, local, tribal, private, and nonprofit organizations to expand access for diverse populations.

(D) Identifying and implementing improvements to existing programs to increasevisitation and access by diverse populations, particularly minority, low-income, and disabled populations and tribal communities.

(E) Expanding the use of multilingual and culturally appropriate materials in public communications and educational strategies, including through socialmedia strategies, as appropriate, that target diverse populations.

(F) Developing or expanding coordinated efforts to promote youth engagement and empowerment, including fostering new partnerships with diversity-serving and youth-serving organizations, urban areas, and programs.

(G) Identifying possible staff liaisons to diverse populations.

8. Agrees that to the extent practicable, the project(s) will provide workforce education and training, contractor and job opportunities for disadvantaged communities (PRC §80001(b)(5)).

9. Certifies that the grantee shall not reduce the amount of funding otherwise available to be spent on parks or other projects eligible for funds under this division in its jurisdiction. A one-time allocation of other funding that has been expended for parks or other projects, but which is not available on an ongoing basis, shall not be considered when calculating a recipient's annual expenditures. (PRC §80062(d)).

10. Certifies that the grantee has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Procedural Guide; and

11. Delegates the authority to the City Manager, or designee to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the grant scope(s); and

12. Agrees to comply with all applicable federal, state and local laws, ordinances,rules, regulations and guidelines.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 14th of December, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

California State Parks

Per Capita Match Calculator

Project ID: 106206
Coordinates: 37.9941, -121.7369
Date: 11/11/2021

This is the Per Capita Match Report for the site you have selected. Please review to ensure that the pin lies within the boundaries of an existing or proposed park, and submit to OGALS with your Project Application.

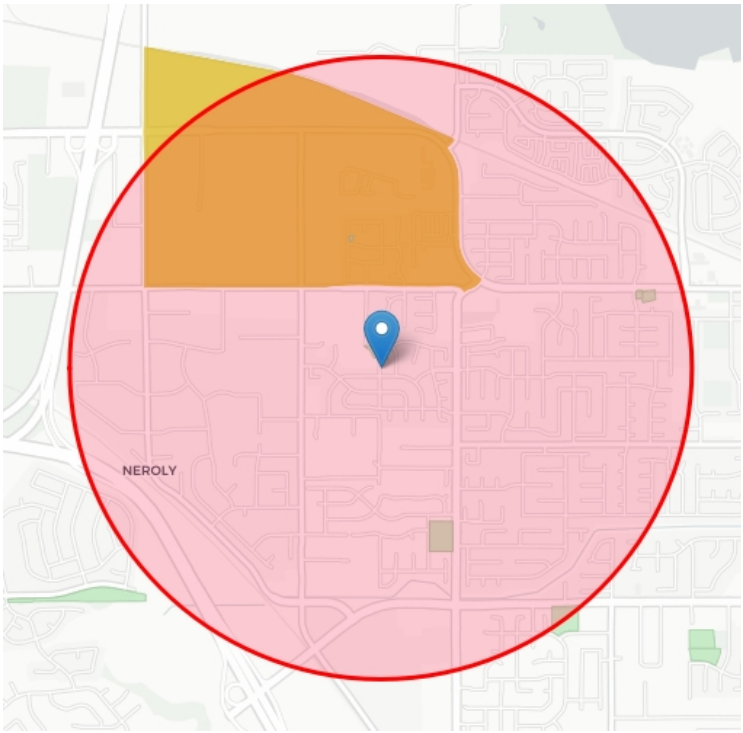
PROJECT AREA STATISTICS

County	Contra Costa
Median Household Income	$87,820
Agency Type	County/Regional Park District

The project serves a Severely Disadvantaged Community.
Match is NOT required.

Park or Preserved Area
Disadvantaged Community
Severely Disadvantaged Community
No Data

PROJECT AREA MAP



REPORT BACKGROUND

The project statistics have been calculated based on half mile radius around the point location selected. Only park acres within the project area's half mile radius are reported.

Population and people in poverty are calculated by determining the percent of any census block-groups that intersect with the project area. The project area is then assigned the sum of all the census block-group portions. An equal distribution in census block-groups is assumed. Rural areas are calculated at a census block level to improve results.

Median household and per capita income are calculated as a weighted average of the census block- group values that fall within the project area.

More information on the calculations is available on the methods page.

Demographics—American Community Survey (ACS) 5-year estimates 2014-2018; Decennial 2010 Census; the margin of error (MOE) was not analyzed.

Parks—California Protected Areas Database 2020a CFF adjusted (6/2020) - more information at http://www.CALands.org. Parks and park acres area based on best available source information but may not always contain exact boundaries or all parks in specific locations. Parks are defined further in the 2015 SCORP (pg. 4).

Users can send updated information on parks to SCORP@parks.ca.gov

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: December 14, 2021

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

FROM: Kevin Rohani, P.E., Public Works Director/ City Engineer

SUBJECT: Approving the Agreement with Elm Lane Oakley L.P., a California Limited Partnership for "Stormwater Management Facility Operations and Maintenance Agreement and Right of Entry" for the Elm Lane Work Force Housing project located at 5301 Elm Lane and authorizing the City Manager to execute the agreement

Background and Analysis

The installation of the Permanent Stormwater Pollution Prevention Measures (BMP's) for the Elm Lane Work Force Housing project will be constructed with the improvements associated with the project. The City's Stormwater Management and Discharge Control Ordinance requires proper operation and maintenance of the permanent BMP's by the respective property owners. The "Stormwater Management Facility Operation and Maintenance Agreement and Right of Entry" memorializes the owner's maintenance, operations and inspection obligation under the City's Ordinance and the approved plans.

Under the Contra Costa Countywide National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit, projects "deemed complete" after February 15, 2005 are to comply with the provisions of the Permit. The City adopted an Ordinance, as required by the Permit, to enable this activity within the City of Oakley. A requirement of the permit is that each property implement stormwater treatment devices, fund the perpetual maintenance of those devices, and enter into an agreement with the City stating that the property owner will maintain the devices, grant a right of entry to City staff for inspections, and agree to pay the cost of City inspections.

Consistent with the City of Oakley Strategic Plan area of focus for planned and quality growth in development, the approval of this agreement is consistent with the requirement to formalize a written agreement with the property owner to operate and maintain the stormwater facilities proposed for this project to ensure proper performance these facilities in perpetuity.

Fiscal Impact

There is no fiscal impact associated with the agreement since all inspection, operations, and maintenance costs are the responsibility of the property owners.

Staff Recommendation

Staff recommends that the City Council adopt the resolution approving the "Stormwater Management Facility Operations and Maintenance Agreement and Right of Entry" for the Elm Lane Work Force Housing project and authorize the City Manager to sign the agreement on behalf of the City.

Attachments

1) Resolution
2) Vicinity Map
3) "Stormwater Management Facility Operation and Maintenance Agreement and Right of Entry" for the Elm Lane Work Force Housing project

RESOLUTION NO. __-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY, CALIFORNIA, APPROVING THE AGREEMENT WITH ELM LANE OAKLEY L.P. (APN 051-210-019 & 051-220-005) FOR "STORMWATER MANAGEMENT FACILITY OPERATION AND MAINTENANCE AGREEMENT AND RIGHT OF ENTRY" FOR THE ELM LANE WORK FORCE HOUSING PROJECT LOCATED AT 5301 ELM LANE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the City of Oakley's Stormwater Management and Discharge Control Ordinance requires proper operation and maintenance of the Permanent Stormwater Pollution Prevention Measures installed for the Elm Lane Work Force Housing project; and

WHEREAS, the "Stormwater Management Facility Operation and Maintenance Agreement and Right of Entry" memorializes the owner's maintenance, operations, and inspection obligations under the City's Ordinance and the approved plans; and

WHEREAS, the installation of the Permanent Stormwater Pollution Prevention Measures for the Elm Lane Work Force Housing project will be consistent with the approved improvements plans; and

WHEREAS, Elm Lane Oakley L.P., the current owner of the parcel described in Exhibit A, desires to execute the "STORMWATER MANAGEMENT FACILITY OPERATION AND MAINTENANCE AGREEMENT AND RIGHT OF ENTRY"; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the City Council of the City of Oakley does hereby approve the "STORMWATER MANAGEMENT FACILITY OPERATION AND MAINTENANCE AGREEMENT AND RIGHT OF ENTRY" for the Elm Lane Work Force Housing project in the form attached hereto as Exhibit A and authorizes the City Manager to execute the agreement.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 14th of December, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

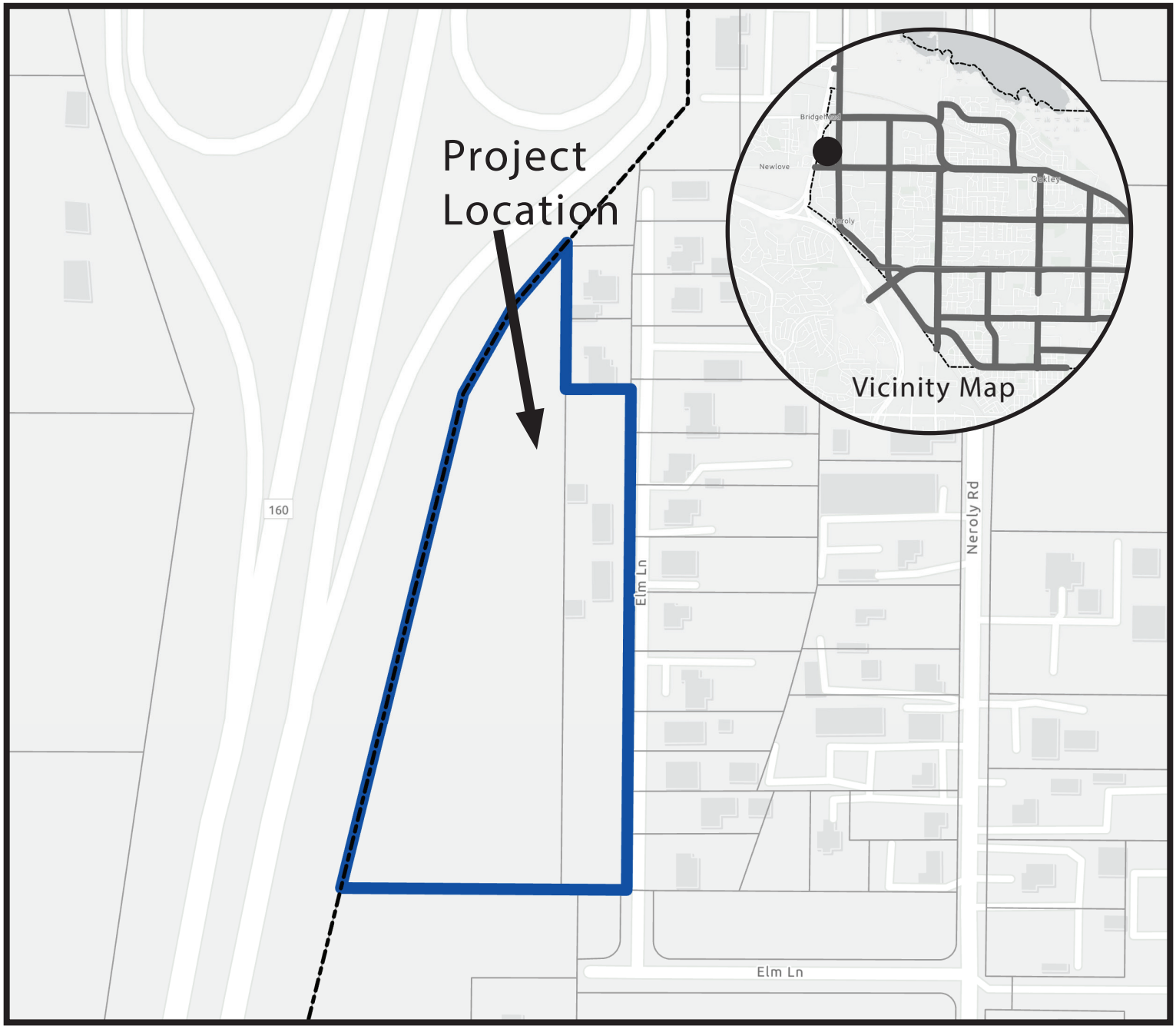
APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date



OAKLEY
CALIFORNIA

Elm Lane Workforce Housing

Attachment 2

04/29/2021
Recording Requested By:
CITY OF OAKLEY

Return to: **CITY OF OAKLEY**
City Clerk
3231 Main Street
Oakley, CA 94561

Document Title

CITY OF OAKLEY

COVENANT RUNNING WITH THE LAND,
STORMWATER MANAGEMENT FACILITY OPERATIONS
AND MAINTENANCE AGREEMENT, AND RIGHT OF ENTRY
(Single Parcel)

PROJECT: ANTON OAKLEY- ELM LANE WORK FORCE HOUSING
(5301 ELM LANE, OAKLEY CA 94561)

OWNERS NAMES: ELM LANE OAKLEY L.P.

ASSESSOR'S PARCEL NUMBER: 051-210-019 & 051-220-005

COVENANT RUNNING WITH THE LAND,
STORMWATER MANAGEMENT FACILITIES
OPERATION AND MAINTENANCE AGREEMENT,
AND RIGHT OF ENTRY

This Covenant Running with the Land, Stormwater Management Facilities Operation and Maintenance Agreement and Right of Entry ("Agreement") is made and entered into this 14th day of December, 2021, by and between **Elm Lane Oakley L.P., a California Limited Partnership**, (hereinafter referred to as "Property Owner") and The City of Oakley, a municipal corporation ("City").

The following terms used in this Agreement shall have the meanings specified below:

DEFINITIONS

Maintain: The term "**Maintain**" or "**Maintained**" shall mean taking all actions reasonably necessary to keep the Stormwater Facility in first class operation, condition and repair, which actions include but are not limited to regular inspections, painting, cleaning, maintenance, refinishing, repairing, replacing and reconstructing the Stormwater Facility, and in the case of landscaping, plant replacement, mulch replacement, irrigating, trimming, mowing, and fertilizing the landscaping. The term shall also include the routine maintenance, and the annual inspection and reporting described in the Stormwater Control Operation and Maintenance Plan, and the payment of any applicable City fees.

NPDES Permit: The term "**NPDES Permit**" shall mean the San Francisco Bay Regional Water Quality Control Board's National Pollutant Discharge Elimination System (NPDES) Permit No. CAS0029912 (issued to the City of Oakley) as amended, and as may be superseded by subsequent NPDES permits that are reissued from time to time.

Ordinance: The term "**Ordinance**" shall mean Chapter 11 of Title 6 of the Oakley Municipal Code (Stormwater Management and Discharge Control), as may be amended from time to time.

Property Owner: The term "**Property Owner**" and "**Property Owners**" shall mean Elm Lane Oakley L.P. and all heirs, successors, executors, administrators and assigns of interest in the Property, it being the intent of the parties hereto that the obligations undertaken in this Agreement, as provided in Civil Code section 1468, run with the Property described in Exhibit A and constitute a lien against the Property.

Property: The term "**Property**" shall mean that certain real property located at 5301 Elm Lane Oakley, CA 94561 , and more particularly described in Exhibit A which is attached hereto and hereby incorporated herein by reference.

Plan: The term "**Plan**" or "**Operation and Maintenance Plan**" means the City-approved Stormwater Control Operation and Maintenance Plan prepared by BKF Engineers, a California Corporation and approved by the City Engineer in writing, which may be subsequently modified from time to time with City Engineer's written approval.

Stormwater Facility: The term "**Stormwater Facility**" means the permanent stormwater management facilities located and constructed on the Property.

RECITALS

This Agreement is made and entered into with reference to the following facts:

A. The Property Owner is the owner of the real property more particularly described on the attached Exhibit A.

B. Intentionally Omitted.

C. To meet its obligations under its NPDES Permit the City has required the Property Owner to construct the Stormwater Facility on the Property.

D. To meet its obligations under its NPDES Permit the City has approved the Property Owner's Operation and Maintenance Plan for the Stormwater Facility.

E. To meet its obligations under its NPDES Permit the City's Ordinance requires proper operation and maintenance in perpetuity of the Stormwater Facility constructed on the Property.

F. The Plan includes an annual inspection and reporting requirement for the Stormwater Facility constructed on the Property.

G. This Agreement memorializes the Property Owner's maintenance, operations, and inspection obligations under the City's Ordinance, the City's NPDES Permit and the Plan.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

SECTION 1

Responsibility for Operation and Maintenance: No portion of the Stormwater Facility may be altered, in any way, by the Property Owner without the prior written consent of the City Engineer of the City of Oakley. The Property Owner shall Maintain the Stormwater Facility in first class operating condition, and in compliance with all applicable state, county and city laws and regulations. Applicable regulations include, but are not limited to, the City-approved Stormwater Control Operation and Maintenance Plan, and the provisions of the Ordinance, as they may be amended from time to time.

The Property Owner shall engage a landscape contractor or other licensed contractor to Maintain the Stormwater Facility. The City Engineer, in her or his sole absolute discretion, may approve an alternate method for the maintenance of the Stormwater Facility. The City Engineer, also in her or his sole absolute discretion, may revoke the approval of a previously approved alternate method for the maintenance of the Stormwater Facility.

SECTION 2

Inspection by Property Owner: The Property Owner shall cause its contractor to conduct annual inspections during the month of September of each year. The annual inspection report shall include completion of the checklist described in the approved Operation and Maintenance Plan. The Property Owner or its contractor must submit the inspection report to the City Engineer within 30 days after the annual inspection. A Management and/or Inspection fee established in the City's standard fee schedule shall accompany the annual inspection report.

SECTION 3

Right of Entry and Stormwater Facility Inspection by the City: The Property Owner hereby grants permission to the City, its authorized agents and employees, and Ironhouse Sanitary District, the East Contra Costa Fire Protection District, County Environmental Health Department, the Contra Costa Mosquito and Vector Control District, and the Regional Water Quality Control Board to enter the portion of the Property where the Stormwater Facility is located, and to inspect the Stormwater Facility whenever any of the forgoing entities deems necessary to enforce provisions of the City's Ordinance. These entities may enter the premises at any reasonable time to inspect the Stormwater Facility's maintenance and operation, to inspect and copy records related to compliance with stormwater regulations, and to collect samples and take measurements. These entities will provide at least 24 hours notice prior to entry.

SECTION 4

Failure to Perform Required Stormwater Facility Repairs or Maintenance by the Property Owner: If the Property Owner or its successors fails to Maintain the Stormwater Facility in good working order and in accordance with the approved Plan and the City's Ordinance, the City, after not less than 30 days' advance written notice to Property Owner specifically identifying the items(s) that Property Owner has failed to Maintain, and to the extent such specified item(s) have not been previously remedied by Property Owner, may enter the Property to perform the correction of the identified items not previously undertaken by Property Owner. The City is under no obligation to Maintain or repair the Stormwater Facility, and this Agreement may not be construed to impose any such obligation on the City. If the City, under this section takes any action to return the Stormwater Facility to good working order, the Property Owner shall reimburse the City for all the reasonable costs incurred by the City, including administrative costs. The City will provide the Property Owner with an itemized invoice of the City's costs and the Property Owner will have 30 days to pay the invoice. If the Property Owner fails to pay the invoice within 30 days, the City may secure a lien against the real property of the Property Owner in the amount of such costs. In addition, the City may make the cost of abatement of the nuisance caused by the failure to Maintain the Stormwater Facility a special assessment against the Property that may be collected at the same time and in the same manner as ordinary municipal taxes are collected as provided in Government Code section 38773.5. This Section 4 does not prohibit the City from pursuing other legal recourse against the Property Owner.

SECTION 5

Indemnity: The Property Owner agrees to defend, indemnify and holds harmless the City, its officials, employees and its authorized agents from any and all damages, accidents, casualties, occurrences, claims, penalties or fines which might arise or be asserted against the City and which are in any way connected with the construction, operation, presence, existence or maintenance of the Stormwater Facility by the Property Owner, or from any personal injury or property damage that may result from the City or other public entities entering the Property under Section 4.

SECTION 6

Successors and Assigns: The covenants of the Property Owner set forth in numbered Sections 1 through 5 above shall run with the land, and the burdens thereof shall be binding upon each and every part of the Property and upon the Property Owner, its successors and assigns in ownership (or any interest therein), and said covenants shall inure to the benefit of and be enforceable by the City, its successors and assigns in ownership of each and every part of the Street and storm drains.

SECTION 7

Severability: Invalidation of any one of the provisions of this Agreement shall in no way effect any other provisions and all other provisions shall remain in full force and effect.

Recommended for approval:

_____
City Engineer, Kevin Rohani

Reviewed by:

_____
City Attorney, Derek Cole

City of Oakley:

_____
City Manager, Joshua McMurray

Attest:

_____
City Clerk, Libby Vreonis

Property Owners:

Elm Lane Oakley L.P.
a California limited partnership

By: PacH Anton South Holdings, LLC,
a California limited liability company
its Managing General Partner

By: Pacific Housing, Inc.,
a California nonprofit public
benefit corporation,
its Manager

By:_____
Mark A. Wiese
President

By: Anton-AMREV Oakley, LLC,
a California limited liability company,
its Administrative General Partner

By: Anton DevCo, Inc.,
a California corporation,
its Manager

By:_____
Trisha Malone,
Chief Investment Officer

Attachments: Acknowledgements
Exhibit A

A Notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa

On_____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
Witness my hand and official seal.

Signature_____
Signature of Notary Public

EXHIBIT A
Legal description

Real property in the City of Oakley, County of Contra Costa, State of California, described as follows:

PARCEL A:

Being a portion of the Southeast Quarter of Section 21, Township 2 North, Range 2 East, Mount Diablo Meridian, described as follows:

Being also a portion of Parcel 1, as said parcel is described in that certain Grant Deed, conveyed to The Gonsalves Real Estate Investment Partnership, recorded on March 4, 1998 as Document No. 98-0044693, Official Records of Contra Costa County and being also Parcel One, as said Parcel is described in that certain Grant Deed, conveyed to Gonsalves, et al., recorded on December 31, 2002 as Document No. 2002-0504021, Official Records of said County, and more particularly described as follows:

BEGINNING at the northeasterly corner of said lands of Gonsalves, et al. (Doc. 2002-0504021), said corner being also a point on the westerly line of Elm Lane, being 30.00 feet in width;

Thence along said westerly line of Elm Lane, South 00°31'43" West, 759.55 feet to the southerly line of said lands;

Thence leaving said westerly line of Elm Lane and along said southerly line of said lands of Gonsalves, et al. (Doc. 2002-0504021) and the southerly line of said lands of The Gonsalves Real Estate Investment Partnership (Doc. 98-0044693), North 89°28'29" West, 434.34 feet to the southeasterly line of State Route 160;

Thence along said southeasterly line of State Route 160, the following courses and distances:
North 13°50'51" East, 774.91 feet;
North 29°38'49" East, 158.12 feet;
North 40°57'23" East, 121.64 feet to the point of intersection of the northerly prolongation of the easterly line of said lands of The Gonsalves Real Estate Investment Partnership (Doc. 98-0044693) with said southeasterly line of State Route 160;

Thence along said northerly prolongation line, South 00°31'43" West, 225.80 feet to the northerly line of said lands of Gonsalves, et al. (Doc. 2002-0504021);

Thence along said northerly line, South 89°48'17" East, 100.00 feet to the point of BEGINNING.
Containing an area of 6.442 acres, more or less.

OAKLEY
CALIFORNIA

STAFF REPORT

Date: December 14, 2021

To: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

From: Kevin Rohani, P.E. Public Works Director/City Engineer

Subject: Approval of Project Assessment and Annexation Authorization Deferral Agreement for the Elm Lane Work Force Housing Project located at 5301 Elm Lane (APN 051-210-019 & 051-220-005)

Background and Analysis

On June 10, 2021, the Community Development Director approved the Administrative Staff Report which conditionally approved a Development Plan to allow the construction of seven multi-family housing apartment buildings consisting of 170 multi-family units located at 5301 Elm Lane within the City of Oakley.

Elm Lane Oakley L.P. a California Limited Partnership ("Developer") has submitted the building permit application for the development of the Elm Lane Work Force Housing Project for review. In order to satisfy all remaining conditions of approval prior to the issuance of the building permit, the Project Assessment and Annexation Authorization Deferral Agreement must be executed to satisfy the annexation requirement per Condition of Approval 53 a, b, and c. The condition requires annexation to Community Facilities District No. 2018-1 for Fire Protection Services, Police Special Tax, and annexation to Community Facilities District No. 2015-2 to fund maintenance and operation costs associated with regional, community and neighborhood parks, public area landscaping, street lights and storm water facilities.

The annexation is in progress, but required additional time to complete. The Applicant is requesting to obtain the project building permit before the anticipated completion of the annexation process. Based on past practices, the City Council has been receptive to allowing the approval of building permits prior to the completion of the annexations, so long as there was an agreement guaranteeing the implementation for the establishment of a funding mechanism in place. A draft agreement has been prepared and attached for approval.

Consistent with the City of Oakley Strategic Plan area of focus for planned and quality growth in development, the approval of this agreement is consistent with the requirement to annex this property to help fund the City's assets.

Fiscal Impact

There is no fiscal impact associated with this action.

Staff Recommendation

Staff recommends that the City Council adopt the attached resolution approving the Project Annexation and Assessment Authorization Deferral Agreement with Elm Lane Oakley L.P. for the Elm Lane Work Force Housing Project and authorizing the City Manager to sign the agreement.

Attachments

1) Resolution Approving the Project Annexation and Assessment Authorization Deferral Agreement
2) Vicinity map
3) Project Assessment and Annexation Authorization Deferral Agreement

RESOLUTION NO. __-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE PROJECT ANNEXATION AND ASSESSMENT AUTHORIZATION DEFERRAL AGREEMENT WITH ELM LANE OAKLEY L.P., A CALIFORNIA LIMITED PARTNERSHIP FOR THE ELM LANE WORK FORCE HOUSING PROJECT AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT

WHEREAS, Condition of Approval 53 a, b, and c for the Elm Lane Work Force Housing Project requires the developer to annex to Community Facilities District No. 2018-1 for Fire Protection Services, Police Special Tax, and annexation to Community Facilities District No. 2015-2 to fund maintenance and operation costs associated with regional, community and neighborhood parks, public area landscaping, street lights and storm water facilities; and

WHEREAS, Elm Lane Oakley L.P. is requesting that the building permit for the Elm Lane Work Force Housing Project be issued prior to completing the annexation process, and is willing to enter into a Project Annexation and Assessment Authorization Deferral Agreement that will allow the building permit to be issued.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City Council of the City of Oakley that the Project Annexation and Assessment Authorization Deferral Agreement ("Deferral Agreement") with Elm Lane Oakley L.P. is hereby approved and attached hereto as Exhibit A and the City Manager is hereby authorized to execute the Deferral Agreement for the Elm Lane Work Force Housing Project, subject to review and approval by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 14th of December, 2021 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

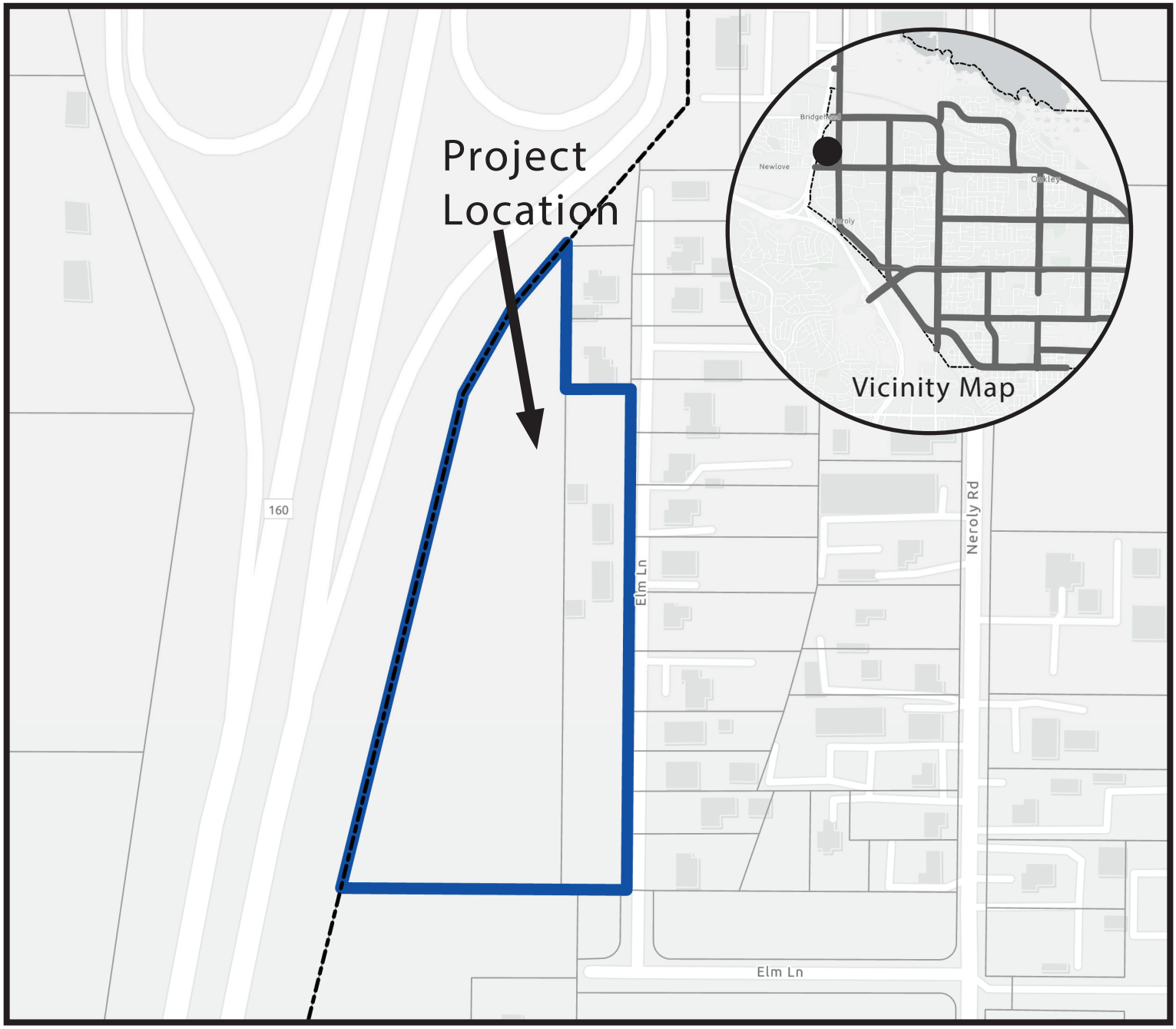
APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date



OAKLEY
CALIFORNIA

Elm Lane Workforce Housing

Attachment 2

Recording Requested By:
When Recorded Mail To:

City Clerk
City of Oakley
3231 Main Street
Oakley CA 94561

PROJECT ANNEXATION AND ASSESSMENT AUTHORIZATION DEFERRAL AGREEMENT ELM LANE WORK FORCE HOUSING (APN 051-210-019 & 051-220-005)

This Project Annexation and Assessment Authorization Deferral Agreement ("Agreement") is made at Oakley, California, effective as of 14th day of December, 2021, by and between the CITY OF OAKLEY, a municipal corporation ("City") and Elm Lane Oakley, L.P. ("Owner").

Recitals

A. On June 10, 2021 the City of Oakley approved the Development Plan described in the Administrative Staff Report which conditionally approved the 170-unit multi-family housing apartment project ("Project") located within the City of Oakley, upon the real property described in the legal description attached hereto and incorporated herein as Exhibit A.

B. Condition of Approval #53(a) requires annexation to the City of Oakley Community Facilities District No. 2018-1 Fire Protection Services ("Fire CFD") for funding certain services within the boundaries of the City of Oakley including fire protection services.

C. Condition of Approval #53(b) requires participation in the provision of funding to maintain police services by voting to approve a special tax ("Special Tax") for the parcels created by this project approval.

D. Conditions of Approval #53 (c) require annexation to City of Oakley Community Facilities District No. 2015-2 ("District") for funding the maintenance and operation costs associated with regional, community and neighborhood.

E. City and Owner, by this Agreement, are implementing conditions of approval Numbers #53 (a-c).

AGREEMENT

With reference to the foregoing Recitals and in consideration of the mutual provisions, obligations and covenants herein contained, City and Owner agree as follows:

1. Recitals.

The foregoing Recitals are true and correct and are made a part hereof.

2. Support of Annexation.

Owner shall support and take any and all actions necessary to annex the Project into the District for the future maintenance and costs of Citywide parks, Citywide street lighting, and landscaping and irrigation facilities in median islands, parkways and other areas designated in the District. Owner shall support and take any and all actions necessary to participate in the provision of funding to maintain police services. Owner shall take any and all actions necessary to participate in the existing Community Facilities District No. 2015-2 for the operation and maintenance of the storm drain system, including Citywide stormwater management and discharge control activities.

3. Submission of Assessment Ballots in Favor of Assessment, Special Tax Ballot in Favor of Special Tax and Ballot for Storm Drain.

Upon receipt of an assessment ballot regarding the assessments that shall be annually imposed by the District and/or a special tax ballot regarding the special tax annually imposed for maintenance of police services and/or a ballot regarding the assessments that shall be annually imposed for storm drain maintenance Funding Mechanism on all the parcels within the Project, Owner shall promptly indicate its support for such assessments and/or special taxes by marking the ballot(s) and submitting it as instructed in the ballot materials. Owner specifically understands that the current assessments levied by the District and the current special taxes for maintenance of police services and the current special taxes for the Funding Mechanism may increase due to inflation and Owner agrees to pay any such increase.

4. Covenant Running with Land; Termination.

This Agreement shall run with the land and be binding on future owners of the Project. This Agreement shall terminate upon annexation into the District, the Fire District, and the imposition of the Special Tax. The City shall execute and record any documents reasonably required to evidence such termination.

5. Restrictions on Issuance and Processing of Certificate of Occupancy.

Owner shall not request, and City shall neither issue nor process, any Certificate of Occupancy for the Project until the annexation to the District, Fire CFD, and approval of the Special Tax including the completion of the ballot proceedings is finalized and the special taxes are authorized to be levied on all the parcels in the Project.

6. Recordation of Agreement.

Owner shall record this Agreement in the chain of title for the Project, such that this Agreement will be identified in any title report prepared for a potential purchaser of the Project.

7. Severability and Integration of Agreement.

This Agreement is an integrated agreement containing the entire understanding of the Parties regarding the matters addressed herein. No amendment or variation of the terms of this Agreement shall be effective unless made in writing and executed by both parties. In the event that any provision of this agreement is finally held or determined to be illegal or void by a court having jurisdiction, the remaining portions of the Agreement remain in full force and effect unless the parts found to be void are wholly inseparable from the remaining portion of the Agreement.

SIGNATURES ON NEXT PAGE

CITY OF OAKLEY

_____
Joshua McMurray, City Manager

ATTEST:

_____
Libby Vreonis, City Clerk

APPROVED AS TO FORM:

_____
Derek P. Cole, City Attorney

DEVELOPER

Elm Lane Oakley L.P.
a California limited partnership

By: PacH Anton South Holdings, LLC,
a California limited liability company
its Managing General Partner

By: Pacific Housing, Inc.,
a California nonprofit public
benefit corporation,
its Manager

By:_____
Mark A. Wiese
President

By: Anton-AMREV Oakley, LLC,
a California limited liability company,
its Administrative General Partner

By: Anton DevCo, Inc.,
a California corporation,
its Manager

By:_____
Trisha Malone,
Chief Investment Officer

A Notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa

On the _____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature_____
Signature of Notary Public

A Notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa

On the _____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature_____
Signature of Notary Public

EXHIBIT A

LEGAL DESCRIPTION OF PROJECT

Real property in the City of Oakley, County of Contra Costa, State of California, described as follows:

PARCEL A:

Being a portion of the Southeast Quarter of Section 21, Township 2 North, Range 2 East, Mount Diablo Meridian, described as follows:

Being also a portion of Parcel 1, as said parcel is described in that certain Grant Deed, conveyed to The Gonsalves Real Estate Investment Partnership, recorded on March 4, 1998 as Document No.
98-0044693, Official Records of Contra Costa County and being also Parcel One, as said Parcel is described in that certain Grant Deed, conveyed to Gonsalves, et al., recorded on December 31, 2002 as Document No. 2002-0504021, Official Records of said County, and more particularly described as follows:

BEGINNING at the northeasterly corner of said lands of Gonsalves, et al. (Doc. 2002-0504021), said corner being also a point on the westerly line of Elm Lane, being 30.00 feet in width;

Thence along said westerly line of Elm Lane, South 00°31’43” West, 759.55 feet to the southerly line of said lands;

Thence leaving said westerly line of Elm Lane and along said southerly line of said lands of Gonsalves, et al. (Doc. 2002-0504021) and the southerly line of said lands of The Gonsalves Real Estate Investment Partnership (Doc. 98-0044693), North 89°28’29” West, 434.34 feet to the southeasterly line of State Route 160;

Thence along said southeasterly line of State Route 160, the following courses and distances:
North 13°50’51” East, 774.91 feet;
North 29°38’49” East, 158.12 feet;
North 40°57’23” East, 121.64 feet to the point of intersection of the northerly prolongation of the easterly line of said lands of The Gonsalves Real Estate Investment Partnership (Doc. 98-0044693) with said southeasterly line of State Route 160;

Thence along said northerly prolongation line, South 00°31’43” West, 225.80 feet to the northerly line of said lands of Gonsalves, et al. (Doc. 2002-0504021);

Thence along said northerly line, South 89°48’17” East, 100.00 feet to the point of BEGINNING. Containing an area of 6.442 acres, more or less.

Agenda Date: _____

Agenda Item: _____

OAKLEY

CALIFORNIA

STAFF REPORT

Date: December 14, 2021

To: City Council

From: Joshua McMurray, City Manager

Subject: **Adopt a Resolution that would formally accept the Oakley Governance Guidelines + Protocols Policy Framework**

Summary and Background

The City Council participated in two work sessions on November 4, 2021 and November 16, 2021. The work sessions were led by Ellen Cross with Strategy Driver, Inc. The work sessions culminated in the attached Oakley Governance Guidelines + Protocols Policy Framework document. This framework will be used as a transition document as the City Council and Staff prepare to work on a new Strategic Plan starting in the beginning of 2022. Staff will start that process by both bringing forward a contract at the January 11, 2022 City Council Meeting that will hire a consultant to assist and develop Oakley's next Strategic Plan and by scheduling a Work Session at that same meeting that will focus on the City Council's vision for the City moving forward.

Fiscal Impact

The contract for the Oakley Governance Guidelines + Protocols Policy Framework document and meetings was set at a not to exceed amount of $20,000. The work came in under the not to exceed amount, at $18,077.76.

Recommendation

Staff recommends that the City Council adopt the attached Resolution that formally accepts the Oakley Governance Guidelines + Protocols Policy Framework.

Attachments

1. Oakley Governance Guidelines + Protocols Policy Framework
2. Draft Resolution

OAKLEY

CALIFORNIA

GOVERNANCE GUIDELINES & PROTOCOLS POLICY FRAMEWORK

December 14, 2021

1.0 INTRODUCTION TO CITY OF OAKLEY'S GOVERNANCE GUIDELINES & PROTOCOLS POLICY FRAMEWORK

At the City of Oakley's (City) Council meeting on July 16, 2021, a process was directed to establish good governance guidelines. Ellen Cross, Executive Facilitator of Strategy Driver, Inc. was contracted to develop and facilitate a process that included a Survey, Interviews and two Workshops with the City's Councilmembers and Executive Staff (Governance Team). On November 4 and 16, 2021, two Workshops were held to present the results of the survey and interviews and develop the City of Oakley's ***Governance Guidelines & Protocols Policy Framework*** per the input of the Governance Team. The final document will be presented for adoption by the City Council at the December 14, 2021 Council meeting.

Unity of Vision & Mission, Code of Ethics & Values, Roles and Responsibilities, Success Factors

The Governance Guidelines & Protocols reflect the Governance Team's input in the creation of a framework for effective governance. This framework is the compilation of the vision & mission, Code of Ethics and values, roles & responsibilities, and success factors to create agreement for good governance. Included are guidelines, structures and protocols that enable the Governance Team (Table 1) to continue to perform its responsibilities and effectively deliver on the City of Oakley's Vision and Mission.

Table 1 Governance Team

Councilmembers	Executive Staff
Sue Higgins, Mayor	Joshua McMurray, City Manager
Randy Pope, Vice Mayor	Derek Cole, City Attorney
Aaron Meadows	Paul Beard, Interim Police Chief
Anissa Williams	Lindsey Bruno, Recreation Director
George Fuller	Jeri Tejeda, Interim Human Resources Director
	Tim Przybyla, Finance Director
	Kevin Rohani, Public Works Director/City Engineer
	Libby Vreonis, City Clerk

The Governance Guidelines & Protocols Framework is organized as follows:

2.0 City of Oakley's Shared Vision & Mission to Achieve Success

3.0 City of Oakley's Code of Ethics and Values Demonstrating Who We Are

4.0 City of Oakley's Governing Roles & Responsibilities to Achieve Shared Vision & Mission

5.0 Summary of Next Steps for Shared Success

2.0 CITY OF OAKLEY'S SHARED VISION & MISSION TO ACHIEVE SUCCESS

The unity of purpose of the Council and Executive Staff is reflected in the City's Vision & Mission that were adopted by the standing Council on June 12, 2018 included in the City's Strategic Plan 2018-2020.

The Council's role is to approve the Vision and Mission and the Executive Staff's role is to execute the Vision & Mission through its operational role. The Executive Staff have been executing the current Strategic Plan. It was recognized during this process that the current Strategic Plan needs to be updated to reflect the 2021 City Council's direction and is summarized in *Section 5 Next Steps for Shared Success*. Currently, the City's Vision and Mission are as follows:

Vision Statement

The City of Oakley will be recognized as a model of civic participation and a vibrant Delta community where families live, work, play, shop and visit.

Mission Statement

The City of Oakley exists to build and enhance a quality community and to serve the public in a friendly, efficient, responsive manner.

Success Factors to Achieve Vision & Mission

The Governance Team is committed to working within the framework of the stated Vision & Mission until the 2022-2024 Strategic Plan is updated in 2022. The City Manager will present the current priority goals, level of effort, schedule, costs, and risks to the City's current investment if not completed. The Council will provide input to refine priorities, provide clarity on staff direction and Council alignment until execution of an updated Strategic Plan. The City Manager will communicate to the Council when direction is not clear and ask for clarity. The Council will inform the City Manager when staff are off course and request what additional information is necessary to inform Council's decision making. Council and City Manager will alert one another when the City is off course from fulfilling its agreed upon interim priorities until the Strategic Plan (2022-2024) is completed. Communication regarding the status of the Strategic Plan and Interim Priorities will be facilitated at the scheduled City Council meetings and in between Council meetings in one on one meetings with the City Manager, as appropriate. Professional, timely and direct communication will provide clarity, align responsibilities and provide updates on barriers to implementation to create a coordinated Governance Team in order to fulfill the City's Vision and Mission. Annual Special Meetings should be held to include the Council, Executive Staff and Interested Parties to review the status of the Strategic Plan and recalibrate to eliminate or augment goals to reflect the most relevant priorities for achieving the Vision and Mission. Ensure all Council Meetings include key updates of Strategic Plan implementation progress and barriers to success. Consider annual internal (Council and Staff) and external survey (Interested Parties) to evaluate the Strategic Plan's success and relevance. Post the Vision and Mission in City Hall as a reminder of shared responsibility.

3.0 CITY OF OAKLEY'S CODE OF ETHICS AND VALUES DEMONSTRATING WHO WE ARE

The following Code of Ethics and Values were developed by prior Councilmembers and prior Executive Staff as included on both the City's website and Strategic Plan (2018-2020).

In summary the Code of Ethics and Values are summarized as follows:

Code of Ethics and Values Summary

Quality Customer Service	Teamwork
Professionalism and Commitment	Community Input & Proactive to Solve Community Issues
Positive & Encouraging Environment	Honesty & Integrity in the Best Interest of the Community

Comply with the Laws
Be Respectful

Fair & Equitable
Stewardship to protect, and conserve the community's financial, environmental, and cultural resources

Fiscal Responsibility
Build trust, and consider carefully the impact of my actions on public confidence
Accountability

Success Factors to Demonstrate the City's Code of Ethics and Values and Who We Are

To more effectively implement the City of Oakley's Strategic Plan it is agreed that Councilmembers and Staff will be representatives of the City and lead by example in how they conduct City business. While the current Code of Ethics and Values were not developed and adopted by the current City Council and Executive Staff, it is agreed that we will live up to and employ the spirit of the Ethics and Values as currently adopted. We also agree that during the 2022 Strategic Plan update we will develop more relevant Ethics and Values that better instruct the Governance Team on how we will conduct the City's business within the City as well as among the City's Interested Parties including residents, businesses, strategic partnerships and future partnerships that will assist the City in implementing its Vision and Mission. We also will hold each other accountable *peer to peer* in the City's best interest to align our shared goals. We will communicate and lead with professionalism to build trust and teamwork that is necessary to work on behalf as the City as a whole. Our leadership in communication includes respectful and professional conduct in verbal and written forms including communication protocols to best reflect City of Oakley leadership :

- **Council and Special Meetings** (e.g. Monthly Council Meeting and Annual Strategic Plan Update Special Meeting)
    - Mayor or Vice Mayor should actively facilitate meeting protocols. City Attorney should advise on such protocols when questions arise or points of order are raised.
    - Post Ethics and Values at City Hall once updated as part of the 2022 Strategic Plan
    - Structure meetings to allow meaningful participation for all Councilmembers, Staff, Invited Participants, and Interested Parties including the public and invited stakeholders.
    - Facilitate meetings through a clear and published agenda that outlines Corresponding Planning Documents/Policies with document hyperlinks (e.g. General Plan/Strategic Plan Goals/ and Budget Drivers), briefly why it's on agenda, and status updates (success factors/barriers to success/information needed) and decision making.

- Estimate information needed or workload requests so Council understands level of effort.
- Schedule Council discussion with reasonable time allocation for Council, Staff and Interested Parties.
- Focus on Agenda items with allocated time. Items not on the agenda are to be requested during the time allocated for "Future Agenda Items" with two Council Members approval.
- Speakers invited to the "mic" should receive uninterrupted speaking time with the allocated timeframe (typically 3 minutes).
- Council should have time allocated for clarifying questions or comments for both Staff and Interested Parties.
- If a vote is required, moderator (Mayor or Vice Mayor) should request Councilmembers to "motion a consideration for vote" and "second motion to consider vote."
- Once vote takes place; decision should be reconfirmed by moderator (Mayor or Vice Mayor) and all Councilmembers should respect decision moving forward regardless of position.

- **Internal Communication (Within City Hall and Administration): Work within the Communication Lines of Authority**
  - Councilmembers can communicate with one another in accordance with the Brown Act.
    - Outside of formal Council meetings, no more than two Councilmembers can communicate with each other on current, anticipated, or potential business items verbally, in writing, electronically, or through social media.
  - Councilmembers with Staff
    - Councilmembers can communicate directly with City Manager or City Attorney on all matters related to the City and City Staff.
    - Councilmembers can communicate with City Staff with the knowledge and agreement by the City Manager.
    - City Staff should only communicate directly with Councilmembers through the expressed approval of the City Manager.
    - The Councilmembers, City Manager, and City Attorney can communicate anytime as long as no more than two Councilmembers are present except in a formally noticed public meeting according to Brown Act guidelines.

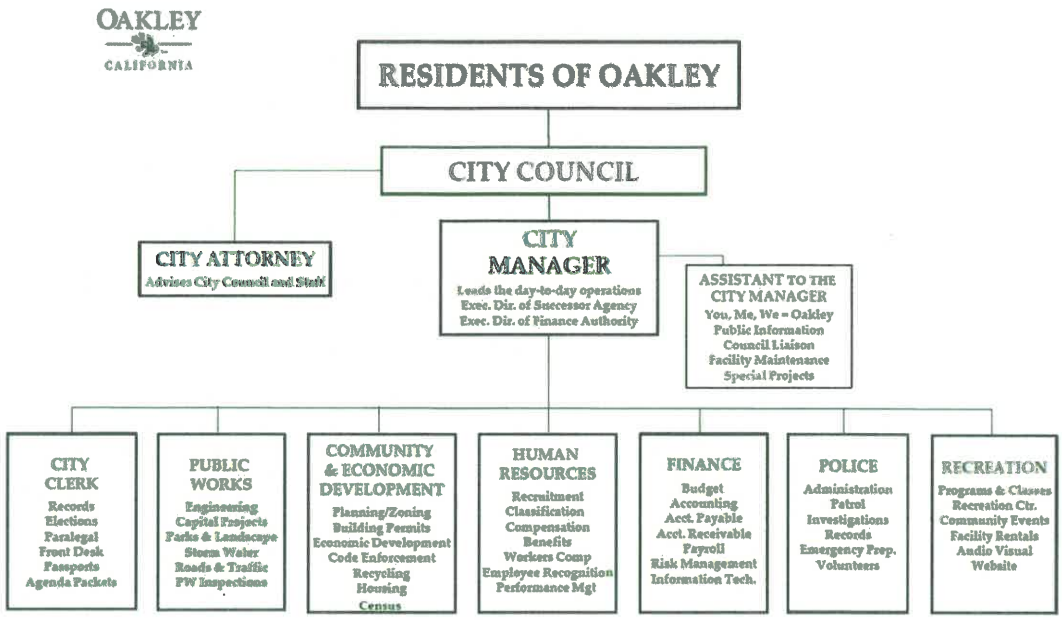
- **External Communication: Media including (News Outlets, Radio, Television, Web based News, Social Media, Magazines, Newspapers, etc.); Professional, Community and Social Organizations and Events**

- As City of Oakley representatives, Council and Staff, will uphold the Code of Ethics and Values in all venues that demonstrate our collective and individual commitment on behalf of the City's residents and businesses.
- Direct media inquiries related to *city business* to the City Manager
- Encourage team building and respectful communication that exemplifies professionalism and civic stewardship by working within the communication lines of authority internally before going externally to resolve.
- Provide an opportunity to address challenges internally and empower the governance structure to inform and address challenges directly and expediently.
- Understand that misinformation or negative communication will distract from addressing the City's priorities and building the requisite collaboration to attract partnership(s) and implement priorities.
- *Encourage* a forum of full participation by Council, Executive Staff and Interested Parties by creating an open and transparent discussion on topics at the Council meetings and not on social media or platforms *that cannot facilitate full participation* due to Brown Act laws.
- Provide training opportunities through professional associations (i.e. League of Cities) for both Council and Staff to interact on public forums including social media and public media to celebrate the City's successes and invite critical analyses and discussion for input into decision making.

4.0 CITY OF OAKLEY'S GOVERNING ROLES & RESPONSIBILITIES TO ACHIEVE SHARED VISION & MISSION

Governance and defining Roles & Responsibilities are important in conducting the processes and actions to achieve both short and long term goals of the City. All roles are critical in achieving the City's Vision and Mission. **Figure 1 Organizational Chart** (on the next page) that outlines the City's governance structure and communications lines and roles and communication flow are summarized in **Figure 2 Governance Roles** (page 8). In general terms, the following roles and responsibilities are outlined as follows:

Figure 1 Organizational Chart



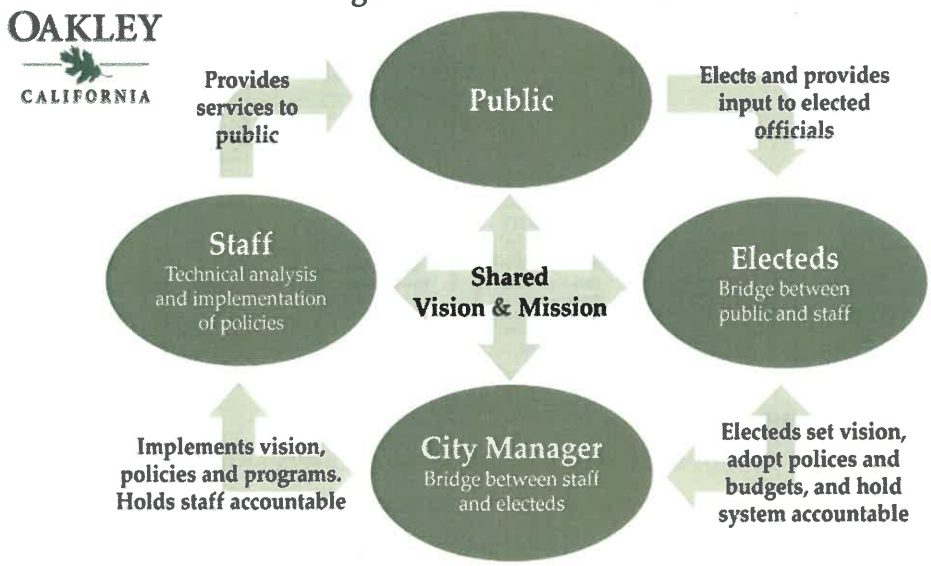
- **Councilmembers**
  - The role of the Council Member is to direct and hold the City Manager accountable to provide information and develop policy and budgets for the review and approval of the Council to achieve the guiding policy documents (not limited to the Strategic Plan, General Plan, Capital Improvement Plan etc.) as represented by their constituents (Public & Interested Parties).
- **City Manager**
  - The role of the City Manager is to report to and be held accountable by the Council and implement their vision by developing draft policy and programs as directed by Council's input and majority decisions and the adopted guiding policy documents. The City Manager will direct staff accordingly and ask the Council for clarifying information and discussion as appropriate.
- **City Attorney**
  - The role of the City Attorney is to be directed and held accountable by the Council and be the legal advisor to the Council, City Manager, and Executive Team and, when necessary, to draft legal agreements, resolutions, ordinances, and other legal documents, among other responsibilities.
- **City Executive Staff**
  - The role of City Staff is to be directed and held accountable by the City Manager to develop draft policy documents and programs and identifying clarifying direction for successful implementation of policy, programs and guiding policy documents.
- **Public & Interested Parties**

- The role of the Public & Interested Parties are to elect the Council and inform the Council of their interests for Council to direct the City's resources accordingly.

A more detailed outline of roles and responsibilities is codified in the City of Oakley's Municipal Code.

Success Factors to Govern Roles & Responsibilities to Achieve the City's Vision & Mission

Figure 2 Governance Roles



The successful outcome of the City of Oakley's Vision & Mission is inherent on a coordinated and collaborative approach. A division of roles and responsibilities to effectively deliver on City of Oakley's priorities is important to realize success and to meet the expectations of the City of Oakley's constituents. Clarity, clear lines of communications, and an understanding of the road map to achieve the vision and mission is paramount. Updating the Strategic Plan and realigning the Council's expectations will better direct staff resources to achieve the Vision and Mission. Minimizing miscommunication through identifying "information needed" and providing direction will move the Council's programs, projects and initiatives forward through prioritization and funding allocations. Working within the communication lines as outlined above to refine direction and provide resolution is also important before moving to external platforms for discussion. We are partnered in achieving success on behalf of the City of Oakley. Encourage each other with what is going well and we are achieving together and identify what is not working with practical and achievable solutions with the least amount of impact to achieving the City's priorities. Empower and entrust each other to execute within the governance framework – Council provides clear policy and Staff executes policy to deliver results. Create internal work sessions within the operations to promote an integrated and inclusive approach. Articulate information needed and barriers to success in a timely fashion to jointly develop solutions. Promote successes and opportunities and partner for solutions to minimize failure that embodies our mutual responsibility to deliver the Vision & Mission. Align the budget and staff resources to each program, project and initiative to ensure success.

5.0 SUMMARY OF NEXT STEPS FOR SHARED SUCCESS

NEXT STEPS	WHO	WHEN
1) Provide clarity on priority objectives (Heat Map) to Executive Staff by City Manager presenting current status of priorities and asking for Council input to align Council and Staff priorities before 2022 Strategic Plan is adopted.	City Manager/City Council	November 2021
2) Adopt Governance Guidelines & Protocols Policy Framework	City Council	December 14, 2021
3) Update Strategic Plan to reflect City Council's Vision, Mission, Values, Code of Ethics, Goals and Priority Objectives with in person Public Meetings (pending state regulations)	City Council	Kick off January 2022 Update and complete by April 15, 2022 Subsequent Updates every January of Odd Years (e.g. 2023)
4) Update Strategic Plan bi-annually with input from internal and external stakeholders through survey and Annual Special Meeting	Internal: City Council, Executive Staff External: Interested Parties including the public, strategic partnerships, and invited participants	January of odd years (e.g. 2023)
5) Structure and facilitate Council and Special Meetings as outlined in Section 3	Mayor/Vice Mayor/City Attorney	Every meeting
6) Design Council Agendas to reflect Planning Documents Goals and Why it's being completed for Decision Making and Status (Success Factors / Barriers to Success/Information Needed)	City Manager	Every meeting
7) Post Vision, Mission, Code of Ethics and Values at	City Manager	Quarter 2 2022

City Hall as a reminder of shared responsibility and focus		
8) Develop Budget and Staff Resource allocation by Program, Project, and Initiative to ensure priorities are successful	City Manager	Quarter 1 and 2 annually
9) Respect lines of communication and governance roles & responsibilities	All	Always
10) Provide Training for social media and meeting procedures	All	After elections for incoming Council Members and ongoing as requested

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY FORMALLY ACCEPTING THE OAKLEY GOVERNANCE GUIDELINES + PROTOCOLS POLICY FRAMEWORK

BE IT RESOLVED by the City Council of the City of Oakley does hereby formally accept the Oakley Governance Guidelines + Protocols Policy Framework; and

BE IT FURTHER RESOLVED that the City Council of the City of Oakley will use the Oakley Governance Guidelines + Protocols Policy Framework.

The foregoing resolution was introduced at a regular meeting of the Oakley City held on the 14th day of December, 2021 by Councilmember _____, who moved its adoption, which motion being duly seconded by Councilmember _____, was upon voice vote carried and the resolution adopted by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: December 14, 2021

TO: Joshua McMurray,
City Manager

Approved and Forwarded to the City Council

FROM: Derek P. Cole, City Attorney

SUBJECT: **Enactment of An Ordinance of the City Council of Oakley Enacting Section 2.7.003 of the Oakley Municipal Code Adopting a By-District System for Five Members of the City Council; and Adoption of a Resolution of the City Council of Oakley Adopting the District Map**

BACKGROUND AND DISCUSSION

At its meeting on July 13, 2021, and in response from a demand letter threatening legal action against the City, the Council adopted a resolution formally declaring its intention to convert from at-large to by-district City Council elections. The Council's adoption of this resolution started a process that was required to be completed within 180 days and that would culminate with consideration of an ordinance effecting the change in the Council selection system.

At meetings on August 31, 2021 and September 28, 2021, the Council received presentations from its demographer and took public testimony regarding "communities of interest" that should be preserved as part of the creation of councilmember districts. The demographer took that information, along with information received via online submissions, to prepare draft maps for Council consideration.

At a Special City Council meeting on October 5, 2021 and a regular meeting on October 26, 2021, the Council heard public testimony regarding proposed maps for adoption as the City's district maps. At the conclusion of the latter meeting, the City Council narrowed its proposed maps down to two maps—one for a 5-district City Council map, and another for a 4-district City Council map.

At its Regular City Council meeting on November 9, 2021, the City Council chose the 5-district option, and introduced an ordinance providing for district elections for all City Council positions.

The Council is now required to enact the ordinance introduced at the November 9, 2021 City Council meeting. It must also enact a resolution adopting the District Map that it has tentatively endorsed in a prior meeting. Both the final ordinance and resolution are attached for Council approval. The resolution will enact the District Map the Council has previously endorsed.

Fiscal Impact

If by-district elections are implemented, the City may incur less expenses for elections as, in any election cycle, costs would be incurred only for those precincts corresponding to the districts running (as opposed to all City precincts). The City would, however, incur expenses for demographers and other professionals as part of the redistricting that would be required every 10 years, after each decennial census. Because redistricting is not required for cities that use at-large voting systems, the City presently does not incur these expenses.

Attachments

1. Final Ordinance
2. Resolution Adopting District Elections

ORDINANCE NO. 10-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY ENACTING SECTION 2.7.003 OF THE OAKLEY MUNICIPAL CODE ADOPTING A BY-DISTRICT SYSTEM FOR ELECTING FIVE MEMBERS OF THE CITY COUNCIL

WHEREAS, the City of Oakley currently elects five Councilmembers using an at-large election system; and

WHEREAS, in response to threatened litigation regarding alleged noncompliance with the California Voting Rights Act ("CVRA"), the City Council has determined that it is in the best interest of the City to shift from its current at-large election system to a by district election system for its five Councilmembers; and

WHEREAS, California Government Code section 34886 permits the City Council to change the City's method of election by ordinance to a "by district" system in which each Councilmember is elected only by the voters in the district in which the candidate resides; and

WHEREAS, in accordance with California Government Code section 34886, it is declared that the purpose of the change in the method of electing members of the City Council is to implement the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution, as set forth in Sections 14025 through 14032 of the California Elections Code; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLEY DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.7.003 of the Oakley Municipal Code is enacted to read as follows:

§2.7.003 BY-DISTRICT ELECTIONS FOR CITY COUNCIL MEMBERS

a. Pursuant to California Government Code section 34886, Members of the City Council of the City of Oakley shall be elected by-district in five (5) single-member districts.

1) Members of the City Council shall be elected in the electoral districts established by subsection (B) of this Section and subsequently reapportioned as provided by State law. Elections shall take place "by district" as that term is defined in California Government Code section 34871, meaning one Councilmember shall be elected from each district, by the voters of that district alone.

2) A Councilmember elected or appointed to represent a district must reside in that district and be a registered voter in that district, and any candidate for City Council must reside in, and be a registered voter in, the district in which he or

she seeks election at the time nomination papers are issued.

b. All five Councilmembers shall be elected on a “by-district” basis from the Council districts shown and numbered on a map titled “City of Oakley District Map,” as adopted separately by resolution, a copy of which shall be on file in the City Clerk’s office.

c. Pursuant to Elections Code section 21601, as it may be amended from time to time, the City Council shall adjust the boundaries of any or all of the districts following each decennial federal census to ensure that the districts are in compliance with all applicable provisions of law.

d. District elections enacted in accordance with this section shall commence in the November 2022 General Election. In the November 2022 General Election, Districts 2 and 4 shall first be open for election. In the November 2024 General Election, Districts 1, 3, and 5 shall first be open for election. All districts shall have four (4) year terms.

Section 2. CEQA Findings.
This project is exempt from environmental analysis under the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that the proposed amendments will not have a significant effect on the environment.

Section 3. Severability.
In the event any section or portion of this ordinance shall be determined to be invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in force and effect.

Section 4. Effective Date and Publication.
This ordinance pertains to City elections and shall take effect immediately upon its adoption. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation or by publishing a summary of the proposed ordinance and posting a certified copy of the proposed ordinance in the City Clerk’s Office at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted and within fifteen (15) days after its adopting, publishing a summary of the ordinance with the names of the Council members voting for and against the ordinance.

*** * * * * * * * * ***

THE FOREGOING ORDINANCE was introduced with the reading waived at a regular meeting of the City Council of the City of Oakley held on the 9th day of November 2021. The ordinance was passed and adopted with the second reading waived at a regular meeting of the City Council of the City of Oakley, held on the 14th day of December 2021, and ordered passed to print by the following vote, to wit.

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

RESOLUTION NO. XX-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY ADOPTING THE CITY OF OAKLEY DISTRICTS MAP

WHEREAS, Section 2.7.003 of the Oakley Municipal Code requires that the five members of the City Council are elected on a "by-district" basis; and

WHEREAS, Paragraph (b) of Section 2.7.003 of the Oakley Municipal Code requires that the City Council adopt a map to reflect the districts by which the five City Councilmembers shall be elected; and

WHEREAS, since June 2021, as part of the conversion from the former "at-large" system used to select Councilmembers to the new by-district system, the City Council has held a number of public meetings to solicit the input from the public regarding the boundaries for the new Councilmember districts; and

WHEREAS, the City Council has retained the services of qualified demographer to ensure that the districts are drawn in accordance with all standards required by then United States Constitution, California Constitution, and all federal and state statutes.

NOW, THEREFORE, BE IT RESOLVED, after due consideration of the considerable public comment and testimony received, the City Council of the City of Oakley adopts the map attached as "Exhibit A" to this Resolution as the City of Oakley District Maps required by Section 2.7.003(b) of the Oakley Municipal Code; and

BE IT FURTHER RESOLVED, a copy of this District Map shall be maintained at all times in the Office of the City Clerk until the map is superseded or replaced by subsequent City Council resolution.

BE IT FURTHER RESOLVED, the City Clerk is directed to promptly provide a copy of the District Map to the Contra Costa County Elections Division.

BE IT FURTHER RESOLVED, The City Council finds that this project is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections CEQA Guidelines (California Code of Regulations, Title 14) 15062(c)(2) and 15060(c)(3).

PASSED, APPROVED AND ADOPTED this 14th day of December, 2021 by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

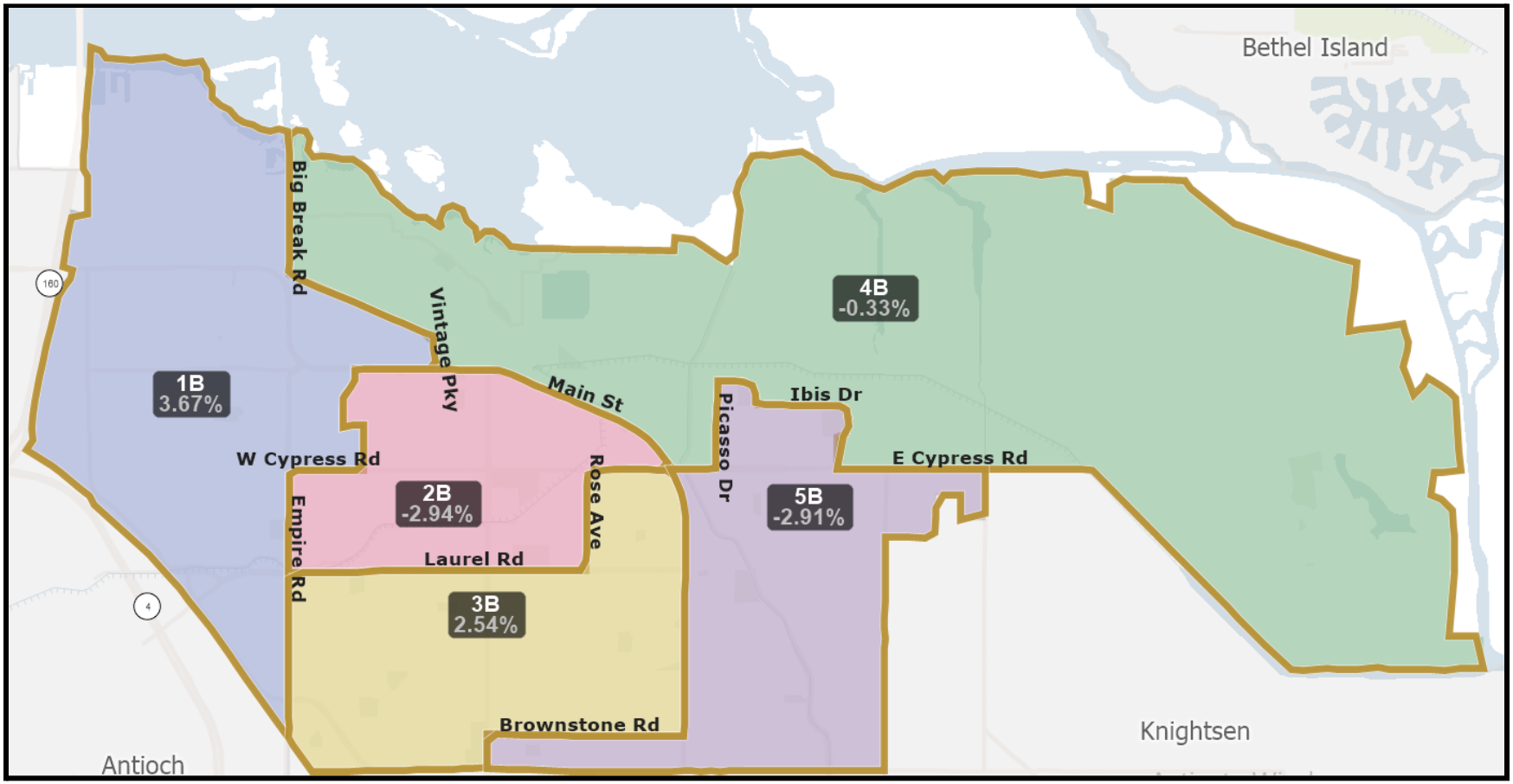
_____
, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

City of Oakley: Finalist Map B

October 29, 2021



OAKLEY
CALIFORNIA

STAFF REPORT

DATE: December 14, 2021

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

FROM: Kenneth W. Strelo, Principal Planner

SUBJECT: **Two-Residential Units and Urban Lot Splits Urgency Ordinance (RZ 05-21) – Compliance with Senate Bill 9 (2021)**

Summary

This is a City-initiated application requesting the City Council of the City of Oakley adopt an urgency ordinance adding Section 9.1.1133, Two-Residential Units and Urban Lot Splits, to Title 9 of the Oakley Municipal Code and amending Sections 9.1.202, 9.1.404, 9.1.1110, 9.1.1118, 9.1.1122, 9.1.1402, and 9.1.1604 for consistency therewith. The ordinance will serve to bring the City of Oakley into compliance with Senate Bill 9 (2021).

Staff Recommendation

Staff recommends the City Council adopt the urgency ordinance, as proposed.

Fiscal Impact

Minimal, approximately two hours of Staff time, were spent creating the City Council packet with assistance from the City Attorney in drafting the ordinance and general background information. Once the ordinance is implemented, it is expected projects resulting from its adoption would have a similar impact as private development projects currently have, which is their fiscal impact is covered by processing fees and/or building permits.

Background of SB 9

Senate Bill 9 (2021) ("SB 9") added Sections 65852.21 and 66411.7 to the Government Code and amended Government Code Section 66452.6. The purpose of SB 9 is to promote small-scale neighborhood residential development by streamlining the process for a homeowner to create a duplex or subdivide an existing lot.

The effect of SB 9 is that property owners in single family residential zoning districts may now invoke a state-mandated application process to construct two residential units ("Two-Unit Residential Developments") on a lot and/or to split a lot into two separate parcels ("Urban Lot Split"). These applications must be approved ministerially without

discretionary review or public hearing. An important feature of SB 9 is that an applicant does not have to use both processes.

The City intends to consider the adoption of permanent regulations within a reasonable time, and the adoption of this ordinance as an urgency ordinance is also necessary to allow the City time to study the potential land use, public services, parking, traffic, and infrastructure effects of SB 9 in single family residential districts.

General Requirements of SB 9

Regardless of which process an applicant uses (or if an applicant uses both), the applicant must meet building code standards, and the proposal must be sufficiently configured to enable a separate conveyance that meets the requirements of SB 9.

A property is eligible for an SB 9 application only if it is zoned for single-family residential use and is located within an urbanized area. A property is not eligible for an SB 9 application if it is in a historic district or if it is included on the State Historic Resources Inventory. Additionally, SB 9 provides a list of locations that are ineligible for an Urban Lot Split or Two-Unit Residential Development, including farmland, wetlands, high fire hazard severity zones, hazardous waste sites, earthquake fault zones, flood hazard areas, regulatory floodways, lands identified in conservation plans or as a habitat for a protected species, and lands subject to conservation easements.

As currently written, SB 9 prohibits the City from imposing owner-occupancy requirements on Urban Lot Splits, but it does not prohibit the City from imposing such requirements on Two-Unit Residential Developments. Furthermore, applications may be denied if the Building Official finds that the project would have a specific, adverse impact upon public health and safety or the physical environment, and that there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The evidence standard and criteria for findings are set forth in Government Code Section 65589.5, but this is a difficult standard to meet.

SB 9 requires that newly created lots be limited to residential use, and it prohibits units from being used as short-term rentals. If a property is subject to both a Two-Unit Residential Development application and an Urban Lot Split application, the City may prohibit the subsequent construction of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs") on that property.

Additional Requirements for Urban Lot Splits

SB 9 only allows a lot to be split once, and it requires that newly created parcels to be at least 40% of the original lot and at least 1,200 square feet. Moreover, no property owner will be eligible for a lot split if the owner previously subdivided an adjacent parcel. Urban Lot Splits will have to conform to all other objective requirements of the Subdivision Map Act, and applicants will have to sign an affidavit stating that the applicant intends to

occupy one of the housing units as his/her principal residence unless the applicant is a community land trust or nonprofit corporation.

The City may require that Urban Lot Splits provide utility easements and access to the public right-of-way, but the City cannot condition the issuance of the parcel map on the dedication of rights-of-way or the construction of offsite improvements.

Amendment to the Subdivision Map Act

SB 9 amends the Subdivision Map Act so that cities are authorized to pass ordinances that provide map extensions for up to 24 months rather than 12 months. It also extends the expiration for phased maps with constructed off-site improvements to 4 years rather than 3 years.

Summary of Amendments

The proposed zoning text amendments would add one section (9.1.1133) and modify language in seven other sections (9.1.202, 9.1.404, 9.1.1110, 9.1.1118, 9.1.1122, 9.1.1402, and 9.1.1604). Added Section 9.1.1133 would be titled “Two-Unit Residential Developments and Urban Lot Splits.” It will contain the bulk of the amendments and provide the purpose and intent, permitting procedures, and general requirements for building two-units on a residentially zoned property and/or conducting an urban lot split. The other seven sections will amended as follows:

- Section 9.1.202 (Definitions Generally):
    - Adds definitions for “Residential Use,” “Two-Unit Residential Development,” and “Urban Lot Split.”

- Section 9.1.404 (Single Family Residential Districts):
    - Adds the use, “Two-Unit Residential Development and Urban Lot Splits, per Section 9.1.1133” as a permitted use.
    - Adds clarifiers that lot requirements and yard requirements must allow lots sizes and setbacks as prescribed in Section 9.1.1133.
    - Adds clarifier that objective standards apply to Two-Unit Residential Development and Urban Lot Splits” unless they result in physically precluding construction of two units, each of 800 square feet, on the resulting parcels.

- Section 9.1.1110 (Fences and Other Structures):
    - Adds clarifier that objective standards apply to Two-Unit Residential Development and Urban Lot Splits” unless they result in physically precluding construction of two units, each of 800 square feet, on the resulting parcels.

- Section 9.1.1118 (Lots):
    - Adds “Urban Lot Splits” and references provision in 9.1.1133.

- Section 9.1122 (Yards):
    - Adds clarifier that objective standards apply to Two-Unit Residential Development and Urban Lot Splits” unless they result in physically precluding construction of two units, each of 800 square feet, on the resulting parcels.

- Section 9.1.402(i) (Number of Required Parking Spaces):
    - Establishes a minimum of one required off-street parking space for each unit of a Two-Unit Residential Development, unless located within one-half mile walking distance of a high-quality transit corridor, as defined by PRC 21155, or a major transit stop, as defined in PRC 21064.3, or within one block of a car share vehicle.

- Section 9.1.1604 (Design Review):
    - Adds clarifier that objective standards apply to Two-Unit Residential Development and Urban Lot Splits” unless they result in physically precluding construction of two units, each of 800 square feet, on the resulting parcels.

Environmental Review

California Environmental Quality Act Compliance

The City Council finds and determines that, pursuant to Government Code Sections 65852.21 and 66411.7, this ordinance is not subject to the California Environmental Quality Act (“CEQA”), Division 13, commencing with Section 21000 of the Public Resources Code, because it is not a project as defined in Section 15378 of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

Potential Consequences for No Action

Failure to adopt standards for urban lot splits and two-unit residential developments may cause an increase in short-term rentals in single family residential zones, which is inconsistent with the Oakley Municipal Code and a violation of SB9, and may also lead to the disorderly, unregulated development of housing in single family residential districts, impacting the quality of life for neighboring property owners, as well as the broader community.

Staff Recommendation

Staff recommends the City Council adopt the urgency ordinance, as proposed.

Attachments

1. Notice of Public Hearing
2. Proposed Ordinance

City of Oakley
3231 Main Street
Oakley, CA 94561
www.oakleyinfo.com

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **December 14, 2021** at 6:30 p.m., or as soon thereafter as the matter may be heard, the City Council of the City of Oakley will hold a **Public Hearing** at the Council Chambers located at 3231 Main Street, Oakley, CA 94561 for the purposes of considering the item as described below:

Project Name: Two-Residential Units and Urban Lot Splits Urgency Ordinance (RZ 05-21) – Compliance with Senate Bill 9 (2021).

Project Location: Citywide in applicable zoning districts.

Applicant: City of Oakley, 3231 Main Street, Oakley, CA 94561.

Request: This is a public hearing on a City-initiated application requesting the City Council of the City of Oakley adopt an urgency ordinance adding Section 9.1.1133, Two-Residential Units and Urban Lot Splits, to Title 9 of the Oakley Municipal Code and amending Sections 9.1.202, 9.1.404, 9.1.1110, 9.1.1118, 9.1.1122, 9.1.1402, and 9.1.1604 for consistency therewith. The ordinance will serve to bring the City of Oakley into compliance with Senate Bill 9 (2021).

How to Review: The Staff Report and its attachments will be available for public review, on or before December 9, 2021 online at www.ci.oakley.ca.us/agendas-minutes-videos-archive/ by navigating to the December 14, 2021 agenda and clicking the project title link. Interested persons are invited to submit written comments prior to 5:00 P.M. the day of the hearing to Ken Strelo, Principal Planner strelo@ci.oakley.ca.us.

NOTICE IS ALSO GIVEN pursuant to Government Code Section 65009(b) that, if this matter is subsequently challenged in Court by you or others, you may be limited to raising only those issues you or someone else has raised at a Public Hearing described in this notice or in written correspondence delivered to the City of Oakley City Clerk at, or prior to, the Public Hearing.

ORDINANCE NO. XX-21

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY ADDING SECTION 9.1.1133, TWO-RESIDENTIAL UNITS AND URBAN LOT SPLITS, TO TITLE 9 OF THE OAKLEY MUNICIPAL CODE AND AMENDING SECTIONS 9.1.202, 9.1.404, 9.1.1110, 9.1.1118, 9.1.1122, 9.1.1402, 9.1.1604 FOR CONSISTENCY THEREWITH.

WHEREAS, the City of Oakley, pursuant to its police power, may adopt regulations to protect the health, safety, and welfare of the public under California Constitution, Article XI, Section 7 and California Government Code Section 37100, and thereby is authorized to establish land use regulations that promote the safe and orderly development of housing in single family residential zones; and

WHEREAS, in exercising its inherent police power, the City may not enact or enforce laws or ordinances that conflict with the state's general laws, either expressly or by legislative implication; and

WHEREAS, on September 16, 2021, the Governor of California signed Senate Bill 9 ("SB9"), which adds Sections 65852.21 and 66411.7 to the Government Code and amends Section 66452.6 thereto, requiring that the City ministerially approve urban lot splits and the construction of two residential units on each separate lot in single-family zoning districts; and

WHEREAS, SB9 will be effective on January 1, 2022, and the Oakley Municipal Code currently does not provide a process for urban lot splits or the construction of two-unit residential developments on parcels zoned for single-family residential use; and

WHEREAS, SB9 requires that the City prohibit the short-term rental of any unit created pursuant to SB9 and allows the City to prohibit accessory dwelling units and junior accessory dwelling units on parcels that use both the urban lot split and the two-unit residential development provisions; and

WHEREAS, failure to adopt standards for urban lot splits and two-unit residential developments may cause an increase in short-term rentals in single family residential zones, which is inconsistent with the Oakley Municipal Code and a violation of SB9, and may also lead to the disorderly, unregulated development of housing in single family residential districts, impacting the quality of life for neighboring property owners, as well as the broader community; and

WHEREAS, the adoption of this ordinance as an urgency ordinance is necessary protect public health and safety from the deleterious effects that disorderly development may have on the quality of life in single family residential districts, including upon aesthetics, and it is also necessary to ensure compliance with state law; and

WHEREAS, the City intends to consider the adoption of permanent regulations within a reasonable time, and the adoption of this ordinance as an urgency ordinance is also necessary to allow the City time to study the potential land use, public services, parking, traffic, and infrastructure effects of SB 9 in single family residential districts; and

WHEREAS, this ordinance is an urgency ordinance for the immediate preservation of the public peace, health and safety within the meaning of Government Code Sections 65858 and 36937(b) and therefore shall be effective immediately upon its adoption and shall expire on January 28, 2022, unless extended by the City Council at a regularly noticed public hearing, pursuant to California Government Code Section 65858.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLEY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby adopts all the foregoing Recitals.

SECTION 2. Section 9.1.1133 is hereby added to the Oakley Municipal Code to read as follows:

"**9.1.1133 Two-Unit Residential Developments and Urban Lot Splits.**

a. Purpose and Intent. The purpose of this section is to increase the supply of dwelling units by allowing for the development of two units on lots that are zoned for single family residential use and to establish the criteria for urban lot splits, consistent with Senate Bill 9, which added Sections 65852.21 and 66411.7 to the Government Code and amended Government Code Section 66452.6.

b. Permitting Procedure Generally. Except as otherwise provided in this section, applications for a Two-Unit Residential Development and applications for an Urban Lot Split shall be approved ministerially without discretionary review or public hearing if the requirements set forth in Section 9.1.1133(c) and the requirements set forth in Section 9.1.1133(d) and (e), as may be applicable, are satisfied. Notwithstanding the foregoing, applications may be denied if the Building Official makes a written finding, based on a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact (as defined and determined by Government Code Section 65589.5), upon public health and safety or the physical environment, and that there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

c. Requirements Generally. Two-Unit Residential Developments and Urban Lot Splits shall satisfy all conditions set forth in Government Code Section 66411.7, as further specified below:

1. Single Family Zoning. Two-Unit Residential Developments and Urban Lot Splits shall only be permitted in the R-6, R-7, R-10, R-12, R-15, R-20, and R-40 districts.
2. Urban. Two-Unit Residential Developments and Urban Lot Splits shall only be permitted on parcels that include some portion of either an urbanized area or urban cluster area, as designated by the United States Census Bureau.

3. Historic Landmark and Districts Prohibited. Two-Unit Developments and Urban Lot Splits shall be prohibited in historic districts and prohibited if the development site is included on the State Historic Resources Inventory.

4. Sensitive Areas Prohibited. Two-Unit Residential Developments and Urban Lot Splits shall not be permitted if located within those areas identified in Government Code Section 65913.4(a)(6)(B)-(K), as follows:

    A. Prime farmland or farmland of statewide importance, as determined by the United States Department of Agriculture and California Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure;

    B. Wetlands, as defined by the United States Fish and Wildlife Service Manual;

    C. High or very high fire hazard severity zones, as determined by the California Department of Forestry and Fire Protection, Government Code Section 51178, and Public Resources Code Section 4202;

    D. Hazardous waste sites, defined pursuant to Government Code Section 65962.5, or as otherwise designated by the California Department of Toxic Substance Control, pursuant to Health & Safety Code Section 25356, unless the California Department of Public Heath, Water Resources Control Board, or Department of Toxic Substances has cleared the site for residential use or residential mixed use;

    E. Earthquake fault zones, as determined by the State Geologist or Building Official, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission;

    F. Flood hazard areas subject to 1 percent annual chance flood, as determined by the Federal Emergency Management Agency (FEMA), unless the site has been subject to a map revision prepared by FEMA or otherwise meets the minimum flood plan management criteria of the National Flood Insurance Program or FEMA;

G. Regulatory floodway as determined by FEMA, unless the development receives a no-rise certification;

H. Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resources protection plan;

I. Lands with a habitat for protected species identified as candidate, sensitive, or species of special status by state and federal agencies, fully-protected species, or species protected by the federal Endangered Species Act, California Endangered Species Act, or Native Plant Protection Act; or

J. Land under conservation easement.

5. Separate Conveyance. The structures proposed for a Two-Unit Residential Development or Urban Lot Split shall meet the building code requirements set forth in Title 7 of the Oakley Municipal Code. The structures shall be sufficiently constructed and arranged to allow for a separate conveyance that complies with the terms and conditions of this Section 9.1.1133.

d. Two-Unit Residential Development – Additional Requirements. In addition to Section 9.1.1133 (c), Two-Unit Residential Developments shall satisfy the following requirements:

1. Demolition of Existing Housing Units. Two-Unit Residential Developments shall not involve the demolition of any existing housing units subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, or the demolition of any existing housing units subject to any form of rent control or any existing housing units that have been occupied by a tenant in the last three years.

2. Demolition of Existing Exterior Structural Walls. Two-Unit Residential Developments shall not involve the demolition of more than 25% of the existing structural walls unless the existing unit(s) have not been occupied by a tenant in the last three years or such demolition is otherwise allowed by another provision of the Oakley Municipal Code.

3. Yard Requirements. Notwithstanding Section 9.1.404, Two-Unit Residential Developments shall have a minimum rear yard, side yard, and corner side yard setback of 4 feet. With respect to front yard setback requirements, Section 9.1.404 shall control so long as the application of these front yard setback requirements does not physically preclude either of the two units from being at least 800 square feet in floor area. Moreover, in no case shall

setbacks be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

4. Parking. Two-Unit Residential Developments shall provide off-street parking of one space per unit unless the parcel is located within one-half mile walking distance of a high-quality transit corridor, as defined in Public Resources Code Section 21155, or a major transit stop, as defined in Public Resources Code Section 21064.3, or within one block of a car share vehicle.

5. Owner-Occupancy Covenant. All applicants for Two-Unit Residential Developments shall record a deed restriction which shall require that the owner of the lot be the occupant of one of the housing units and that the owner occupy that unit as the owner's principal residence. This provision shall not apply to community land trusts, as defined in Section 402.1 of the Revenue and Taxation Code, or qualified nonprofit corporations, as described in Section 214.15 of the Revenue and Taxation Code.

e. Urban Lot Splits – Additional Requirements. In addition to Section 9.1.1133(c), Urban Lot Splits shall be subject to the following additional conditions:

1. Lot Size. Urban Lot Splits shall subdivide an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40% of the lot area of the original parcel proposed for subdivision. In no event shall the newly created parcels be smaller than 1,200 square feet.

2. Conformance with Subdivision Map Act. Urban Lot Splits shall conform to all objective requirements of the Subdivision Map Act, Government Code Section 66410 et seq.

3. No Further Subdivision. Parcels previously established through subdivision pursuant to this Section 9.1.1133 shall not be eligible for an Urban Lot Split.

4. Owner's Subdivision. No property owner may subdivide a property pursuant to this Section 9.1.1133 if that owner previously subdivided a parcel adjacent to the property proposed for subdivision. For purposes of this section, "owner" shall also include any person acting in concert with the owner, where there is any degree of coordination on any aspect of a subdivision or proposed subdivision under this Section.

5. No Dedications/Improvements. Urban Lot Splits shall not be required to dedicate rights-of-way or to construct off-site improvements as a condition to the issuing of a parcel map.

6. Utility Easements/Rights of Way Access. Easements for the provision of public services may be required of Urban Lot Splits, and Urban Lot Split parcels may be required to have access to, provide access to, or to adjoin the public right-of-way.

7. Affidavit. All applicants for Urban Lot Splits shall submit a signed affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three (3) years from the date of the approval of the Urban Lot Split. This provision shall not apply to community land trusts, as defined in Section 402.1 of the Revenue and Taxation Code, or qualified nonprofit corporations, as described in Section 214.15 of the Revenue and Taxation Code.

f. Use. All lots created pursuant to this Section shall be limited to Residential Use.

g. Short-Term Rentals Prohibited. No units created pursuant to this Section shall be rented for a term shorter than thirty (30) days.

h. Accessory Dwelling Units and Junior Accessory Dwelling Units Prohibited. No Second Unit, Accessory Dwelling Unit, or Junior Accessory Dwelling Unit shall be allowed on or within any unit or lot for which both the Urban Lot Split process and the Two-Unit Residential Development process was employed.

i. Development Conditions. Unless otherwise stated herein, all Two-Unit Residential Developments and Urban Lot Splits shall be subject to all objective zoning standards, objective subdivision standards, and objective design review standards set forth in the Oakley Municipal Code."

SECTION 3. Section 9.1.202, Definitions Generally, is hereby amended to include the following additional definitions:

"'Residential Use' shall mean the use of a structure for residency for a period that exceeds thirty (30) consecutive days.

'Two-Unit Residential Development' shall mean a proposed development with no more than two new residential units or a proposed development wherein there is one existing residential unit and no more than one new residential unit will be added, as set forth in Government Code Sections 65852.21 and 66411.7. A 'Two-Unit Residential Development' does not include developments with Second Units (Attached Second Units or Detached Second Units) or Efficiency Units.

'Urban Lot Split' shall mean the subdivision of a single-family residential parcel into no more than two new parcels, as set forth in Government Code Sections 65852.21 and 66411.7."

SECTION 4. Section 9.1.404, Single Family Residential Districts (R-6; R-7; R-10; R-12; R-15; R-20; R-40), is hereby amended to include the following additional use at subsection (b):

"3. Two-Unit Residential Developments and Urban Lot Splits, per Section 9.1.1133;"

SECTION 5. Section 9.1.404, Single Family Residential Districts (R-6; R-7; R-10; R-12; R-15; R-20; R-40), is hereby amended at subsection (e) to read as follows:

"e. Lot Requirements.

1. Single-family dwellings or other structures permitted under this section may not be erected or placed on a lot with less than the following minimum requirements:

Minimum Lot Requirements	**R-6**	**R-7**	**R-10**	**R-12**	**R-15**	**R-20**	**R-40**
Lot Area (in square feet)	6,000	7,000	10,000	12,000	15,000	20,000	40,000
Lot Width (in feet)	60	60	60	70	70	80	140
Lot Depth (in feet)	80	90	100	100	100	120	140

2. Notwithstanding the foregoing, lots created pursuant to Section 9.1.1133 must have a minimum lot size as prescribed in Section 9.1.1133(e) (1)."

SECTION 6. Section 9.1.404, Single Family Residential Districts (R-6; R-7; R-10; R-12; R-15; R-20; R-40), is hereby amended at subsection (f) to read as follows:

"f. Yard Requirements.

1. The following minimum requirements apply to front yard, rear yard, side yard, and corner side yard setbacks:

Minimum Yard Requirements (In Feet):	**R-6**	**R-7**	**R-10**	**R-12**	**R-15**	**R-20**	**R-40**
Front Yard	20	20	20	20	20	25	25
Secondary Frontage	15	15	15	15	15	20	20
Rear Yard	15	15	15	15	15	15	15
Aggregate Width of Side Yard	15	15	20	25	25	35	40

Minimum Yard Requirements (In Feet):	R-6	R-7	R-10	R-12	R-15	R-20	R-40
Width of One Side	5	5	5	10	10	15	20
Corner Side	15	15	15	15	15	20	20

2. The minimum aggregate setback between adjacent two-story elements on separate lots shall be fifteen (15) feet.

3. Mechanical Equipment in Yard Setbacks. Ground-mounted mechanical equipment shall be screened from view with adequate landscaping or fencing and provide a minimum three feet of horizontal clearance on at least one side.

4. Accessory structure setbacks are subject to Article 18 of this chapter (Accessory Structures).

5. Accessory Structures in Rear Yards. An accessory structure, or combination of more than one accessory structure, may occupy not more than fifty percent (50%) of a required rear yard.

6. In addition to the above minimum requirements, additional setback provisions, including but not limited to the provision for providing larger side yard setbacks adjacent to the garage to provide room for side-yard RV and boat parking, are included in the City of Oakley Residential Design Guidelines.

7. Notwithstanding the foregoing, lots subject to Section 9.1.1133 must have the minimum setbacks prescribed in Section 9.1.1133(d) (3)."

SECTION 7. Section 9.1.404, Single Family Residential Districts (R-6; R-7; R-10; R-12; R-15; R-20; R-40), is further amended to include the following additional subsection:

"i. Two Unit-Residential Developments and Urban Lot Splits. The objective standards set forth herein shall apply to all Two-Unit Residential Developments and Urban Lot Splits unless the application of these objective standards would have the effect of physically precluding the construction of two units, each at least 800 square feet, on the resulting parcels."

SECTION 8. Section 9.1.1110, Fences and Other Structures, is hereby amended to also include the following additional subsection:

"b. Two Unit-Residential Developments and Urban Lot Splits. The objective standards set forth herein shall apply to all Two-Unit Residential Developments and Urban Lot Splits unless the application of these objective standards would have the effect of physically precluding the construction of two units, each at least 800 square feet, on the resulting parcels."

SECTION 9. Section 9.1.1118, Lots, is hereby amended to also include the following additional subsection:

"d. Urban Lot Splits. The provisions in this section shall be subject to Section 9.1.1133."

SECTION 10. Section 9.1.1122, Yards, is hereby amended to also include the following additional subsection:

"h. Two-Unit Residential Developments and Urban Lot Splits. The objective standards set forth herein shall apply to all Two-Unit Residential Developments and Urban Lot Splits unless the application of these objective standards would have the effect of physically precluding the construction of two units, each at least 800 square feet, on the resulting parcels."

SECTION 11. Section 9.1.1402(i), Number of Required Spaces, is hereby amended to include the following additional subsection:

"i. Number of Required Spaces. Off-street parking spaces shall be provided for each land use on the basis of the following schedules:

Number of Required Spaces
Residential

…

	Two-Unit Residential Developments	Two-Unit Residential Developments shall provide off-street parking of one (1) space per unit unless the parcel is located within one-half mile walking distance of a high-quality transit corridor, as defined in Public Resources Code Section 21155, or a major transit stop, as defined in Public Resources Code Section 21064.3, or within one block of a car share vehicle.	

…"

SECTION 12. Section 9.1.1604, Design Review, is hereby amended at subsection (c)(1), Tentative Parcel Maps (Less Than Five Lots) and Single Lot Development, to also include the following subsection (c)(1)(b)(4):

"b) Procedure for Zoning Administrator Review.

…

(4) The objective standards set forth herein shall apply to all Two-Unit Residential Developments and Urban Lot Splits unless the application of these objective standards would have the effect of physically precluding the construction of two units, each at least 800 square feet, on the resulting parcels."

SECTION 13. URGENCY. The City Council hereby finds and declares that this ordinance is adopted as an urgency measure pursuant to the authority granted the City of Oakley under Government Code Section 36934 and is for the immediate preservation of the public safety, health and welfare. The facts constituting urgency are: it is within the police powers of the City to provide for the consistent and orderly development of housing and effective January 1, 2022, California cities will be required to permit the development of two residential units on single family residential lots and the subdivision of parcels zoned for single family residential use, and the City does not currently have standards in the Oakley Municipal Code or Zoning Code consistent with state law. It is necessary to immediately adopt standards for two-unit residential developments and urban lot splits to avoid, not only a violation of state law, but the immediate threat to the public health, safety, and welfare if such development moved forward without the application of local objective standards to protect the health, safety, and welfare of single-family residential communities.

SECTION 14. SEVERABILITY. The City Council hereby declares that should any section, paragraph, sentence, phrase, term or word of this ordinance be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid. If any section, subdivision, paragraph, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that anyone (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION 15. CEQA. The City Council finds and determines that, pursuant to Government Code Sections 65852.21 and 66411.7, this ordinance is not subject to the California Environmental Quality Act ("CEQA"), Division 13, commencing with Section 21000 of the Public Resources Code, because it is not a project as defined in Section 15378 of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

SECTION 16. EFFECTIVE DATE AND PUBLICATION. In accordance with Section 36934 of the Government Code, this Ordinance shall become effective immediately upon adoption if adopted by at least a four-fifths vote of the City Council. This ordinance shall expire on January 28, 2022, unless extended by the City Council at a regularly noticed public hearing, pursuant to California Government Code Section 36937(b). The City Clerk

shall cause this ordinance to be posted in at least three (3) public places in the City of Oakley in accordance with Section 36933 of the Government Code.

PASSED, APPROVED AND ADOPTED this 14th day of December 2021 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

STAFF REPORT

DATE: December 14, 2021

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

FROM: Ariana Ruiz, Planning Technician

SUBJECT: **Chevron Sign Exception Permit (SEP 01-21) – Request for the Proposed Freestanding Monument Sign to Exceed the Maximum Height Permitted Per the Oakley Municipal Code. (APN: 051-220-056).**

Summary

This is a public hearing on an application by Max Fattahian ("Applicant") requesting approval of a Sign Exception Permit (SEP 01-21) to allow the proposed monument sign to exceed the maximum height permitted per the Oakley Municipal Code ("Project"). The project site is located at the property address 5443 Neroly Road. The site is zoned C (General Commercial) District. (APN: 051-220-056).

Staff Recommendation

Staff recommends the City Council adopt the Resolution approving the Sign Exception Permit, as conditioned.

Fiscal Impact

This is a developer funded account. All Staff time and City of Oakley generated material related to the processing of this application, including reproduction of physical copies and postage for public hearing notices are charged to the account.

Location and Surrounding Land Uses

The approximately 1.34-acre project site is located on the southwest corner of Main Street and Neroly Road at the newly assigned address 5443 Neroly Road. The site is bounded by existing commercial uses to the north, south, and west of the project site. The parcel located across Neroly Road, to the east is zoned for commercial but is currently undeveloped. Refer to Attachment 1, Vicinity Map for an aerial view of the project site and surrounding properties.

Background

General Plan and Zoning

- The General Plan Land Use Designation for the project site is *Commercial,* as depicted in the Oakley 2020 General Plan Figure 2-2 (Land Use Diagram).
- The project site is zoned General Commercial (C) District.

Project Entitlement History

On November 13, 2018, the City Council adopted Resolution No. 149-18 approving Conditional Use Permit (CUP 01-18) and Design Review (DR 01-18), which included a new 4,605 square-foot convenience store and a 1,500 square-foot restaurant with drive-thru, all in one building, a fueling island with 12 multiple product dispensers, and 1 high volume diesel dispenser under a new 56 foot by 90-foot fuel island canopy and a new 26 foot by 60-foot car wash tunnel with outdoor vacuums.

Project Description

Sign Exception Permit

Per the Oakley Municipal Code (OMC), a Sign Exception permit is required to construct a sign that does not conform to the regulations set forth within Chapter 5 of the OMC. As stated within OMC section 9.5.122(5)(a) (Administrative Sign Permits), a freestanding sign proposed at a commercial or industrial parcel that is not within a center ("center" defined as having 6 or more tenants) shall not exceed a total height of 8-feet nor shall its sign area exceed a total square-footage of thirty-six (36) square-feet. The purpose of a Sign Exception Permit is to allow for a sign that exceeds the development standards as stated within the Oakley Municipal Code section 9.1.122.

The application consists of a request to construct a freestanding monument sign with a total height of sixteen (16) feet, including a base of approximately thirty-one (31) inches. The proposed base is noted as "Cultured Stone" by Boral Faux Masonry to match the existing architecture of the commercial building. The sign's face area is proposed at a total of approximately 97 square-feet, including the gas station pricing.

Environmental Review

The project qualifies for a Class 1 Categorically Exempt in accordance with the California Environmental Quality Act (CEQA). A Class 1 exemption (Section 15301) consists of projects involving negligible or no expansion of the existing facilities.

Analysis

Services Related to Business

Staff recognizes this is not a typical gas station that offers only one or two services. This business was designed in a unique way that allows this gas station to offer multiple services. Although the uses do not specifically fall under the definition of a commercial center

because they are not all separate tenants, the different services being offered include the fueling station, market, quick serve/drive through restaurant attached to the market, and detached car wash. Also, inside the market is a bait shop and a "Crunchy Chicken" food component. The owner would also like to advertise each service individually. Staff has taken into consideration the multiple services on-site, and the business should not be considered a typical gas station.

Sign Exception Permit

Sign Exception Permits may be granted for both the height and sign area when it can be shown the project shall comply with the findings as listed within OMC section 9.5.126 Sign Exception Permit. In summary, the required findings require any exception to not allow for a sign face or height larger than what is necessary to provide for clear visibility of the sign and its message from the nearest public street or open space. The exceptions may also not grant a special privilege not generally available to other property in the vicinity and same land use district.

When considering the multiple tenants, some with multiple services and their required signage, in addition to the requirement for visible gasoline pricing, the sign, as proposed, still includes a decorative base and minimal, yet noticeable matching surround, as well as a decorative cap, and is located outside of any sight visibility triangles. It is also noted that gasoline price signage and grade of motor vehicle fuel are exempt consistent with section 9.5.110(a)(4) of the OMC. Therefore, the net sign face area is calculated at approximately 72 square-feet. For these reasons, Staff is in support of the proposed sign height and sign area exception permit as conditioned per the attached resolution.

Findings

Complete draft findings are included in the attached resolution.

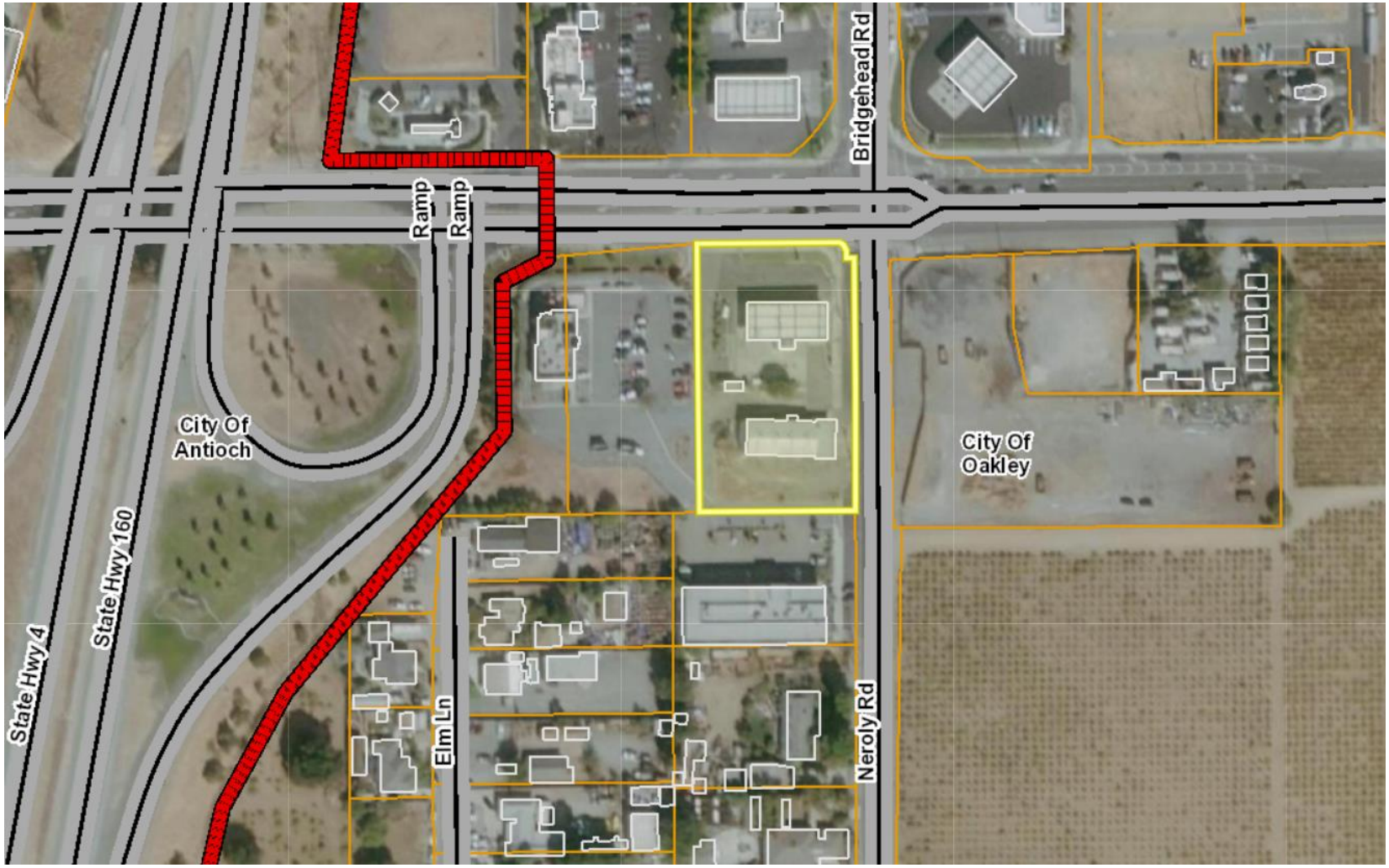
Recommendation

Staff recommends the City Council adopt the resolution approving the Sign Exception Permit, as conditioned.

Attachments

1. Vicinity Map
2. Public Hearing Notice
3. Applicant's Plans
4. Draft Resolution

Vicinity Map
Chevron Sign Exception Permit (SEP 01-21)
5443 Neroly Road Oakley, CA 94561, APN: 051-220-056



City of Oakley
3231 Main Street
Oakley, CA 94561
www.oakleyinfo.com

NOTICE OF PUBLIC HEARING

Notice is hereby given that on **December 14, 2021** at 6:30 p.m., or as soon thereafter as the matter may be heard, the City Council of the City of Oakley will hold a Public Hearing at the Council Chambers located at 3231 Main Street, Oakley, CA 94561 for the purposes of considering an item as described below:

Project Name: Chevron Sign Exception Permit (SEP 01-21)

Project Location: 5443 Neroly Road, Oakley, CA 94561. APN: 051-220-056.

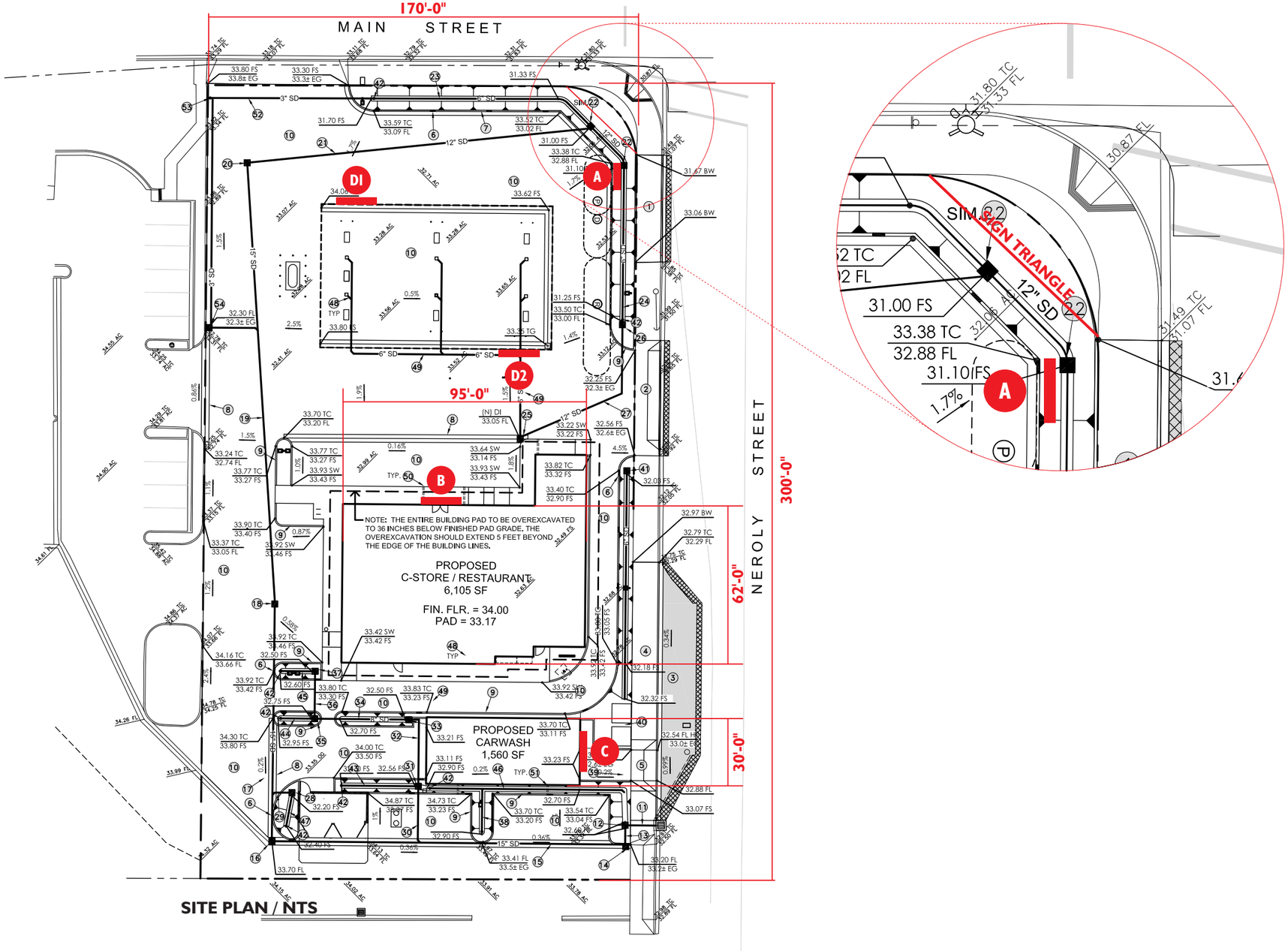
Applicant: Max Fattahian, 111 Deerwood Road, Suite 395, San Ramon, CA 94583

Max Fattahian: maxfattahian@gmail.com

Request: This is a public hearing on an application by Max Fattahian requesting approval of a sign exception permit to allow the proposed monument sign to exceed the maximum height permitted per the Oakley Municipal Code. The project site is located at the property address 5443 Neroly Road. The site is zoned C (General Commercial) District. (APN: 051-220-056).

How to Review: The Staff Report and its attachments will be available for public review, on or before December 9, 2021 at City Hall, 3231 Main Street, Oakley, CA 94561 or online at www.ci.oakley.ca.us/agendas-minutes-videos-archive/ by navigating to the **December 14, 2021** agenda. (Note: City Hall is closed on the 1st and 3rd Fridays of each month). Interested persons are invited to submit written comments prior to 5:00 P.M. the day of, and may testify at, the public hearing. **Written comments may be submitted to Ariana Ruiz, Planning Technician at the City of Oakley, 3231 Main Street, Oakley, CA 94561 or by email to ruiz@ci.oakley.ca.us.**

NOTICE IS ALSO GIVEN pursuant to Government Code Section 65009(b) that, if this matter is subsequently challenged in Court by you or others, you may be limited to raising only those issues you or someone else has raised at a Public Hearing described in this notice or in written correspondence delivered to the City of Oakley City Clerk at, or prior to, the Public Hearing.



NOT FOR PRODUCTION

City of Oakley
Planning Division

DEC 08, 2021

RECEIVED

09.30.21 R9 VT: REVISE SIGN A TO SHOW 8'-0" OAH C-45 AND C-32 MONUMENT OPTIONS PER JEFF STOCKTON, NO OTHER CHANGES. 08.25.21 R8 VT: MOVE SIGN D1 TO OTHER END OF CANOPY ON SITE MAP AND PHOTO RENDERING, UPDATE PHOTO FOR SIGN A, ALL PER STEVE LOCKE/JEFF STOCKTON, NO OTHER CHANGES. 08.18.21 R7 VT: ADD SIGNS D1 & D2 (CANOPY WM) UPDATE TO NEW SITE MAP, ALL PER JEFF STOCKTON, NO OTHER CHANGES. 07.29.21 R6 VT: REVISE SIGN C TO 48" OAH PER JEFF STOCKTON, NO OTHER CHANGES. 07.27.21 R5 VT: ADD SITE MAP W/ FRONTAGES, ADD CALLOUTS TO SIGN A, ADD SIGN B "STHE STORE" SIGN FROM JOB #210769, ADD SIGN C "THE CAR WASH" SIGN, ALL PER JEFF STOCKTON. 06.23.21 R4 VT: REVISE SIGN A CONCEPT PER JEFF STOCKTON/CUSTOMER. 06.23.21 R3 VT: REVISE SIGN A CONCEPT PER JEFF STOCKTON/CUSTOMER. 06.07.21 R2 VT: REVISE SIGN A CONCEPT PER JEFF STOCKTON/CUSTOMER. 05.17.21 R1 VT: SHOW OPTIONS FOR 20' OAH PYLON SIGNS W/ C-45 COMPONENTS AND OPTION FOR EMC FACES ALL PER JEFF STOCKTON. 12.07.21 R12 VT: ADD OPTIONS FOR SIGN A @16'-0" PER JEFF STOCKTON/CUSTOMER, NO OTHER CHANGES. 10.11.21 R11 VT: ADD SIGN A SIGHT TRIANGLE ZOOM IN TO SITE MAP PER JEFF STOCKTON, NO OTHER CHANGES. 10.01.21 R10 VT: ADD STONE TO SIGN A BASE FOR BOTH OPTIONS PER JEFF STOCKTON, NO OTHER CHANGES.

201002 R12 / 1 OF 5

SIGN DESIGNS INCORPORATED
PO Box 4590 | 204 Campus Way Modesto Ca 95350 | O 209.524.4484 | F 209.521.0272 | Ca LIC#268001 | C-45 | Nv Lic#0082570 | C-6

MEMBER CSA California Sign Association · WSA Western Sign Association · ISA International Sign Association

NOTICE TO THE CUSTOMER

Note: The colors depicted on this rendering may not match actual colors used on the finished display. Please refer to the detail drawing for the approved color specifications. Note: The cost of providing electrical wiring to the sign area, all required permits and all special inspections are not included in this sign proposal. Note: The proportion of signs shown on building & landscape area photos is an approximate representation.

CUSTOMER APPROVAL

☐ ACCEPTED W/ NO CHANGES ☐ ACCEPTED W/ CHANGES AS NOTED
☐ REVISE AS NOTED AND RESUBMIT

BY CUSTOMER BY LANDLORD
DATE DATE

DATE	BY	DATE	BY
12.10.20	VT	10.01.21	VT
05.17.21	VT	10.11.21	VT
06.07.21	VT	12.07.21	VT
06.23.21	VT		
06.23.21	VT		
07.27.21	VT		
07.29.21	VT		
08.18.21	VT		
08.25.21	VT		
09.30.21	VT		

COMPANY OR JOB NAME / JOB DESCRIPTION 201002 R12

CHEVRON
POLE SIGN

ADDRESS: 5433 NEROLY ROAD OAKLEY CALIFORNIA 94561

SALESPERSON: JEFF STOCKTON CUSTOMER CONTACT: XXXXX

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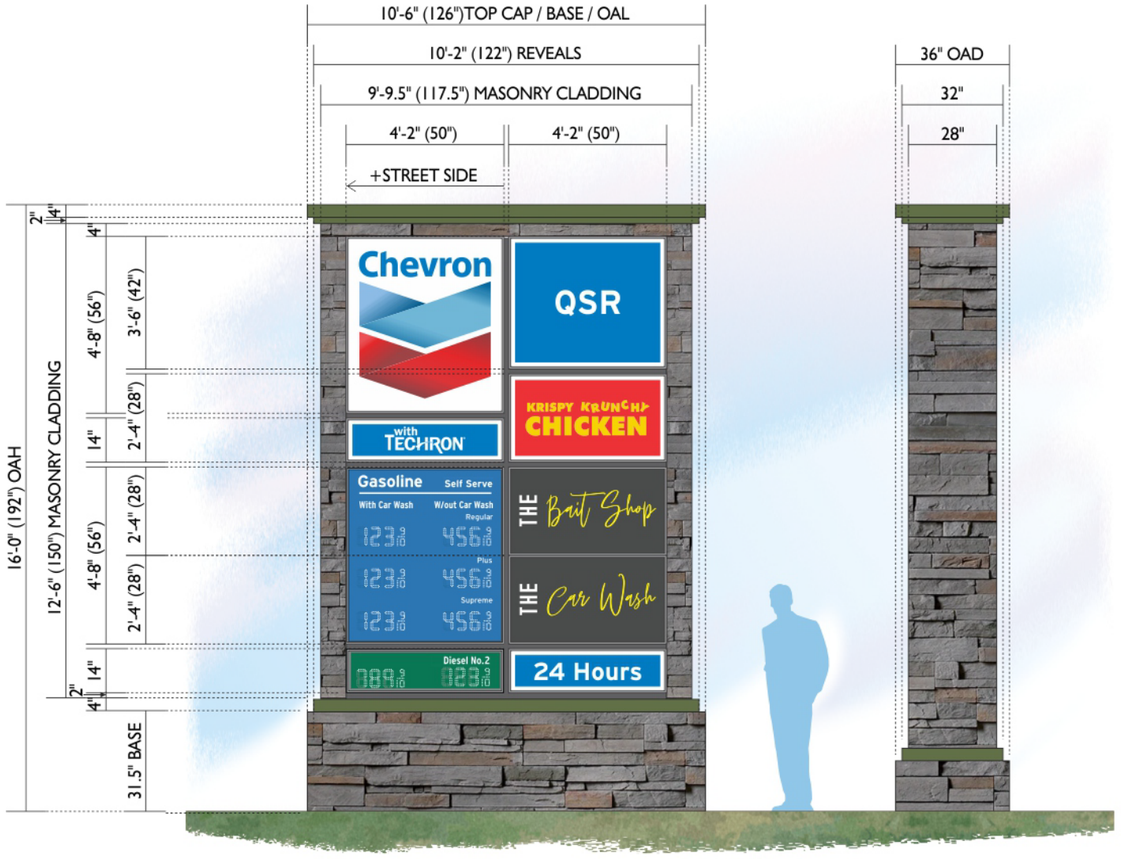
1 OF 5

This sign is intended to be installed in accordance with the requirements of ARTICLE 600 of the national electrical code &/or other applicable codes. this includes proper grounding & bonding of the sign. The location of the disconnect switch after installation shall comply w/ ARTICLE 600.6(A)(I) of the National Electrical Code. All measures shown in this drawing are nominal until the "NOT FOR PRODUCTION" is remc



SIGN A: D/F ILLUMINATED MONUMENT SIGN
0.25"= 1'-0"

QTY: (1) / 97.2 SQ. FT. FACES ONLY
(24.3 SQ. FT. PRICE FACES ONLY)

SIGN A: D/F ILLUMINATED MONUMENT SIGN
CABINETS & FACES: CHEVRON C-45 FULL HEIGHT CABINET / HALLMARK FACES
CHEVRON C-45 1/4 HEIGHT CABINET / TECHRON FACES
CHEVRON C-45 FULL HEIGHT CABINET / 2 TIER 3 GRADE LED PRICE FACES
CHEVRON C-45 1/4 HEIGHT CABINET / 2 TIER DIESEL NO. 2 PRICE FACES
CHEVRON C-45 1/2 HEIGHT CABINET / QSR FACES (EXACT COPY/LOGO/COLORS TO FOLLOW)
CHEVRON C-45 1/2 HEIGHT CABINET / KRISPY KRUNCHY CHICKEN FACES
CHEVRON C-45 1/2 HEIGHT CABINET / CUSTOM "THE BAIT SHOP" FACES
CHEVRON C-45 1/2 HEIGHT CABINET / CUSTOM "THE CAR WASH" FACES
CHEVRON C-45 1/4 HEIGHT CABINET / 24 HOURS FACES
ILLUMINATION: WHITE LED (OR CHEVRON STANDARD ILLUMINATION IF POSSIBLE) **PRICE FONTS:** 6" TALL LED NUMERALS
BASE & CLADDING: ALUM/SHT MTL FRAME W/ CEMENT BOARD
TOP CAP & REVEALS: 4" X 4" AND 2" X 2" ALUM SQ TUBE OR 15 LB SIGN FOAM PER PRODUCTION
FINISH: (TOP CAP & REVEALS) PAINTED TO MATCH #_____, SATIN, LIGHT SAND TEXTURE (EXACT COLOR TO FOLLOW FROM DESIGN)
MASONRY FINISH: "CULTURED STONE" BY BORAL FAUX MASONRY/STONE BY OTHERS
SUPPORT: _____ **FOOTING:** _____ **REMOVAL:** _____
NOTE: AS OF 07.27.21 THERE HAS NOT BEEN AN OFFICIAL SURVEY

SCOPE OF WORK: RECEIVE AND INSTALL (1) NEW D/F ILLUMINATED MONUMENT SIGN

NOT FOR PRODUCTION

12.07.21 R12 VT: ADD OPTIONS FOR SIGN A @16'-0" PER JEFF STOCKTON/CUSTOMER, NO OTHER CHANGES. 10.11.21 R11 VT: ADD SIGN A SIGHT TRIANGLE ZOOM IN TO SITE MAP PER JEFF STOCKTON, NO OTHER CHANGES. 10.01.21 R10 VT: ADD STONE TO SIGN A BASE FOR BOTH OPTIONS PER JEFF STOCKTON, NO OTHER CHANGES. 09.30.21 R9 VT: REVISE SIGN A TO SHOW 8'-0" OAH C-45 AND C-32 MONUMENT OPTIONS PER JEFF STOCKTON, NO OTHER CHANGES. 08.25.21 R8 VT: MOVE SIGN D1 TO OTHER END OF CANOPY ON SITE MAP AND PHOTO RENDERING, UPDATE PHOTO FOR SIGN A, ALL PER STEVE LOCKE/JEFF STOCKTON, NO OTHER CHANGES. 08.18.21 R7 VT: ADD SIGNS D1 & D2 (CANOPY WM) UPDATE TO NEW SITE MAP, ALL PER JEFF STOCKTON, NO OTHER CHANGES. 07.29.21 R6 VT: REVISE SIGN C TO 48" OAH PER JEFF STOCKTON, NO OTHER CHANGES. 07.27.21 R5 VT: ADD SITE MAP W/ FRONTAGES, ADD CALLOUTS TO SIGN A, ADD SIGN B "STHE STORE" SIGN FROM JOB #210769, ADD SIGN C "THE CAR WASH" SIGN, ALL PER JEFF STOCKTON. 06.23.21 R4 VT: REVISE SIGN A CONCEPT PER JEFF STOCKTON/CUSTOMER. 06.23.21 R3 VT: REVISE SIGN A CONCEPT PER JEFF STOCKTON/CUSTOMER. 06.07.21 R2 VT: REVISE SIGN A CONCEPT PER JEFF STOCKTON/CUSTOMER. 05.17.21 R1 VT: SHOW OPTIONS FOR 20' OAH PYLON SIGNS W/ C-45 COMPONENTS AND OPTION FOR EMC FACES ALL PER JEFF STOCKTON.

201002 R12 / 2 OF 5

SIGN DESIGNS INCORPORATED
PO Box 4590 | 204 Campus Way Modesto Ca 95350 | O 209.524.4484 | F 209.521.0272 | Ca LIC#268001 | C-45 | Nv Lic#0082570 | C-6

MEMBER SSA California Sign Association WSA INTERNATIONAL SIGN ASSOCIATION

NOTICE TO THE CUSTOMER
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CUSTOMER APPROVAL
☐ ACCEPTED W/ NO CHANGES ☐ ACCEPTED W/ CHANGES AS NOTED
☐ REVISE AS NOTED AND RESUBMIT
BY CUSTOMER BY LANDLORD
DATE _____ DATE _____

DATE	BY	DATE	BY
12.10.20	VT	10.01.21	VT
05.17.21	VT	10.11.21	VT
06.07.21	VT	12.07.21	VT
06.23.21	VT		
06.23.21	VT		
07.27.21	VT		
07.29.21	VT		
08.18.21	VT		
08.25.21	VT		
09.30.21	VT		

COMPANY OR JOB NAME / JOB DESCRIPTION **201002 R12**
CHEVRON
POLE SIGN
ADDRESS: **5433 NEROLY ROAD OAKLEY CALIFORNIA 94561**
SALESPERSON: **JEFF STOCKTON** CUSTOMER CONTACT: **XXXXX**

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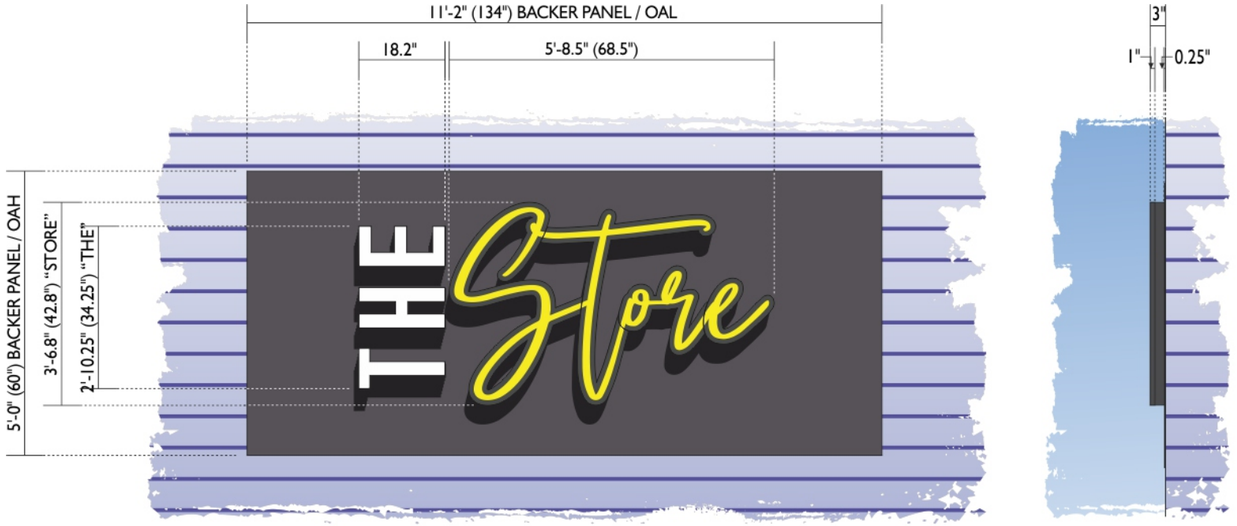
2 OF 5

This sign is intended to be installed in accordance with the requirements of ARTICLE 600 of the national electrical code &/or other applicable codes. this includes proper grounding & bonding of the sign. The location of the disconnect switch after installation shall comply w/ ARTICLE 600.6(A)(I) of the National Electrical Code. All measures shown in this drawing are nominal until the "NOT FOR PRODUCTION" is remo

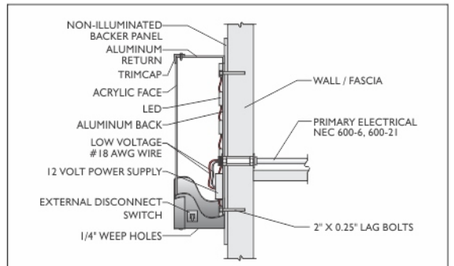


SIGN B: ILLUMINATED PAN CHANNEL LETTERS ON BACKER PANEL
0.375"= 1'-0"

QTY: (1) / 55.8 SQ. FT.

SIGN B: ILLUMINATED PAN CHANNEL LETTERS ON BACKER PANEL
FACES: 0.188" WHITE ACRYLIC W/ FIRST SURFACE VINYL DECORATION **VINYL:** 3630-69 DURONODIC, 3630-115 LIGHT LEMON YELLOW
STROKE: 3.4", 3.75" **"STORE" VINYL REVEAL:** 1" **RETURNS:** 3" DEEP PRE PAINTED BLACK ALUM **TRIM CAP:** 1" BLACK
LETTERBACKS: PRE PAINTED WHITE ALUM **ILLUMINATION:** WHITE LED **BACKER PANEL:** 0.25" THICK ALUM
FINISH: (BACKER PANEL) PAINTED TO MATCH 3630-69 DURONIDIC, SATIN, NO TEXTURE
MOUNTING: LETTERS STUD MOUNTED TO BACKER PANEL (USE SPACERS TO ALLOW FOR DRAINAGE)
SIGN STUD MOUNTED FLUSH TO WALL
NOTE: "CAR WASH" SCRIPT COPY MAY NEED TO BE FABRICATED AS SEVERAL PARTS.
PRODUCTION/LETTER FAB MAY REQUIRE DESIGN TO BE ALTERED FOR BEST FABRICATION. DESIGN WILL ASSIST AS NEEDED
WALL TYPE: _____ **REMOVAL:** _____
NOTE: THERE HAS NOT BEEN AN OFFICIAL SURVEY AS OF 0727.21

SCOPE OF WORK: FABRICATE AND INSTALL (1) S/F ILLUMINATED PAN CHANNEL LETTERS ON BACKER PANEL WALL SIGN



PAN CHANNEL LETTERS ON BACKER (TYPICAL)
NTS

C-STORE NORTH ELEVATION
SCALE: NTS

NOT FOR PRODUCTION

12.07.21 R12 VT: ADD OPTIONS FOR SIGN A @16'-0" PER JEFF STOCKTON/CUSTOMER, NO OTHER CHANGES. 10.11.21 R11 VT: ADD SIGN A SIGHT TRIANGLE ZOOM IN TO SITE MAP PER JEFF STOCKTON, NO OTHER CHANGES. 10.01.21 R10 VT: ADD STONE TO SIGN A BASE FOR BOTH OPTIONS PER JEFF STOCKTON, NO OTHER CHANGES.
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201002 R12 / 3 OF 5

SDI INCORPORATED SIGN DESIGNS
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MEMBER CSA California Sign Association WSA ISA International Sign Association

NOTICE TO THE CUSTOMER

Note: The colors depicted on this rendering may not match actual colors used on the finished display. Please refer to the detail drawing for the approved color specifications. Note: The cost of providing electrical wiring to the sign area, all required permits and all special inspections are not included in this sign proposal. Note: The proportion of signs shown on building & landscape area photos is an approximate representation.

CUSTOMER APPROVAL

☐ ACCEPTED W/ NO CHANGES ☐ ACCEPTED W/ CHANGES AS NOTED
☐ REVISE AS NOTED AND RESUBMIT
BY CUSTOMER BY LANDLORD
DATE _____ DATE _____

DATE	BY	DATE	BY
12.10.20	VT	10.01.21	VT
05.17.21	VT	10.11.21	VT
06.07.21	VT	12.07.21	VT
06.23.21	VT		
06.23.21	VT		
07.27.21	VT		
07.29.21	VT		
08.18.21	VT		
08.25.21	VT		
09.30.21	VT		

COMPANY OR JOB NAME / JOB DESCRIPTION **201002 R12**

CHEVRON
POLE SIGN

ADDRESS: **5433 NEROLY ROAD OAKLEY CALIFORNIA 94561**
SALESPERSON: **JEFF STOCKTON** CUSTOMER CONTACT: **XXXXX**

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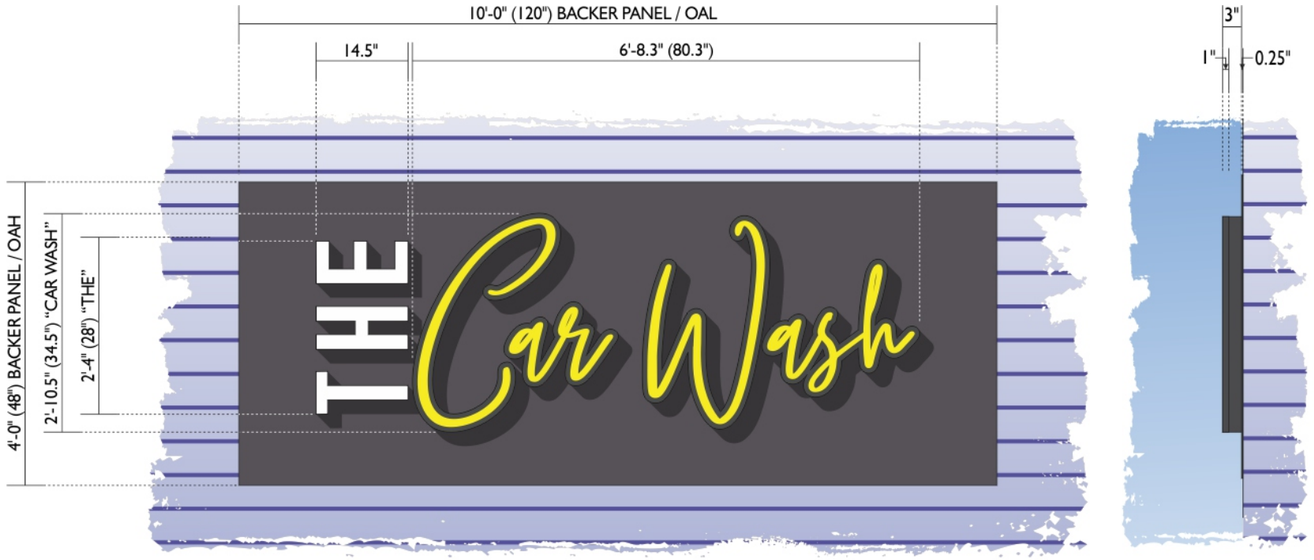
By signing this drawing document, I understand that I am not obligated to purchase this project, notwithstanding, the above artwork cannot be submitted for pricing, duplication and/or manufacturing to another sign company, architectural company or other business entity for the purpose or intent of manufacturing or for use as intellectual property, such as, but not limited to, a company logo, unless the represented logo was provided to Sign Designs by the customer and input into this drawing document by a Sign Designs employee. NAME / DATE

3 OF 5

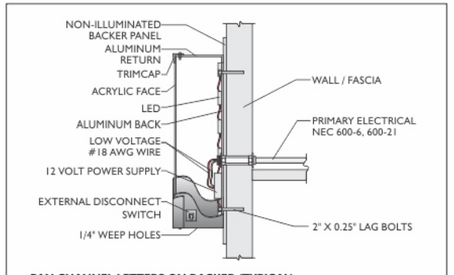
This sign is intended to be installed in accordance with the requirements of **ARTICLE 600** of the national electrical code &/or other applicable codes. this includes proper grounding & bonding of the sign. The location of the disconnect switch after installation shall comply w/ **ARTICLE 600.6(A)(1)** of the National Electrical Code. All measures shown in this drawing are nominal until the "NOT FOR PRODUCTION" is remc



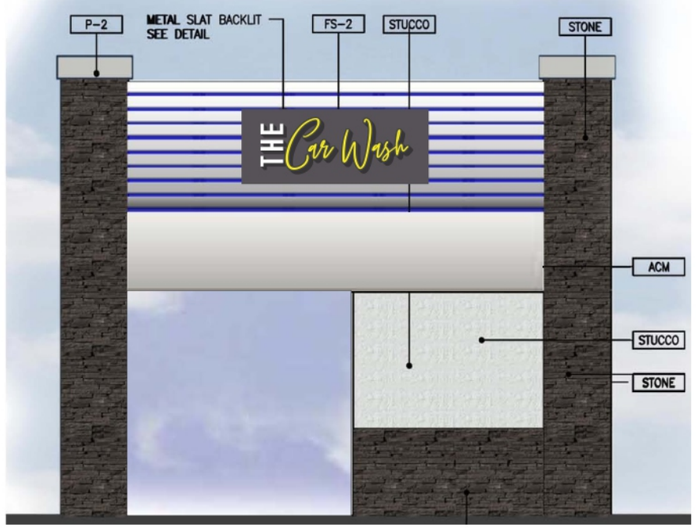
SIGN C: ILLUMINATED PAN CHANNEL LETTERS ON BACKER PANEL — **QTY: (1) / 40 SQ. FT.**
0.5"=1'-0"

SIGN C: ILLUMINATED PAN CHANNEL LETTERS ON BACKER PANEL
FACES: 0.188" WHITE ACRYLIC W/ FIRST SURFACE VINYL DECORATION
VINYL: 3630-69 DURONODIC, 3630-115 LIGHT LEMON YELLOW
STROKE: 3.4", 3.75" **"STORE" VINYL REVEAL:** 1" **RETURNS:** 3" DEEP PRE PAINTED BLACK ALUM **TRIM CAP:** 1" BLACK
LETTERBACKS: PRE PAINTED WHITE ALUM **ILLUMINATION:** WHITE LED **BACKER PANEL:** 0.25" THICK ALUM
FINISH: (BACKER PANEL) PAINTED TO MATCH 3630-69 DURONIDIC, SATIN, NO TEXTURE
MOUNTING: LETTERS STUD MOUNTED TO BACKER PANEL (USE SPACERS TO ALLOW FOR DRAINAGE)
SIGN STUD MOUNTED FLUSH TO WALL
NOTE: "CAR WASH" SCRIPT COPY MAY NEED TO BE FABRICATED AS SEVERAL PARTS.
PRODUCTION/LETTER FAB MAY REQUIRE DESIGN TO BE ALTERED FOR BEST FABRICATION. DESIGN WILL ASSIST AS NEEDED
WALL TYPE: _____ **REMOVAL:** _____
NOTE: THERE HAS NOT BEEN AN OFFICIAL SURVEY AS OF 0727.21

SCOPE OF WORK: FABRICATE AND INSTALL (1) S/F ILLUMINATED PAN CHANNEL LETTERS ON BACKER PANEL WALL SIGN



PAN CHANNEL LETTERS ON BACKER (TYPICAL)
NTS



CAR WASH / EAST ELEVATION / NTS

NOT FOR PRODUCTION

09.30.21 R9 VT: REVISE SIGN A TO SHOW 8'-0" OAH C-45 AND C-32 MONUMENT OPTIONS PER JEFF STOCKTON, NO OTHER CHANGES. 08.25.21 R8 VT: MOVE SIGN D1 TO OTHER END OF CANOPY ON SITE MAP AND PHOTO RENDERING, UPDATE PHOTO FOR SIGN A, ALL PER STEVE LOCKE/JEFF STOCKTON, NO OTHER CHANGES. 08.18.21 R7 VT: ADD SIGNS D1 & D2 (CANOPY WM) UPDATE TO NEW SITE MAP, ALL PER JEFF STOCKTON, NO OTHER CHANGES. 07.29.21 R6 VT: REVISE SIGN C TO 48" OAH PER JEFF STOCKTON, NO OTHER CHANGES.
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MEMBER SSA California Sign Association WSA IA International Sign Association

NOTICE TO THE CUSTOMER
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CUSTOMER APPROVAL
☐ ACCEPTED W/ NO CHANGES ☐ ACCEPTED W/ CHANGES AS NOTED
☐ REVISE AS NOTED AND RESUBMIT
BY CUSTOMER BY LANDLORD
DATE _____ DATE _____

DATE	BY	DATE	BY
12.10.20	VT	10.01.21	VT
05.17.21	VT	10.11.21	VT
06.07.21	VT	12.07.21	VT
06.23.21	VT		
06.23.21	VT		
07.27.21	VT		
07.29.21	VT		
08.18.21	VT		
08.25.21	VT		
09.30.21	VT		

COMPANY OR JOB NAME / JOB DESCRIPTION — **201002 R12**
CHEVRON
POLE SIGN
ADDRESS: **5433 NEROLY ROAD OAKLEY CALIFORNIA 94561**
SALESPERSON: **JEFF STOCKTON** CUSTOMER CONTACT: **XXXXX**

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By signing this drawing document, I understand that I am not obligated to purchase this project, notwithstanding, the above artwork cannot be submitted for pricing, duplication and/or manufacturing to another sign company, architectural company or other business entity for the purpose or intent of manufacturing or for use as intellectual property, such as, but not limited to, a company logo, unless the represented logo was provided to Sign Designs by the customer and input into this drawing document by a Sign Designs employee. NAME / DATE

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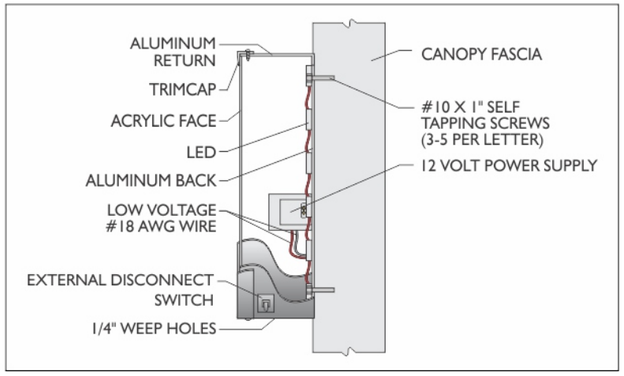
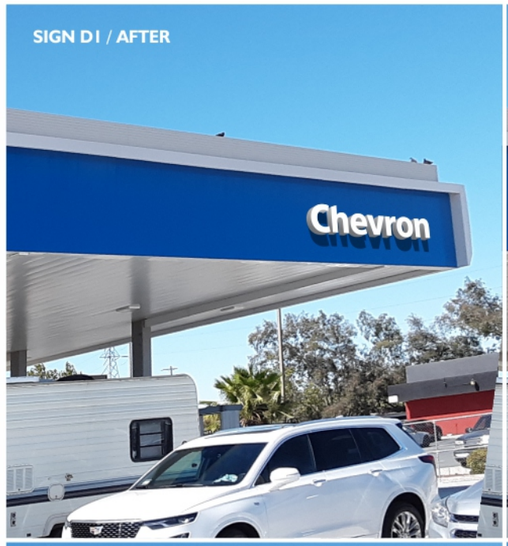
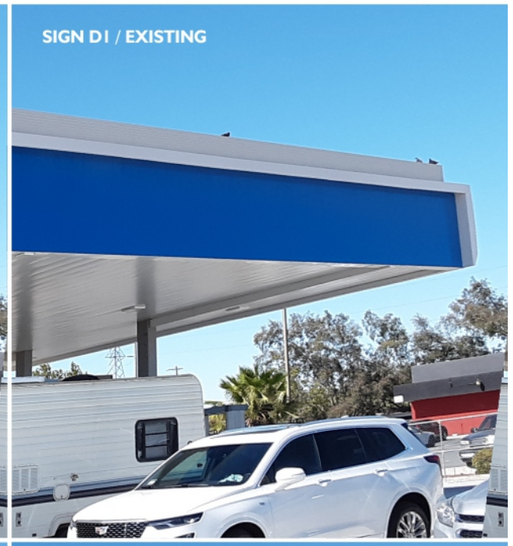
SIGN D1

SIGNS D1 & D2: CHEVRONPAN CHANNEL WORDMARK **QTY: (2) / 21.8 SQ. FT. (EACH)**
0.5"= 1'-0"
PAN CHANNEL DISPLAY: CHEVRON STANDARD PAN CHANNEL 24" WORDMARK **MOUNTING:** (4) #10 X 1" TEK SCREWS PER LETTER
STRUCTURE FACE: OVERSIZED CHEVRON CANOPY (NON STANDARD HEIGHT)
REMOVAL:_____
NOTE: AS OF MM.DD.YY THERE HAS NOT BEEN AN OFFICIAL SURVEY

SCOPE OF WORK: RECEIVE AND INSTALL (2) ILLUMINATED PAN CHANNEL CANOPY SIGNS







NOT FOR PRODUCTION

201002 R12 / 5 OF 5

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CUSTOMER APPROVAL

☐ ACCEPTED W/ NO CHANGES ☐ ACCEPTED W/ CHANGES AS NOTED
☐ REVISE AS NOTED AND RESUBMIT

BY_____CUSTOMER BY_____LANDLORD
DATE _____ DATE _____

DATE	BY	DATE	BY
12.10.20	VT	10.01.21	VT
05.17.21	VT	10.11.21	VT
06.07.21	VT	12.07.21	VT
06.23.21	VT		
06.23.21	VT		
07.27.21	VT		
07.29.21	VT		
08.18.21	VT		
08.25.21	VT		
09.30.21	VT		

COMPANY OR JOB NAME / JOB DESCRIPTION **201002 R12**

CHEVRON
POLE SIGN

ADDRESS: **5433 NEROLY ROAD OAKLEY CALIFORNIA 94561**

SALESPERSON: **JEFF STOCKTON** CUSTOMER CONTACT: **XXXXX**

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5 OF 5

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RESOLUTION NO. XX-21

A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS AND APPROVING A SIGN EXCEPTION PERMIT (SEP 01-21) TO ALLOW THE PROPOSED MONUMNET SIGN TO EXCEED THE MAXIMUM HEIGHT AND MAXIMUM SIGN AREA PERMITTED PER THE OAKLEY MUNICIPAL CODE. THE PROJECT SITE IS LOCATED AT THE PROPERTY ADDRES 5443 NEROLY ROAD APN 051-220-056

WHEREAS, on October 7, 2021, Max Fattahian ("Applicant"), submitted an application for a Sign Exception Permit (SEP 01-21) to allow the proposed monument sign to exceed the maximum height and sign area permitted per the Oakley Municipal Code. The project site is located at 5443 Neroly Road. APN: 051-220-056 ("Project"); and

WHEREAS, the project is designated as *Commercial ("C")* in the Oakley 2020 General Plan, and zoned General Commercial (C) District on the City of Oakley Zoning Map; and

WHEREAS, on November 13, 2018, the City Council adopted Resolution No. 149-18 requesting approval of a Conditional Use Permit (CUP 01-18) and Design Review (DR 01-18) approving a new 4,605 square-foot convenience store and a 1,500 square-foot restaurant with drive-thru, all in one building, a fueling island with 12 multiple product dispensers, and 1 high volume diesel dispenser under a new 56-foot by 90-foot fuel island canopy and a new 26-foot by 60-foot car wash tunnel with outdoor vacuums located at the property address 5433 Neroly Road; and

WHEREAS, the project is exempt from further environmental analysis under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301, "Class 1 - Existing Facilities"; and

WHEREAS, on November 29, 2021, the Notice of Public Hearing for the project was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and at the project site. The notice was also mailed out to all owners of property within a 500-foot radius of the subject property's boundaries, to outside agencies, and to parties requesting such notice; and

WHEREAS, on December 14, 2021, the City Council opened the public hearing and received a report from City Staff, oral and written testimony from the applicant and public, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote and adopted this resolution to approve the project, as revised by the City Council during its deliberations; and

WHEREAS, if any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City; and

WHEREAS, these Findings are based upon the City's General Plan, the City's Zoning Ordinance, and the information submitted to the City Council at its December 14, 2020 meeting, both written and oral, including oral information provided by the applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the project (hereinafter the "Record").

NOW, THEREFORE, BE IT RESOLVED THAT, on the basis of the above findings of fact and the entire Record, the City Council makes the following additional findings in support of the approvals:

A. In regards to the application requesting approval of a Sign Exception Permit (SEP 01-21), to allow the proposed freestanding monument sign to exceed the maximum height and sign area permitted per Oakley Municipal Code section 9.5.126 on a site located at 5443 Neroly Road. APN: 051-220-056.

1. The proposed exception conforms as closely as practicable to the sign size, number and placement regulations of this title.

   The placement of the sign shall not obstruct, threaten, or impair the safety of pedestrians, bicyclists, or motorists as the sign has been proposed outside of the public right-of-way. The applicant has also provided plans the proposed sign shall not obstruct the line-of-site.

2. The proposed exception is not inconsistent with the intent and purpose of the sign regulations of this title.

   The proposed sign is consistent with the intent and purposes of the sign regulations of this title in that it provide identification of the businesses/services being offered onsite and provide gasoline pricing per the state requirements.

3. The sign is unique, creatively designed and provides a positive artistic addition to the business, use, site, and neighborhood, and the artistic value could not be achieved without the granting of a sign exception permit.

   The proposed freestanding monument sign will match the existing architecture of the primary building on site by incorporated faux masonry stone surrounding the sign face area.

B. The project complies with the findings in order to approve a sign exception for sign area:

1. The sign face and sign structure are not larger than necessary to provide for the clear visibility of the sign and its message from the nearest public street or open space.

   The sign height and area allow the sign and all of its sign boards to be visible and legible while allowing for a decorative monument base, surround, and cap.

2. The sign does not constitute a grant of special privileges which is not generally available to other property in the vicinity and in the same land use district.

C. The project complies with the findings in order to approve a sign exception for height:

1. The sign is not placed higher than necessary to provide for clear visibility of the sign and its message from the nearest public street or open space.

   To allow proper advertisement of each service available, the sign has been proposed at a total height of 16 feet, as measured from the adjacent grade of the service station.

2. No portion of the sign is higher than the maximum building height permitted in the zoning district in which the sign would be located, except for freeway signs.

   The maximum building height permitted in the C District is thirty-five feet. The maximum height of the proposed sign is 16 feet, as measured from the adjacent grade of the service station.

D. The project also complies with the General Standards for Approval as required per 9.5.116(b.):

1) The materials, colors, design, height, size and scale of the sign are visually compatible with the structure, site, and use to which the sign corresponds, and the neighborhood in which the sign is located as the architectural details are consistent with the design of the commercial building on site; and

2) The placement and size of the sign will not threaten or impair the safety of pedestrians, bicyclists, or motorists per Condition No. 2 of the Conditions of Approval; and

3) The sign is of professional quality and is clear and legible as provided in the set of plans approved December 14, 2021; and

4) The height and size of the letters and graphics on the sign enable pedestrians and motorists to readily identify the message, facility or site from a sufficient distance that will enable them to safely and conveniently read the message or access the facility or the site; and

5) The sign is set in a manner that does not unreasonably impair the visibility of existing signs on adjacent property. The sign is located at the east side of the parcel and shall not obstruct existing signs on adjacent properties; and

6) The sign complies with the purpose and standards of this title.

E. The project complies with Measure J Growth Management requirements.

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the City Council approves of the Applicant's request for **Sign Exception Permit (SEP 01-21**), subject to the following Conditions of Approval:

Applicant shall comply with the requirements of the Oakley Municipal Code ("OMC"). Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the application received by the Planning Division dated October 7, 2021 as well as additional information acquired since that time and made part of the project file.

THE FOLLOWING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO ESTABLISHING THE USE UNLESS OTHERWISE NOTED:

Planning Division Conditions

General:

1. This **Sign Exception Permit (SEP 01-21)** is approved, as described in the application date stamped by the Planning Division on **October 7, 2021** and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.

2. The applicant shall coordinate with the Public Works and Engineering Division to ensure the placement of the sign does not encroach in to the bio-retention area nor impair the safety of pedestrian, motorist, bicyclist, and vehicular travel.

3. All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.

4. Noise generating construction activities, including such things as power generators, shall be limited to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday, and shall be prohibited on City, State and Federal Holidays. The restrictions on allowed working days and times may be modified on prior written approval by the Community Development Director.

5. The applicant shall indemnify, defend, and hold harmless the City of Oakley, the City Approving Authorities, and the officers, agents, and employees of the City from any and all claims, damages and liability (including, but not limited to, damages, attorney fees, expenses of litigation, costs of court).

6. Installation of any signs must follow the regulations set forth within Oakley Municipal Code Title 9, Chapter 5 Regulation of Signs and Outdoor Advertising. All advertising and signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, included the area in which the cash registers are maintained.

7. Failure to comply with all of the above conditions will result in the matter being set for revocation of use hearing before the City Council in accordance with Section 2.4.014 of the Oakley Municipal Code.

ADVISORY NOTES

PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

A. The applicant/owner should be aware of the expiration dates and renewing requirements prior to requesting building or grading permits.

B. Comply with the requirements of the Ironhouse Sanitary District.

C. Comply with the requirements of the East Contra Costa Fire Protection District.

D. Comply with the requirements of the Diablo Water District.

E. Comply with the requirements of the Building Inspection Department. Building permits are required prior to the construction of most structures.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 14th of December, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

_____
, Mayor Date

ATTEST:

_____
Libby Vreonis, City Clerk Date

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: December 14, 2021

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

FROM: Ariana Ruiz, Planning Technician

SUBJECT: **7 Mares Grill Restaurant – Modification to Condition of Approval No. 7 (Council Resolution No. 47-20) located at property address 200 W. Cypress Avenue (APN: 035-282-048)**

Summary

This is a public hearing on an application by Ana L. Farias of the 7 Mares Grill Restaurant ("Applicant") requesting approval to modify Condition No. 7 of the City Council Resolution No. 47-20 ("Project"), which indicates any increase to floor area or any other substantial change in operation relating to alcoholic sales shall require a new Conditional Use Permit. The approval of this modification would allow the installation of a new 156 square-foot bar area that could serve up to six (6) additional patrons. The site is located at 200 W. Cypress Avenue and is zoned General Commercial (C) District. APN: 035-282-048.

Staff Recommendation

Staff recommends the City Council adopt the resolution approving 7 Mares Grill Restaurant – Modification to Condition of Approval 7 (Council Resolution No. 47-20), as conditioned.

Background and Project Description

General Plan and Zoning

- The General Plan Land Use Designation for the project site is *Commercial* ("C") as depicted in the Oakley 2020 General Plan Figure 2-2 (Land Use Diagram).
- The site is zoned General Commercial (C) District.

Project History

On March 14, 2020, the City Council approved Resolution No. 47-20 requesting the approval of a Conditional Use Permit (CUP 03-19) to allow a restaurant with a full bar as an accessory and incidental use to the full-service restaurant located at the property address 200 W. Cypress Avenue, as conditioned. The approval allowed the owner/operator to upgrade their previous license Type 41 (sale on on-site beer and

wine sales) to a Type 47 ABC license to allow the sales of distilled spirits to be added to the list of alcoholic beverage options of this restaurant. Condition of Approval ("COA") No. 7 to City Council Resolution No. 47-20 was adopted in order to assure the business would continue to function as it was proposed, which was a full-service restaurant. COA#7 states:

> "This approval is for the on-site consumption of beer, wine, and distilled spirits for an approximately 2,516 square-foot restaurant. Any increase of floor area or other substantial changes in operation relating to alcoholic beverage sales shall require review and approval of a new Conditional Use Permit".

Project Description

The original request to approve CUP 03-19, referenced an approximate floor area of 2,516 square-feet provided by the applicant. The plans to modify the seating area has noted more accurate floor area at 2,350 square-feet. Currently, the restaurant has a capacity to host up to 80 patrons. The applicant has requested to modify the existing layout of the restaurant. Proposed plans as shown in Attachment 3 are requesting the removal the existing service counter in order to install a 156 square-foot bar area within the existing footprint of the restaurant. The addition of this bar area will allow the restaurant to service up to six (6) additional patrons for a total of eight-six (86) patrons.

At this time, the applicant has not proposed to expand the restaurants hours of operation. The restaurant is currently open seven (7) days a week between the hours of 11:00 am and 9:00 pm Monday through Friday and between the hours of 9:00 am and 9:00 pm Saturday and Sunday. The restaurant will continue to employ 9 daily employees, with the morning shift consisting of 4, and the afternoon/evening shift consisting of 5 employees. The largest shift is expected to consist of 6 employees during the busiest hour of the day.

Analysis

Although the applicant is not requesting to expand the square-footage of the existing floor area, the updated plans do provide a more accurate floor area measurement. Also, while the increase in the number of seats does not constitute a substantial change in operation related to alcohol sales, it does add a bar component which was not previously approved with CUP 03-19. For these reasons rather than require a new Conditional Use Permit, Staff has amended COA#7 to better describe the business and the proposed tenant improvements. COA#7 is proposed to be modified to read as follows:

> "This approval is for the on-site consumption of beer, wine, and distilled spirits for an approximately 2,350 square-foot restaurant and a 156 square-foot bar area

seating a total of eighty-six (86) patrons. Any increase in the floor area, change in seating arrangement, expansion of the hours of operation or any other substantial changes in operation relating to alcoholic beverage sales as determined by the Community Development Director shall require review and approval of a new Conditional Use Permit".

The applicant has indicated no other changes in operation will take place. All other conditions as noted within the previous Resolution No. 47-20 shall be complied with.

Environmental Review

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities of the State of California CEQA Guidelines. Section 15301 of the State CEQA Guidelines exempts projects when the proposed project involves negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Findings

Complete draft findings are included in the attached resolution.

Staff Recommendation

Staff recommends the City Council adopt the resolution approving the Project, as conditioned.

Attachments

1. Vicinity Map
2. Public Hearing Notice
3. Applicant's Plans
4. City Council Resolution No. 47-20 (7 Mares Grill Restaurant Conditional Use Permit [CUP 03-19])
5. Draft Resolution

Vicinity Map

7 Mares Grill Restaurant – Modification to Condition of Approval No. 7 (City Council Resolution No. 47-20)

200 W. Cypress Avenue, APN: 035-282-048

City of Oakley
3231 Main Street
Oakley, CA 94561
www.oakleyinfo.com

NOTICE OF PUBLIC HEARING

Notice is hereby given that on **December 14, 2021**at 6:30 p.m., or as soon thereafter as the matter may be heard, the City Council of the City of Oakley will hold a Public Hearing at the Council Chambers located at 3231 Main Street, Oakley, CA 94561 for the purposes of considering an item as described below:

Project Name: 7 Mares Grill Restaurant – Modification to Condition of Approval 7 (Council Resolution No. 47-20).

Project Location: 200 W. Cypress Avenue, Oakley, CA 94561. APN: 035-282-048.

Applicant: Ana L. Navarro Farias, 200 W. Cypress Avenue, Oakley, CA 94561.

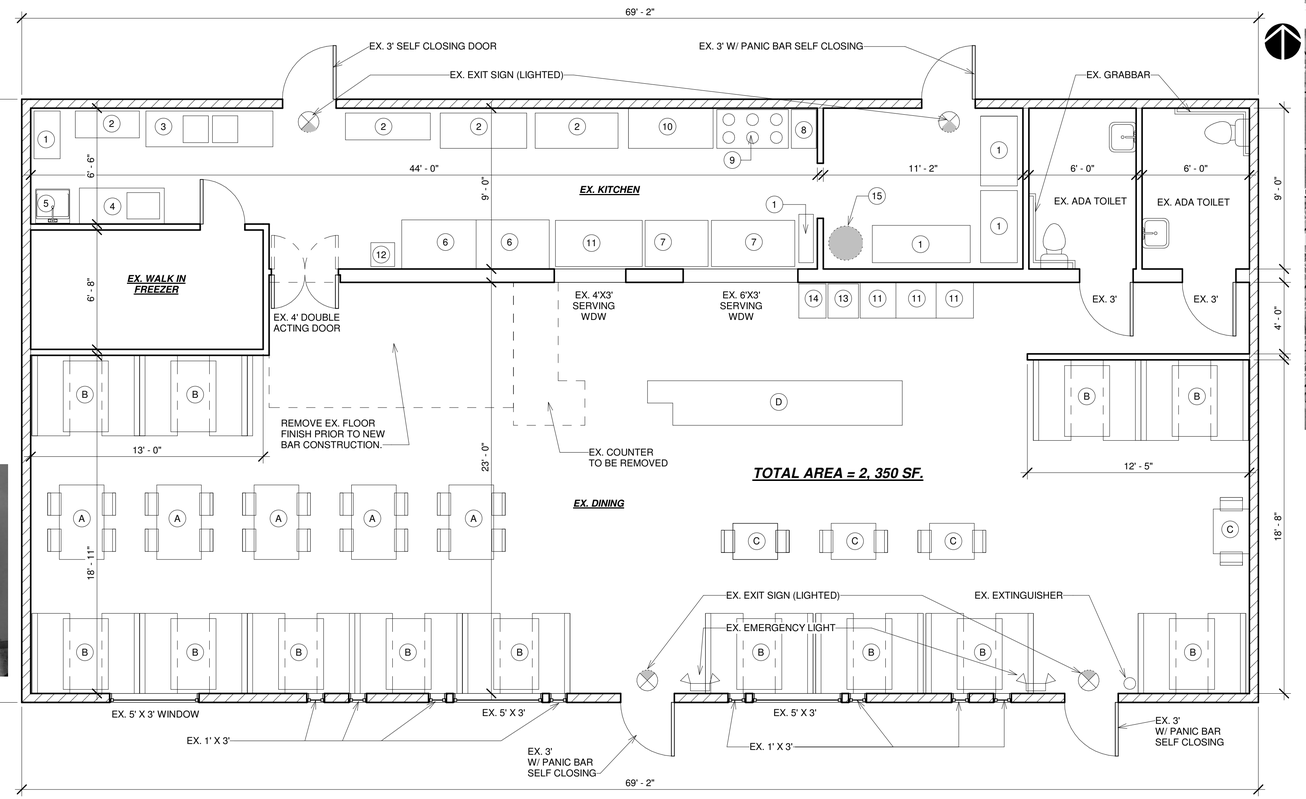
Request: This is a public hearing on an application by Ana L. Farias requesting to modify Condition No. 7 of City Council Resolution No. 47-20, which indicates any increase to floor area or any other substantial change in operation relating to alcoholic sales shall require a new Conditional Use Permit. The modification would allow the installation of a new 156 square-foot bar area that could serve up to six (6) additional patrons. The site is located at 200 W. Cypress Avenue and is zoned General Commercial (C) District. APN: 035-282-048.

How to Review: The Staff Report and its attachments will be available for public review, on or before **December 9, 2021** at City Hall, 3231 Main Street, Oakley, CA 94561 or online at www.ci.oakley.ca.us/agendas-minutes-videos-archive/ by navigating to the **December 14, 2021** agenda. (Note: City Hall is closed on the 1st and 3rd Fridays of each month). Interested persons are invited to submit written comments prior to 5:00 P.M. the day of, and may testify at, the public hearing. **Written comments may be submitted to Ariana Ruiz, Planning Technician at the City of Oakley, 3231 Main Street, Oakley, CA 94561 or by email to ruiz@ci.oakley.ca.us.**

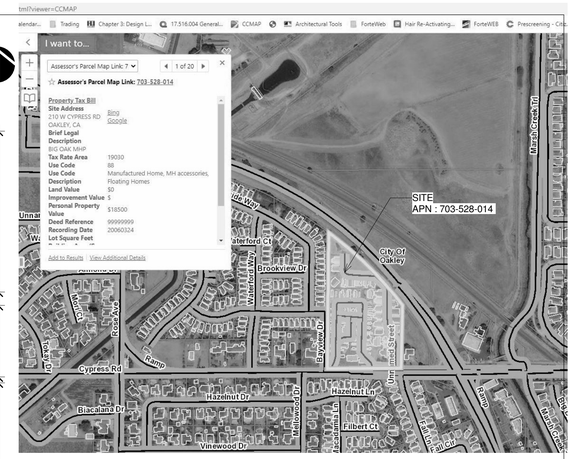
NOTICE IS ALSO GIVEN pursuant to Government Code Section 65009(b) that, if this matter is subsequently challenged in Court by you or others, you may be limited to raising only those issues you or someone else has raised at a Public Hearing described in this notice or in written correspondence delivered to the City of Oakley City Clerk at, or prior to, the Public Hearing.

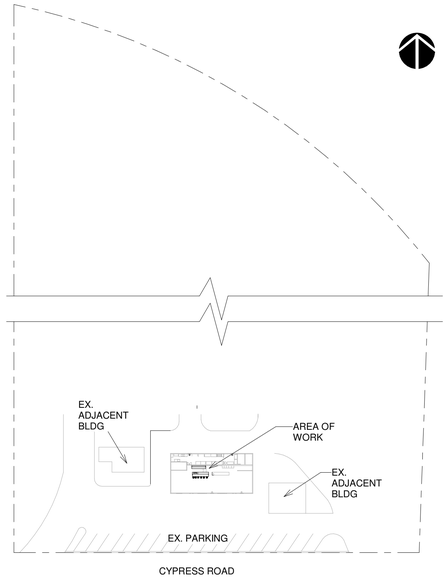
EX. EQUIPMENT SCHEDULE	
NO.	DESCRIPTION
1	EX. SHELVES W/ STAINLESS STEEL FINISH
2	EX. PREP TABLE W/ STAINLESS STEEL FINISH
3	EX. 3-SINK COMPARTMENTS W/ STAINLESS STEEL FINISH
4	EX. 1-SINK COMPARTMENT W/ STAINLESS STEEL FINISH
5	EX. UTILITY SINK W/ STAINLESS STEEL FINISH
6	EX. FREZZER
7	EX. SANDWICH PREP TABLE W/ STAINLESS STEEL FINISH
8	EX. DEEP FRYER
9	EX. 6-BURNER STOVE
10	EX. HAMBURGER GRIDDLE
11	EX. REFRIGERATOR
12	EX. HAND SINK
13	EX. ICE MAKER
14	EX. SODA DISPENSER
15	EX. HOT WATER TANK BY A.O. SMITH GCN-75 100, 74 GALLON, 75100 BTU

EX. MILLWORK SCHEDULE	
NO.	DESCRIPTION
A	EX. 4-SEAT TABLE TYPE 1
B	EX. 4-SEAT TABLE TYPE 2
C	EX.-2-SEAT TABLE
D	EX. CASHIER COUNTER



5 EXISTING & DEMOLITION PLAN
1/4" = 1'-0" AREA = 2, 350 SF.





SCOPE OF WORK - TENANT IMPROVEMENT

1. REFRAME AND ADD NEW WALLS AS REQUIRED. NONE TO BE INTRICATELY STRUCTURED TO THE BUILDING.
2. DO ELECTRICAL WORK AS REQUIRED FOR NEW PLAN.
3. DO PLUMBING WORK AS REQUIRED FOR NEW PLAN. INSTALL NEW LIGHTING AS REQUIRED.
4. INSTALL COUNTERS & COVE AS REQUIRED.
5. INSTALL & PROVIDE FLOORING AND ALL OTHER REQUIRED FINISHES.
6. PROVIDE AND INSTALL NEW EQUIPMENT AS REQUIRED.

APPLICABLE CODES:

2019 CALIFORNIA RESIDENTIAL CODE
2019 CALIFORNIA BUILDING CODE
2019 CALIFORNIA MECHANICAL CODE
2019 CALIFORNIA PLIMBING CODE
2019 CALIFORNIA FIRE CODE
2019 CALIFORNIA ENERGY CODE
2019 CALIFORNIA ELECTRICAL CODE
2019 TITLE 24 ENERGY STANDARDS
AND ANY OTHER APPLICABLE LOCAL, STATE AND FEDERAL LAWS, AND REGULATIONS.

GENERAL NOTES:

ALL WORK SHALL BE EXECUTED IN ACCORDANCE W/ THE 2019 CRC, CBC, CPC, CMC, CEC, AND ALL APPLICABLE CITY STANDARDS.

ALL MECHANICAL, PLUMBING & ELECTRICAL CONSTRUCTION SHALL BE IN ACCORDANCE W/ THE FOLLOWING: MECHANICAL -2019 CMC, PLUMBING -2019 CPC, ELECTRICAL -2019 CEC.

DOORS & WINDOWS TO EXTERIOR SHALL FULLY WEATHERSTRIPPED.

SLOPE ALL GRADE AWAY FROM NEW CONSTRUCTION AT 6" IN 5'.

ALL NEW GLASS TO BE DUAL GLAZED, LOW E, APPROVED.

CONTRACTOR TO PROVIDE DAMP PROOFING ON EXISTING & NEW CONCRETE SLABS AT LIVING AREA.

ALL WOOD CONSTRUCTION TO BE D.F. #2 OR BETTER UNLESS OTHERWISE NOTED.

ALL DIMENSIONS MUST BE VERIFIED IN THE FIELD.

ALL NEW CONSTRUCTION MUST MATCH & BLEND WITH EXISTING CONSTRUCTION. UNLESS OTHERWISE NOTED.

PROJECT INFORMATION:

OWNER:	ANNA FARIAS (925-305-6847)
ADDRESS:	200 W. CYPRESS ROAD, OAKLEY CA
TOTAL AREA :	2,350 SF. (EXISTING)
PROPOSED :	BAR ADDITION TO 7 MARES RESTAURANT
ZONING DISTRICT:	C
APN # :	703-528-014
SPRINKLER :	NO
SEAT :	80 (NO CHANGE)
CONSTRUCTION TYPE :	IV
GROUP :	A-2

Sheet List	
Sheet Number	Sheet Name
A-1	ASSESSOR MAP, SITEPLAN, EXISTING & DEMOLITION PLAN
A-2	PROPOSED BAR & ELECTRICAL/ LIGHTING PLAN, PLUMBING PLAN,DETAILS

No.	Description	Date

CURIEL CONSTRUCTION INC.
527 BROWNSTONE ROAD
ANTIOCH, CA 94561
925.237.7088
973.943.1670
License # 929462

Draftsman: ROMEO ABILLAR
romeo.abillar@gmail.com

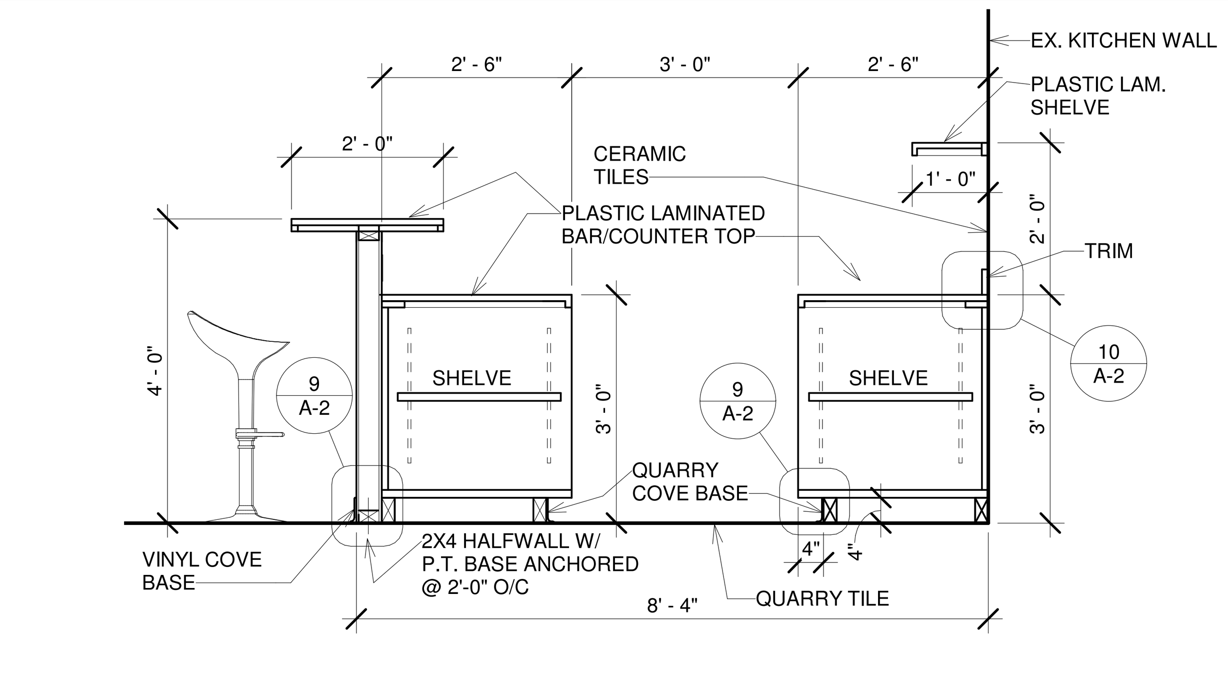
ANA FARIAS
Bar Addition to 7 Mares Grill Restaurant
200 W. Cypress Road Oakley CA

ASSESSOR MAP, SITEPLAN, EXISTING & DEMOLITION PLAN

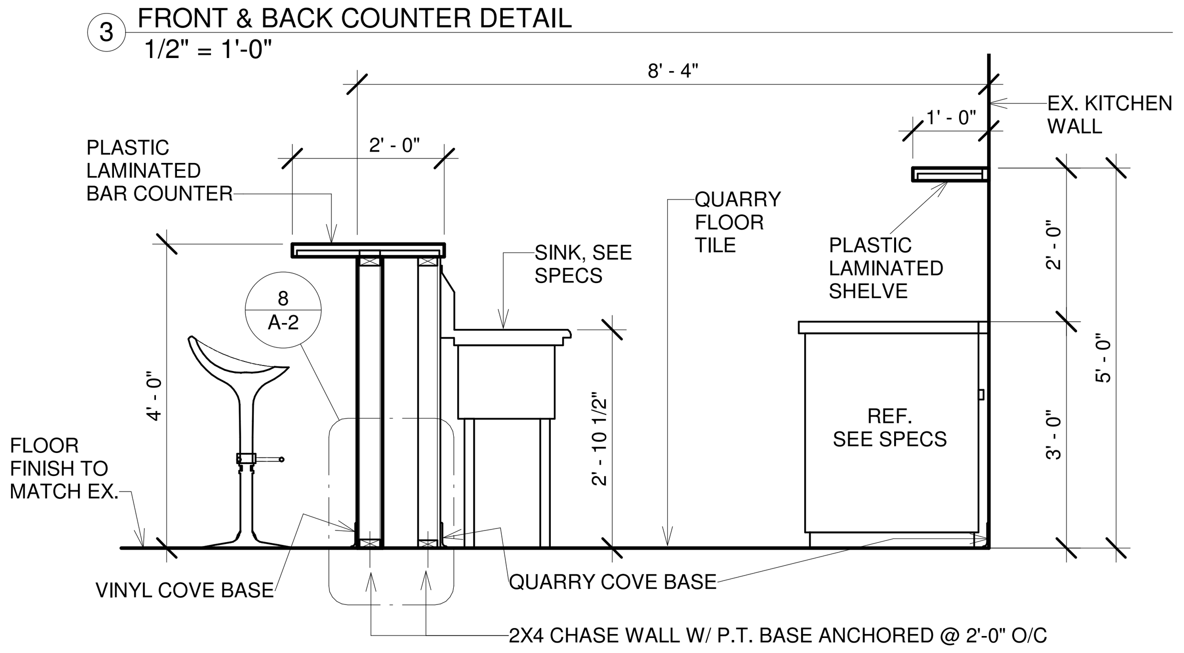
Drawn by	RA
Checked by	RA
Date	2021.06.30
Scale	As indicated
Project number	.

A-1

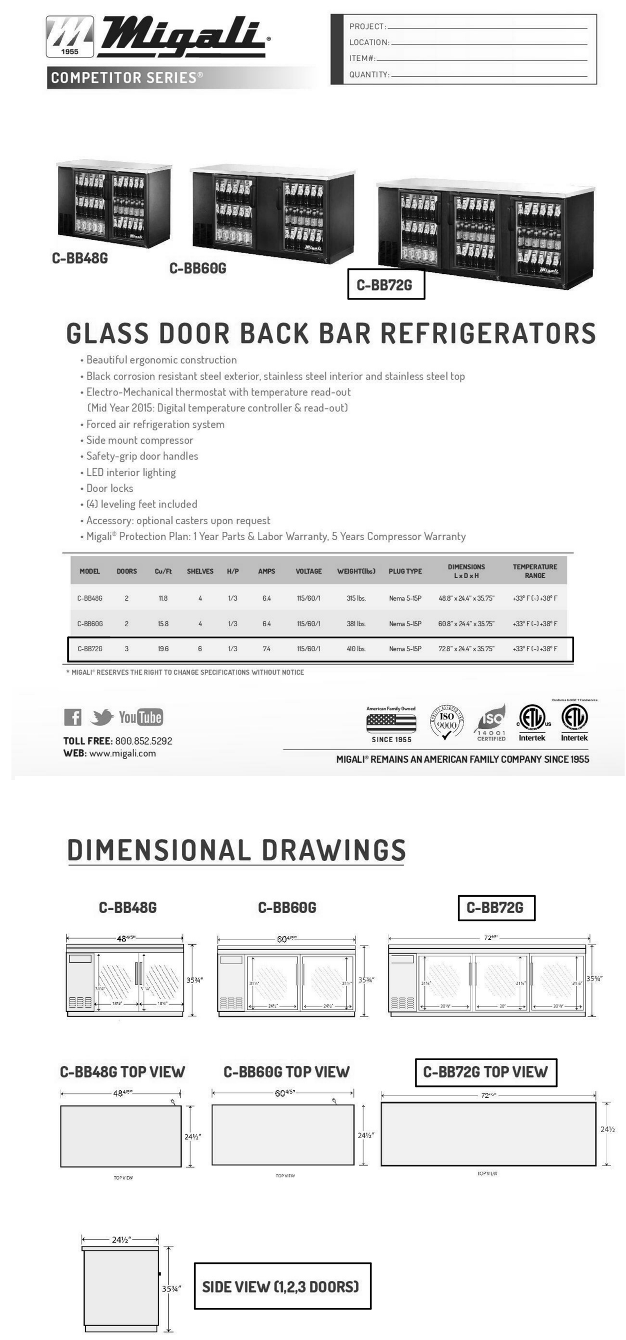
7/10/2021 5:00:32 PM

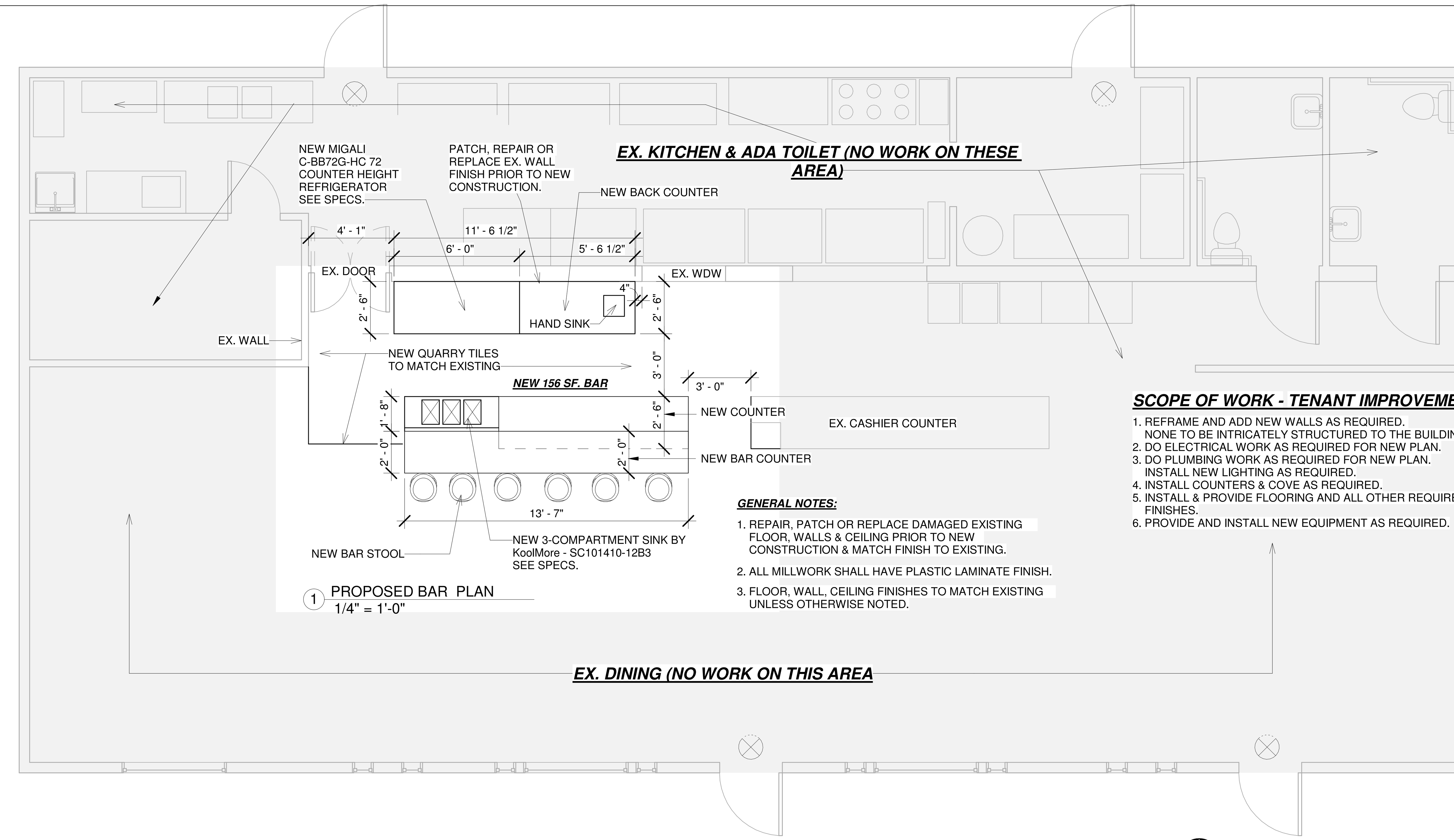


3 FRONT & BACK COUNTER DETAIL
1/2" = 1'-0"



6 SINK AND REF SECTION
1/2" = 1'-0"





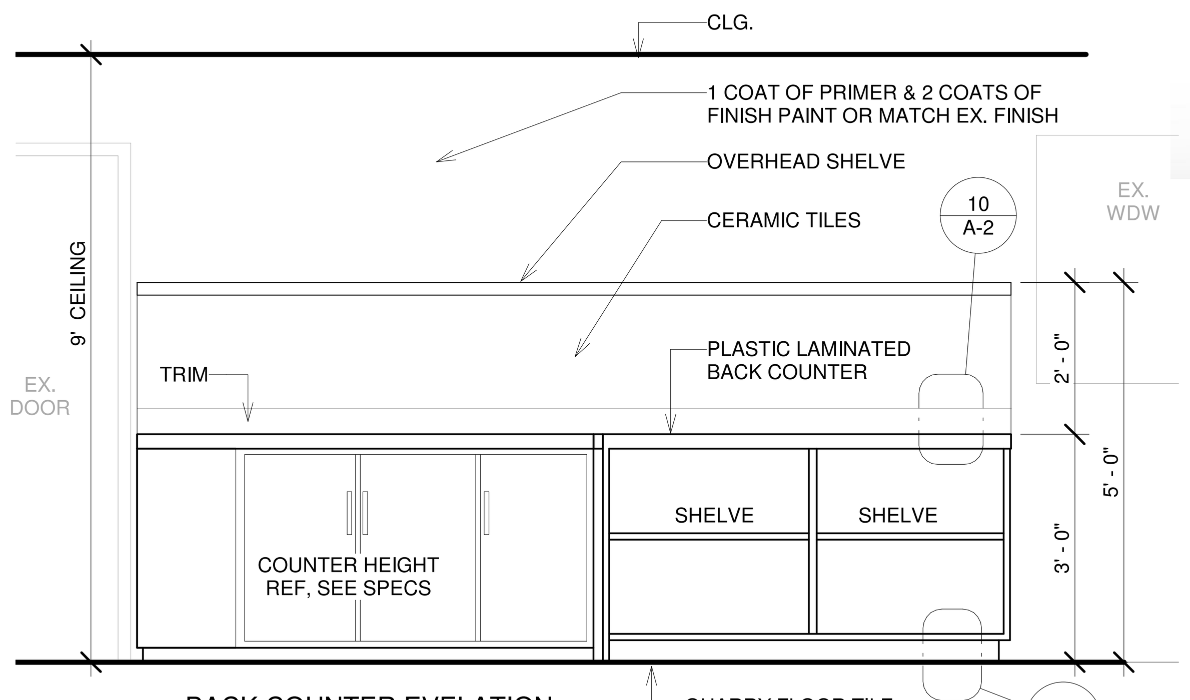
1 PROPOSED BAR PLAN
1/4" = 1'-0"

GENERAL NOTES:

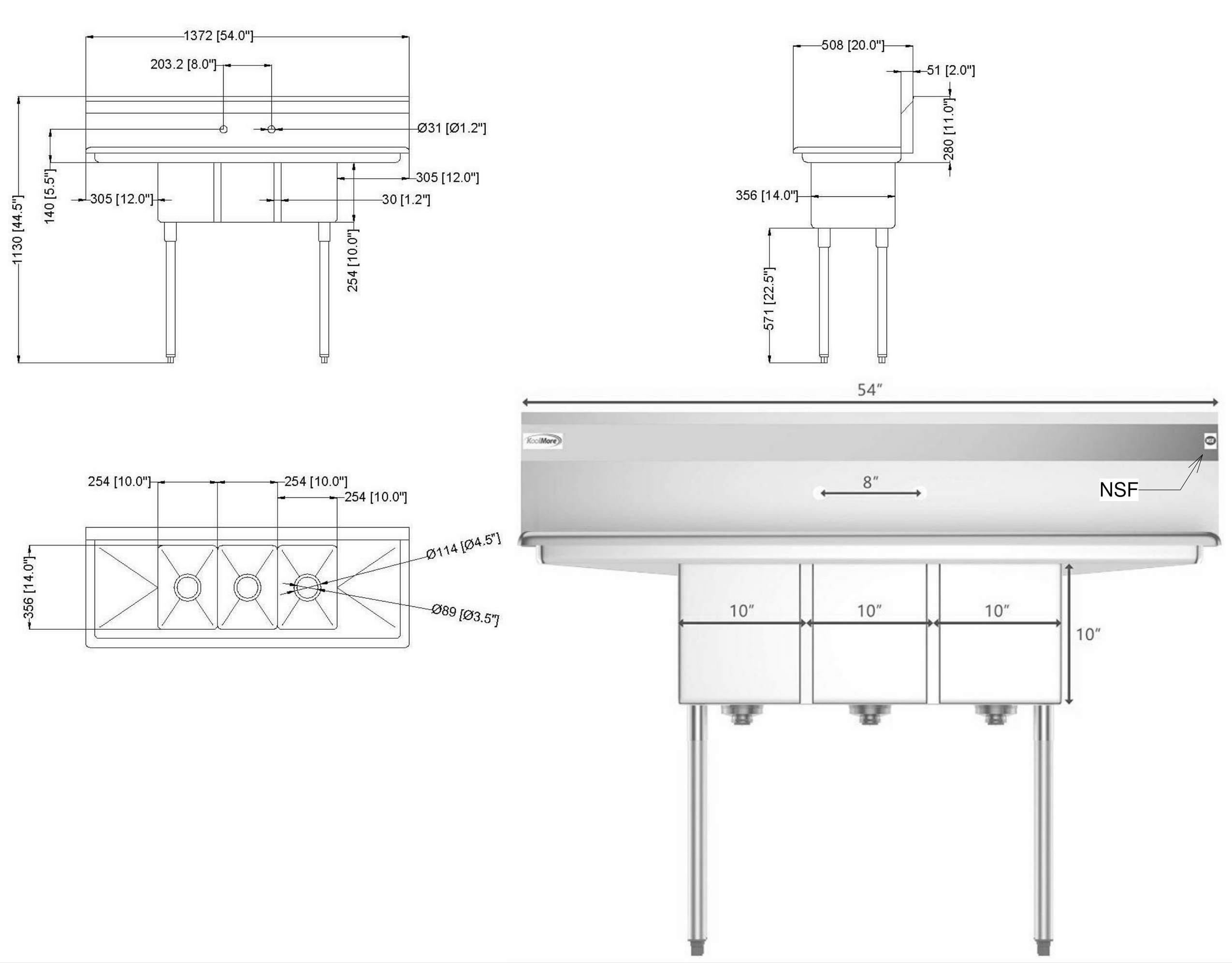
1. REPAIR, PATCH OR REPLACE DAMAGED EXISTING FLOOR, WALLS & CEILING PRIOR TO NEW CONSTRUCTION & MATCH FINISH TO EXISTING.
2. ALL MILLWORK SHALL HAVE PLASTIC LAMINATE FINISH.
3. FLOOR, WALL, CEILING FINISHES TO MATCH EXISTING UNLESS OTHERWISE NOTED.

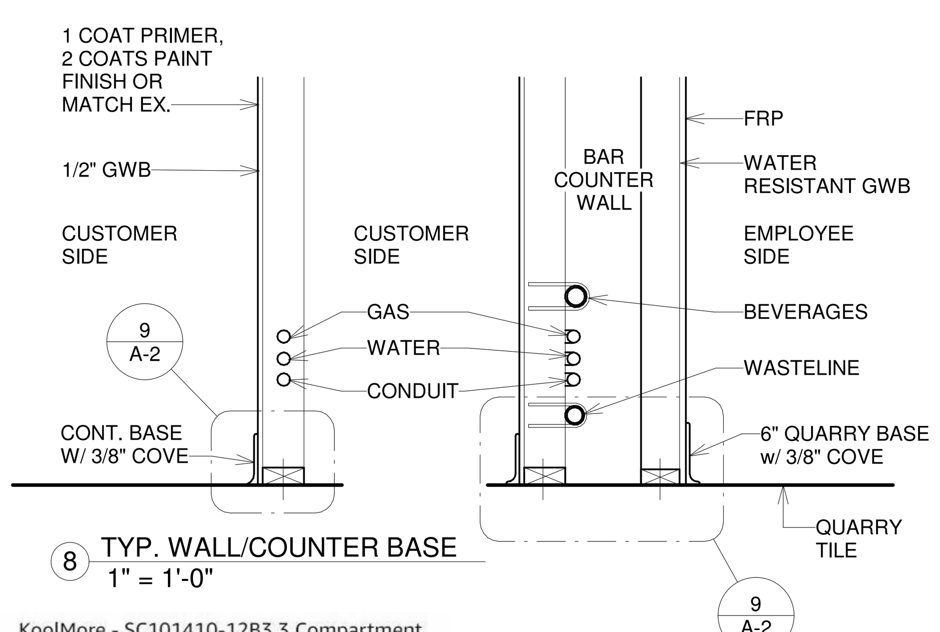
SCOPE OF WORK - TENANT IMPROVEMENT

1. REFRAME AND ADD NEW WALLS AS REQUIRED. NONE TO BE INTRICATELY STRUCTURED TO THE BUILDING.
2. DO ELECTRICAL WORK AS REQUIRED FOR NEW PLAN.
3. DO PLUMBING WORK AS REQUIRED FOR NEW PLAN. INSTALL NEW LIGHTING AS REQUIRED.
4. INSTALL COUNTERS & COVE AS REQUIRED.
5. INSTALL & PROVIDE FLOORING AND ALL OTHER REQUIRED FINISHES.
6. PROVIDE AND INSTALL NEW EQUIPMENT AS REQUIRED.



4 BACK COUNTER EVELATION
1/2" = 1'-0"





8 TYP. WALL/COUNTER BASE
1" = 1'-0"

KoolMore - SC101410-12B3 3 Compartment Stainless Steel NSF Commercial Kitchen Sink with Right and Left Drainboards - Bowl Size 10" x 14" x 10", Silver

Visit the KoolMore Store

101 ratings

#1 Best Seller in Triple Bowl Kitchen Sinks

Price: $543.04

Get $10 bonus when you reload $100 or more to your gift card balance.

Available at a lower price from other sellers that may not offer free Prime shipping.

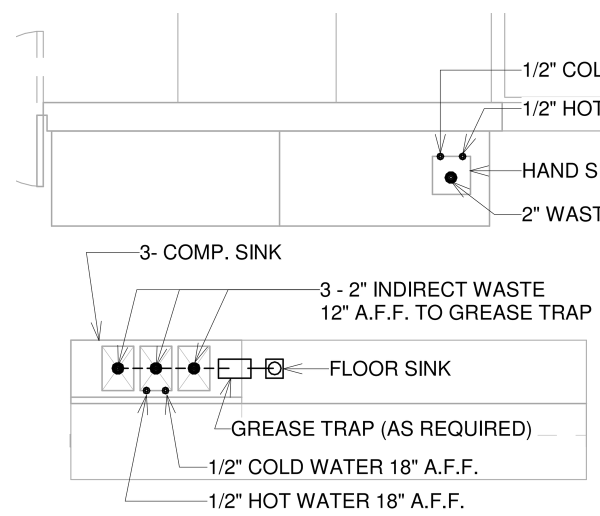
Size: 2 Drainboards

1 Drainboard $502.65	2 Drainboards $543.04
2 Drainboards W/ Faucet - -	Right Drainboard $522.42
Without Drainboard $533.78	

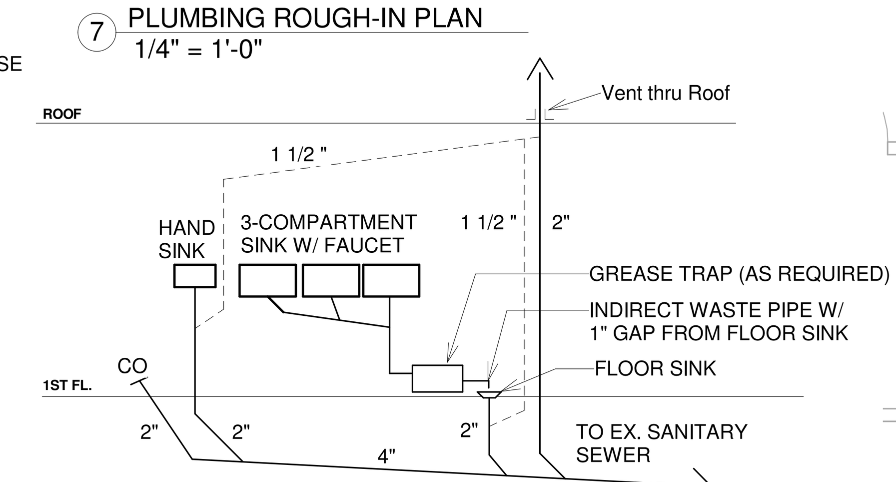
Brand	KoolMore
Color	Silver
Material	Stainless Steel
Size	2 Drainboards
Style	3 Compartment Sink

About this item

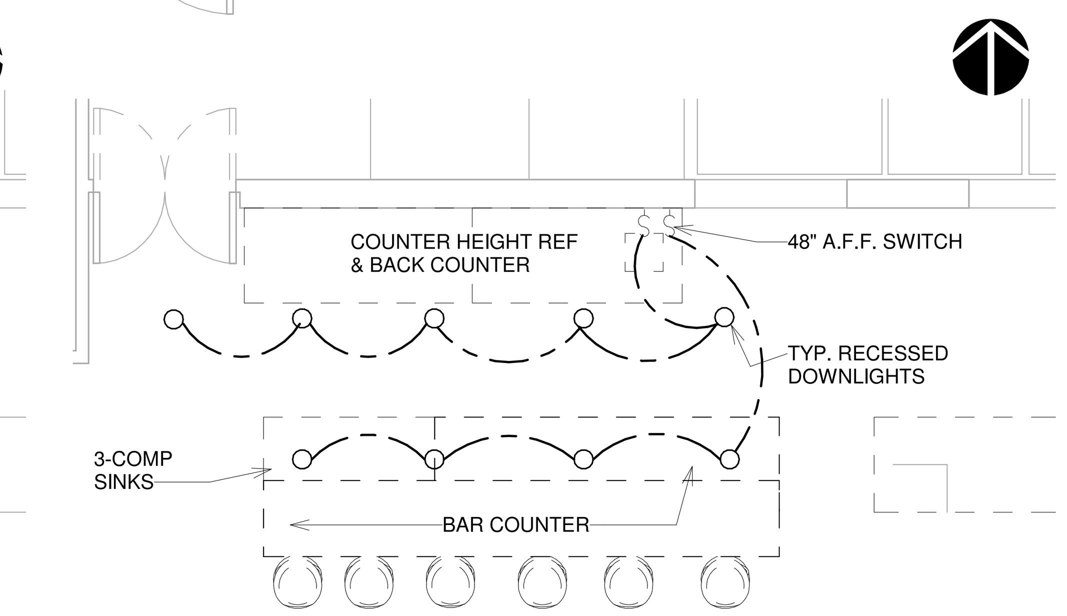
- HEAVY DUTY STAINLESS STEEL - Built with high quality 304 type 18 gauge stainless steel which is rust and corrosion resistant and will withstand the high volume fast pace commercial kitchen
- SPACE SAVING - Compact size yet has three tubs and two drain boards which makes it large enough to keep even the most stringent health departments happy, overall size 54"L x 20"W x 44. 5"H
- EASY CLEAN - Stainless steel finish and rounded bowl corners make cleaning and sanitizing this sink a breeze. For optimal stability, the sink should be secured to a wall
- TWO DRAINBOARDS - The two 12" drain boards provide convenient space for drying and loading dishes, they have a slanted surface to drain excess water
- HIGH BACKSPLASH AND RAISED EDGES – The 10" backsplash with 8" center holes for faucet mount (not included) will keep walls dry and clean while the raised edges will prevent splashes and overflow



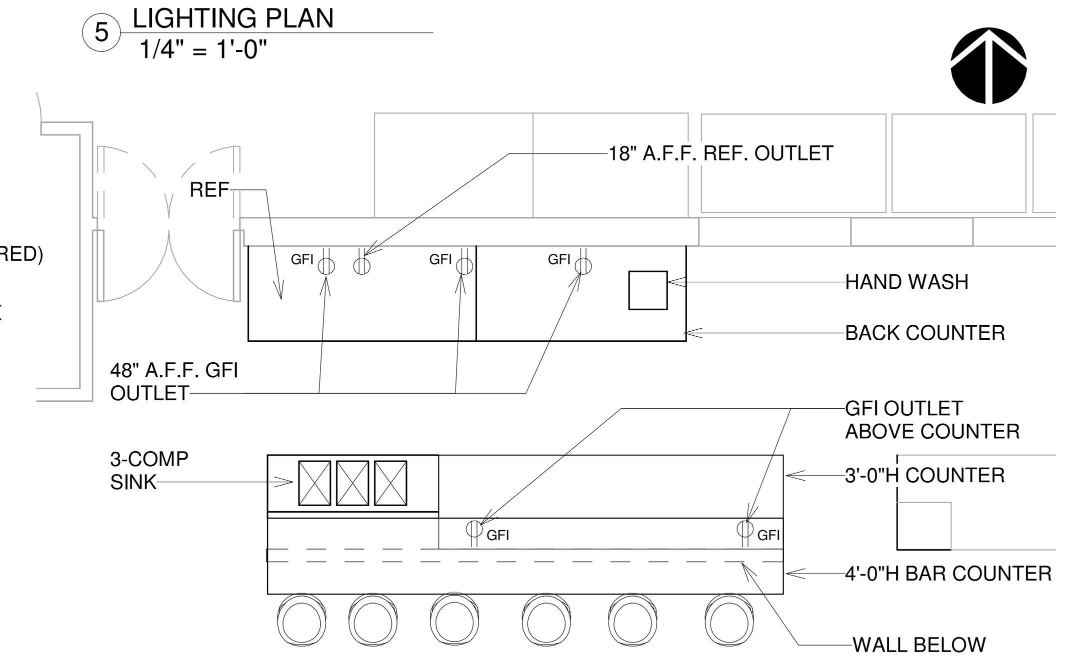
7 PLUMBING ROUGH-IN PLAN
1/4" = 1'-0"



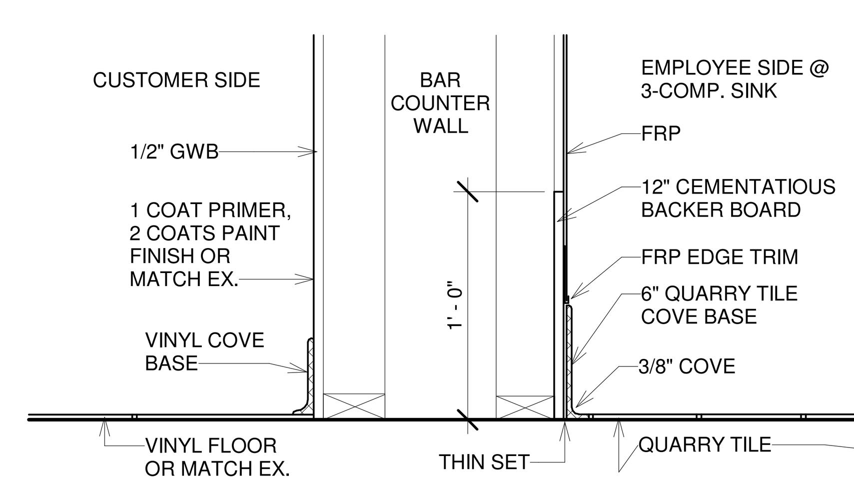
PLUMBING RISER DIAGRAM



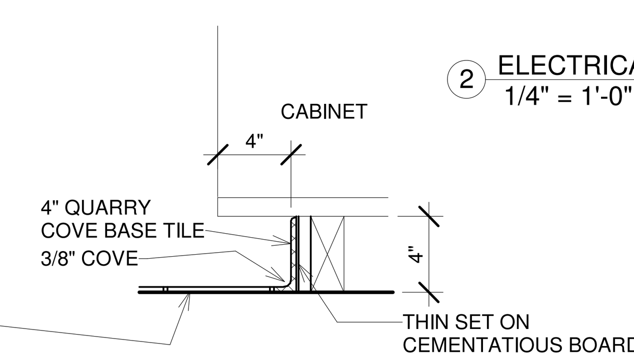
5 LIGHTING PLAN
1/4" = 1'-0"

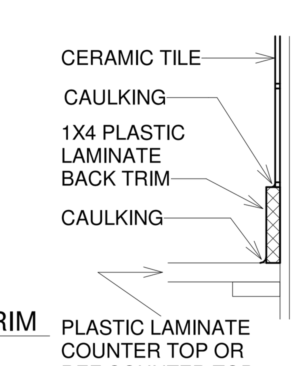


2 ELECTRICAL PLAN
1/4" = 1'-0"



9 BASE COVE DETAILS
1 1/2" = 1'-0"





10 COUNTERTOP TRIM
1 1/2" = 1'-0"

ELECTRICAL NOTES:

AN APPROVED CARBON MONOXIDE ALARM SHALL BE INSTALLED IN DWELLING UNITS, & SLEEPING UNITS WITHIN WHICH FUEL BURNING APPLIANCES ARE INSTALLED. CARBON MONOXIDE ALARMS REQUIRED BY SECTIONS R315.1 & R315.2 SHALL BE INSTALLED IN THE FOLLOWING LOCATIONS: OUTSIDE OF EACH SEPARATE DWELLING UNIT SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOMS, ON EVERY LEVEL OF A DWELLING UNIT INCLUDING BASEMENTS. CARBON MONOXIDE ALARMS COMBINED WITH SMOKE ALARMS SHALL COMPLY WITH SECTION R315, ALL APPLICABLE STANDARDS, & REQUIREMENTS FOR LISTING & APPROVAL BY THE OFFICE OF THE STATE FIRE MARSHAL, FOR SMOKE ALARMS.

INSPECTOR IS TO VERIFY SMOKE & CARBON MONOXIDE ALARMS (UL 217 RATED) ARE PROVIDED IN EACH SLEEPING ROOM, AT AREA GIVING ACCESS TO SLEEPING ROOMS, & AT EACH FLOOR PER CRC R314, R315.1, & R315.2.

PROVIDE DEDICATED CIRCUITS FOR EACH NEW FURNACE PER CEC422.12.

PERMENANTLY INSTALLED ATTIC LIGHTING SHALL BE HIGH EFFICACY, OR BE CONTROLLED BY EITHER A DIMMER OR VACANCY (MANUAL-ON CCCUPANT) SENSOR LOCATED AT THE ATTIC OPENING. (2016 ENERGY STANDARDS)

RECESSED LUMINAIRIES MUST ALLOW BALLAST MAINTENANCE & REPLACEMENT READILY ACCESSIBLE FROM BELOW THE CEILING WITHOUT CUTTING HOLES IN CEILING.

RECEPTACLES (15-20 amp, 115V or 230V) INSTALLED IN WET LOCATIONS (OUTDOOR) SHALL HAVE AN ENCLOSURE THAT IS WEATHERPROOF WHETHER OR NOT THE ATTACHMENT PLUG CAP IS INSERTED (i.e. bubble cover type). CEC 406.8(B)(2)
ALL 125-volt, 15-, & 20- ampere receptacles specified in CEC ARTICLE 210.52 SHALL BE LISTED TAMPER-RESISTANT RECEPTACLES. CEC 406.11
A MINIMUM OF (2) 20 AMP CIRCUITS SHALL SUPPLY ALL KITCHENCOUNTERTOP RECEPTACLES (2 of more 20 ampere small appliance branch circuits shall be provided for all receptacle outlets specified by 210.52 (B). 2010 CEC 201.11)
LAUNDRY & BATH OUTLETS REQUIRE A DEDICATED 20 AMP CIRCUIT.
2016 CEC 210.11 (c)(2)(c)(3)

PLUMBING FIXTURE FLOW RATE

WATER CLOSET : 1.28 GPF
SHOWER HEAD : 2.0 GAL PER MINUTE @ 80 psi
LAVATORY FAUCETS : 1.8 GAL PER MINUTE @ 60 psi
KITCHEN FAUCET : 1.8 GAL PER MINUTE @ 60 psi
ALL (E) NON COMPLIANT FIXTURES TO BE UPGRADED PER CIVIL CODE SECTION 1101.4(a)
HOT WATER EXTENDED TO NEW FIXTURE REQUIRES SEISMIC STRAPPING CPC SEC 508.2
LOCATION & TERMINATION OF PRESSURE & TEMPERATURE RELIEF VALVE. CPC SEC 505.6 608.3 608.4

No.	Description	Date

CURIEL CONSTRUCTION INC.
527 BROWNSTONE ROAD
OAKLEY CA 94561
925-237-7038
973-943-1670
License # 929462

Draftsman: ROMEO ABILLAR
romeo.abillar@gmail.com

ANA FARIAS
Bar Addition to 7 Mares Grill Restaurant
200 W. Cypress Road Oakley CA

PROPOSED BAR & ELECTRICAL/ LIGHTING PLAN, PLUMBING PLAN,DETAILS

Drawn by	RA
Checked by	RA
Date	2021.06.30
Scale	As indicated
Project number	.

A-2

7/10/2021 5:00:33 PM

RESOLUTION NO. 47-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY MAKING FINDINGS AND APPROVING A CONDITIONAL USE PERMIT (CUP 03-19) TO ALLOW RESTAURANT WITH FULL BAR LOCATED AT 200 W. CYPRESS AVENUE FOR THE PROJECT KNOWN AS "7 MARES GRILL RESTAURANT WITH FULL BAR" APN 035-282-048

WHEREAS, on December 5, 2019, Ana L. Farias ("Applicant"), submitted an application for a Conditional Use Permit (CUP 03-19) to allow a restaurant with full bar. Currently, the 7 Mares restaurant offers beer and wine as options for alcoholic beverages. The approval of the application would allow the addition of distilled spirits to the list of alcoholic beverage options. The site is located at 200 W. Cypress Avenue. APN: 035-282-048 ("Project"); and

WHEREAS, on January 13, 2020, the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the project is designated as *Commercial ("C")* in the Oakley 2020 General Plan, and zoned General Commercial (C) District; and

WHEREAS, on March 13, 2020, the Notice of Public Hearing for the project was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and at the project site. The notice was also mailed out to all owners of property within a 500-foot radius of the subject property's boundaries, to outside agencies, and to parties requesting such notice; and

WHEREAS, the project is exempt from further environmental analysis under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301, "Class 1 - Existing Facilities"; and

WHEREAS, the project was originally scheduled to be heard on March 24, 2020; however, due to the Covid-19 virus, the entire meeting was canceled, and per the cancelation agenda, all public hearing items were continued to a date certain (April 14, 2020).

WHEREAS, on April 14, 2020, the City Council opened the public hearing at which it received a report from City Staff, oral and written testimony from the public and applicant, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote and adopted this resolution to approve the project, as conditioned, and

WHEREAS, if any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their

application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City; and

WHEREAS, these Findings are based upon the City's General Plan, the City's Zoning Ordinance, and the information submitted to the City Council at its April 14, 2020 meeting, both written and oral, including oral information provided by the applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the project (hereinafter the "Record"); and

NOW, THEREFORE, BE IT RESOLVED THAT, on the basis of the above findings of fact and the entire Record, the City Council makes the following additional findings in support of the approvals:

A. Regarding the application requesting approval of a Conditional Use Permit (CUP 03-19) to establish 7 Mares Grill restaurant with full bar on a site located at 200 W. Cypress Avenue. APN: 035-282-048:

1. The site for the proposed use is adequate in size and shape to accommodate the use in a manner complementary with the land and uses in the area in that this proposed use will result in a minor modification to the existing use and the General Commercial (C) Zoning District allows for the proposed use with the approval of a Conditional Use Permit; and

2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use in that the site is accessible by public rights-of-way such as W. Cypress Road, which is designed to handle project generated traffic; and

3. The proposed use will be arranged, designed, constructed, operated, and maintained so as to be compatible with the intended character of the area and will not change the essential character of the area that is intended by the General Plan and the applicable zoning ordinances in that the proposed use is permitted in the General Commercial (C) Zoning District with the approval of a Conditional Use Permit; and

4. The proposed use provides for continued growth and orderly development of the community and is consistent with the various elements and objectives of the General Plan in that it is located in an existing commercial space. The use and site are a result of Oakley's zoning that allows for commercial lots that can accommodate this type of use; and

5. That the proposed use, including any conditions attached thereto, will be established in compliance with the applicable provisions of the California Environmental Quality Act.

B. The project complies with Measure J Growth Management requirements.

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the City Council approves of the Applicant's request for **Conditional Use Permit (CUP 03-19)**, subject to the following Conditions of Approval:

Conditions of Approval

Applicant shall comply with the requirements of the Oakley Municipal Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the application received by the Planning Division dated **December 5, 2019**, as well as additional information acquired since that time and made part of the project file.

THE FOLLOWING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO ESTABLISHING THE USE UNLESS OTHERWISE NOTED:

Planning Division Conditions

General:

1. This **Conditional Use Permit (CUP 03-19)** is approved, as described in the application date stamped by the Planning Division on **December 5, 2019**, and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.

2. This approval for **Conditional Use Permit (CUP 03-19)** shall be effectuated within a period of one (1) year from the effective date of this resolution by establishing the use, and if not effectuated shall expire on **April 14, 2021**. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Municipal Code.

3. All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.

4. Noise generating construction activities, including such things as power generators, shall be limited to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday, and shall be prohibited on City, State and Federal Holidays. The restrictions on allowed working days and times may be modified on prior written approval by the Community Development Director.

5. The applicant shall indemnify, defend, and hold harmless the City of Oakley, the City Approving Authorities, and the officers, agents, and employees of the City from any and all claims, damages and liability (including, but not limited to, damages, attorney fees, expenses of litigation, costs of court).

6. Approval is granted for a restaurant with full bar, which allows for a Type 47 Alcoholic Beverage Control (ABC) license for the sale of beer, wine, and distilled

spirits for on-site consumption as an accessory and incidental use to the full-service restaurant (bona fide public eating place as defined by the Business and Professions Code Section 23038 et seq.,).

7. This approval is for the on-site consumption of beer, wine, and distilled spirits for an approximately 2,516 square- foot restaurant. Any increase of floor area or other substantial changes in operation relating to alcoholic beverage sales shall require review and approval of a new Conditional Use Permit.

8. Change of the ABC license to a different license type may require review and approval of a new Conditional Use Permit Application.

9. The sale of beer, wine, and distilled spirits for consumption off the premises is strictly prohibited.

10. The sale of alcoholic beverages shall commence only within regular business hours, which shall be between the hours of 11:00 a.m. to 9:00 p.m. from Monday through Friday and between the hours of 9:00 am to 9:00 pm, Saturday and Sunday. Any expansion in hours shall require review and approval of a new Conditional Use Permit.

11. At all times when the restaurant is open for business, the sale and service of beer, wine and distilled spirits shall be made in conjunction with the sale and service of food in compliance with a bona fide eating place. The restaurant business is prohibited from serving alcohol when the kitchen is not in operation.

12. The premises shall be maintained as a bona fide restaurant and shall provide a full menu containing an assortment of food.

13. The Applicant shall be subject to, and shall comply with, all regulations of the ABC License regarding the sale of alcoholic beverages at the facility.

14. The applicant shall comply with all regulations of the ABC Act and shall comply with all licensing conditions imposed by the state.
15. The business owner and their employees shall attend the Department of Alcohol Beverage Control's Licensee Education on Alcohol and Drugs Program ("LEAD") class- License Applicant Training, within 60 days of approval. Documents on proof of attendance shall be provided to the City upon completion of LEAD training class.

16. Any new owners or employees of the business shall attend the LEAD training class within three months of obtaining a business license or within three months of hire.

17. There shall be no alcohol related signs on the premises displayed outside of the restaurant, except with a temporary use permit as allowed in the City's sign regulations, or as approved with a sign permit issued by the Community Development Director.

18. Installation of any signs must follow the regulations set forth within Oakley Municipal Code Title 9, Chapter 5 Regulation of Signs and Outdoor Advertising. All advertising and signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, included the area in which the cash registers are maintained.

19. There shall be sufficient interior light to make easily discernible the appearance and conduct of all persons on the premises. This is to assist in enforcement so far as minors and intoxicated persons are concerned and to discourage theft or other criminal activity.

20. The facilities management shall install a security program to provide for the safety of customers and employees and to control loitering, noise, public disturbances, criminal activity and incidents of violence on the premises. The security program shall include the use of video cameras, exterior lighting, employee training, and emergency response procedures and shall be reviewed and approved by the Chief of Police.

21. The security program shall be capable of producing a retrievable image on film or tape that can be made a permanent record and that can be enlarged through projection or other means. Cameras meeting the requirements of this section shall be maintained in proper working order.

22. This Conditional Use Permit may be periodically monitored to ensure that it is being operated in a manner consistent with City regulations, these conditions of approval and that the use is being operated in a manner which is not detrimental to the public health, safety or welfare.

23. If, at the discretion of the Community Development Director and/or Oakley's Police Department, alcohol-related crime becomes a security issue or nuisance as a result of the use then changes to the business operational characteristics shall be required. These modifications may require a conditional use permit modification at the discretion of the Community Development Director.

24. Failure to comply with all of the above conditions will result in the matter being set for revocation of use hearing before the City Council in accordance with Section 2.4.014 of the Oakley Municipal Code.

ADVISORY NOTES

PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

A. The applicant/owner should be aware of the expiration dates and renewing requirements prior to requesting building or grading permits.
B. Comply with the requirements of the Ironhouse Sanitary District.
C. Comply with the requirements of the East Contra Costa Fire Protection District.
D. Comply with the requirements of the Diablo Water District.
E. Comply with the requirements of the Building Inspection Department. Building permits are required prior to the construction of most structures.

PASSED, APPROVED AND ADOPTED this 14th day of April, 2020 by the following vote:

AYES: Alaura, Higgins, Krieg, Pope, Romick
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

Kevin Romick, Mayor

4-14-2020
Date

ATTEST:

Libby Vreonis, City Clerk

RESOLUTION NO. XX-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY MAKING FINDINGS AND APPROVING A MODIFICATION TO CONDITION OF APPROVAL NO. 7 OF CITY COUNCIL RESOLUTION NO. 18-07 FOR THE PROJECT KNOWN AS "7 MARES GRILL RESTAURANT – MODIFICATION OF CONDITION OF APPROVAL NO. 7" LOCATED AT 200 W. CYPRESS AVENUE APN 035-282-048

WHEREAS, on October 5, 2021, Ana L. Farias ("Applicant"), submitted an application requesting a modification to Condition of Approval ("COA") No. 7 of City Council Resolution No. 47-20 ("Project"), which indicates any increase to floor area or any other substantial change in operation relating to alcoholic sales shall require a new Conditional Use Permit. The approval of this modification would allow the installation of a new 156 square-foot bar area that could serve up to six (6) additional patrons. The site is located at 200 W. Cypress Avenue. APN: 035-282-048 ("Project"); and

WHEREAS, on October 29, 2021, the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the project is designated as *Commercial ("C")* in the Oakley 2020 General Plan, and zoned General Commercial (C) District on the City of Oakley Zoning Map; and

WHEREAS, on April 14, 2020, the City Council adopted Resolution No. 47-20 approving the restaurant with a full bar as an accessory and incidental use to the full-service restaurant located at the property address 200 W. Cypress Avenue; and

WHEREAS, the project is exempt from further environmental analysis under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301, "Class 1 - Existing Facilities"; and

WHEREAS, on or before December 2, 2021, the Notice of Public Hearing for the project was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and at the project site. The notice was also mailed out to all owners of property within a 500-foot radius of the subject property's boundaries, to outside agencies, and to parties requesting such notice; and

WHEREAS, on November 29, 2021, the Notice of Public Hearing for the project was published in the Contra Costa Times; and

WHEREAS, on December 14, 2021, the City Council opened the public hearing and received a report from City Staff, oral and written testimony from the applicant and public, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote

and adopted this resolution to approve the project, as revised by the City Council during its deliberations; and

WHEREAS, if any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City; and

WHEREAS, these Findings are based upon the City's General Plan, the City's Zoning Ordinance, and the information submitted to the City Council at its December 14, 2020 meeting, both written and oral, including oral information provided by the applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the project (hereinafter the "Record").

NOW, THEREFORE, BE IT RESOLVED THAT, on the basis of the above findings of fact and the entire Record, the City Council makes the following additional findings in support of the approvals:

A. In regards to the application requesting a modification to Condition of Approval No. 7 of City Council Resolution No. 47-20, approval as conditioned would not result in any changes to the original findings for the Conditional Use Permit titled "7 Mares Grill restaurant with full bar Conditional Use Permit to (CUP 03-19)" on a site located at 200 W. Cypress Avenue. APN: 035-282-048:

1. The site for the proposed use is adequate in size and shape to accommodate the use in a manner complementary with the land and uses in the area in that this proposed use will result in a minor modification to the existing use and the General Commercial (C) Zoning District allows for the proposed use with the approval of a Conditional Use Permit; and

2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use in that the site is accessible by public rights-of-way such as W. Cypress Road, which is designed to handle project generated traffic; and

3. The proposed use will be arranged, designed, constructed, operated, and maintained so as to be compatible with the intended character of the area and will not change the essential character of the area that is intended by the General Plan and the applicable zoning ordinances in that the proposed use is permitted in the General Commercial (C) Zoning District with the approval of a Conditional Use Permit; and

4. The proposed use provides for continued growth and orderly development of the community and is consistent with the various elements and objectives of the General Plan in that it is located in an existing commercial space.

The use and site are a result of Oakley's zoning that allows for commercial lots that can accommodate this type of use; and

5. That the proposed use, including any conditions attached thereto, will be established in compliance with the applicable provisions of the California Environmental Quality Act.

B. The project complies with Measure J Growth Management requirements.

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the City Council approves of the Applicant's request for Modification to Condition of Approval No. 7 of City Council Resolution 47-20, subject to the following Conditions of Approval:

Applicant shall comply with the requirements of the Oakley Municipal Code ("OMC"). Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the application received by the Planning Division dated October 5, 2021 as well as additional information acquired since that time and made part of the project file.

THE FOLLOWING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO ESTABLISHING THE USE UNLESS OTHERWISE NOTED:

Planning Division Conditions

General:

1. All Conditions of Approval from City Council Resolution No. 47-20 shall remain in effect, with the exception of Condition of Approval No. 7, which shall be modified to read as follows:

   "This approval is for the on-site consumption of beer, wine, and distilled spirits for an approximately 2,350 square-foot restaurant and a 156 square-foot bar area seating a total of eighty-six (86) patrons. Any increase in the floor area, change in seating arrangement, expansion of the hours of operation or any other substantial changes in operation relating to alcoholic beverage sales as determined by the Community Development Director shall require review and approval of a new Conditional Use Permit".

ADVISORY NOTES

PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

A. The applicant/owner should be aware of the expiration dates and renewing requirements prior to requesting building or grading permits.

B. Comply with the requirements of the Ironhouse Sanitary District.
C. Comply with the requirements of the East Contra Costa Fire Protection District.
D. Comply with the requirements of the Diablo Water District.
E. Comply with the requirements of the Building Inspection Department. Building permits are required prior to the construction of most structures.

PASSED, APPROVED AND ADOPTED this 14th day of December, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: December 14, 2021

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

FROM: Tim Przybyla, Finance Director

SUBJECT: Consideration of a Resolution Accepting the Annual Comprehensive Financial Report (ACFR), Memorandum on Internal Control, Required Communications and Report on Agreed Upon Procedures for Fiscal Year 2020-2021

Background and Analysis

The Fiscal Year 2020-2021 ACFR, including the City's audited financial statements is attached. The Successor Agency to the Oakley Redevelopment Agency is also included in the ACFR. In accordance with State Law, the Auditors also performed agreed upon procedures to review our Appropriations Limit calculations and compliance. Maze and Associates performed the engagements and have issued an unqualified (clean) opinion on the financial statements, as presented.

The Auditor's Memorandum on Internal Control and the Auditor's Required Communications letter include the required communications from Statement of Auditing Standards (SAS) No. 112 Communicating Internal Control Related Matters Identified in an Audit. SAS No. 112 requires that the Auditor report any "material weakness" or "significant deficiency" found during the audit. The attached Memorandum on Internal Control (MOIC) contains no significant deficiencies this year. No significant deficiencies were identified in last year's audit, either.

The Auditor's "Agreed-Upon Procedures Report on Compliance with the Proposition 111 2020-2021 Appropriations Limit Increment" is also attached. The agreed upon procedures is less in scope than the audit, but in carrying out the procedures, the Auditors walked through the calculation and confirmed the City followed appropriate procedures in complying with appropriations limit calculation requirements.

Fiscal Impact

There is no fiscal impact of adopting this resolution.

Staff Recommendation

Staff recommends the City Council adopt the attached resolution accepting the reports.

Attachments

1. Resolution
2. FY 2020-2021 ACFR
3. FY 2020-2021 Memorandum on Internal Control
4. FY 2020-2021 Required Communications
5. FY 2020-2021 Gann Limit Report

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY ACCEPTING THE ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR), MEMORANDUM ON INTERNAL CONTROL, REQUIRED COMMUNICATIONS, AND REPORT ON AGREED UPON PROCEDURES FOR FISCAL YEAR 2020-21

WHEREAS, each year the City hires an independent audit firm to complete an audit of the City's books and records; and

WHEREAS, the City's citizens, bondholders, bond insurers, rating agencies and others rely on the audited financial statements, and other related information published by the City to monitor the City's financial health; and

WHEREAS, the City publishes an Annual Comprehensive Financial Report (ACFR), which includes its audited Basic Financial Statements as defined in Governmental Accounting Standards, as well as Supplementary Information; and

WHEREAS, the Auditor has as part of its most recently completed audit prepared a "Memorandum on Internal Control" outlining any significant deficiencies, material weaknesses, and/ or any additional suggestions the Auditor feels might be of benefit to the City; and

WHEREAS, the Auditor has prepared a letter of "Required Communications" which includes certain information related to the audit that professional standards require to be communicated to the City Council and management under generally accepted auditing standards, Government Auditing Standards and the Uniform Guidance; and

WHEREAS, the Auditor was also engaged to perform certain agreed upon procedures to verify the City's Appropriations Limit calculations and has issued a report related thereto; and

WHEREAS, the CAFR, Memorandum on Internal Control, Required Communications and Report on Agreed Upon Procedures performed for Fiscal Year 2020-21 are attached hereto as Exhibits A, B, C and D.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley accepts the attached ACFR, Memorandum of Internal Control, Required Communications and Report on Agreed-Upon Procedures performed for Fiscal Year 2020-21.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Oakley held on the 14th day of December 2021 and adopted by the following vote:

AYES:
NOES:
ABSTENTION:

ABSENT:

APPROVED:_____
Sue Higgins, MAYOR

ATTEST:

_____
Libby Vreonis, CITY CLERK

CITY OF OAKLEY

ANNUAL COMPREHENSIVE

FINANCIAL REPORT

FOR THE YEAR ENDED JUNE 30, 2021

OAKLEY

CALIFORNIA

CITY OF OAKLEY, CALIFORNIA
ANNUAL COMPREHENSIVE FINANCIAL REPORT
FOR THE YEAR ENDED JUNE 30, 2021

PREPARED BY THE

FINANCE DEPARTMENT

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CITY OF OAKLEY, CALIFORNIA

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CITY COUNCIL
Sue Higgins, Mayor
Randy Pope, Vice Mayor
Aaron Meadows
Anissa Williams
George Fuller

OAKLEY
CALIFORNIA

CITY HALL
3231 Main Street
Oakley, CA 94561
925.625.7000 tel
925.625.9859 fax
www.ci.oakley.ca.us

November 29, 2021

To the Citizens of the City of Oakley,
and the Honorable Members of the Oakley City Council,

We are pleased to submit to you the City of Oakley's Annual Comprehensive Financial Report (ACFR) for the fiscal year ended June 30, 2021. This report is published in accordance with State law that requires financial statements be presented in conformity with accounting principles generally accepted in the United States of America, and audited in accordance with auditing standards generally accepted in the United States of America by a firm of licensed certified public accountants. It is also prepared to meet reporting standards set forth by the Governmental Finance Officers Association.

This letter of transmittal is designed to complement the Management's Discussion and Analysis (MD&A) and should be read in conjunction with it. The MD&A can be found immediately following the report of the independent auditors.

This report consists of management's representations concerning the finances of the City. Consequently, management assumes full responsibility for the completeness and reliability of all the information presented in this report. To provide a reasonable basis for making these representations, the management of the City has established a comprehensive internal control framework designed to both protect the government's assets from loss, theft, or misuse and compile sufficient reliable information for the presentation of the City's financial statements in conformity with GAAP. Given the cost of internal controls should not outweigh their benefits, the City's comprehensive framework of internal control has been designed to provide reasonable, rather than absolute, assurance that the financial statements will be free from material misstatement.

To the best of our knowledge and belief, the enclosed data is accurate in all material respects and is reported in a manner designed to present fairly the financial position and the changes in financial position of the governmental activities and the various funds of the City; and includes all disclosures necessary to enable the reader to gain an understanding of the City's financial affairs.

CITY PROFILE

The City of Oakley is a community of approximately 44,000 residents located in the eastern portion of Contra Costa County in the San Francisco Bay Area. The City entity is a California municipality incorporated on July 1, 1999, and operates under a Council-City Manager form of government. The City Council is comprised of five members elected by the voters, city-wide, serving in staggered four year terms. The Council hires a City Manager to run the City's day-to-day operations.

The City provides the following services: Legislative; Administrative; Building and Safety; Code Enforcement, Planning; Engineering; Streets, Parks and Landscape Maintenance; Recreation; and Police Protection. Other community services that are provided by local special districts with their own governing boards include: Sewer, Water, Transit, Irrigation, Mosquito Abatement, Flood Control, Schools, and Fire Protection. The City contracts for sanitation services with a local firm under a long-term franchise agreement.

FINANCIAL INFORMATION

Discussion and analysis of the City's finances can be found in the MD&A section of the attached report. The information below includes a summary of what is recorded in the General Fund and certain Other Financial Information of ongoing interest but not included in the MD&A.

The Financial Statements presented in this ACFR include the City and its component unit, the Oakley Public Financing Authority. It is blended in the report since it is governed by the City Council sitting in a separate capacity and provides services exclusively to the City. The Oakley Redevelopment Agency was dissolved on January 31, 2012, and its assets and liabilities were transferred to the City, as Housing Successor, and to a Successor Agency. The Successor Agency is reported as a Private Purpose Trust Fund, since it is legally a separate Entity and its decisions and governance subject to the approval of parties other than the City Council.

Each year, the City Council holds a strategic planning discussion and adopts a budget to direct the allocation of City resources in accordance with its strategic planning priorities. The process typically begins in January with internal budget reviews, followed by a strategic planning session in March, a budget workshop in May to discuss a Proposed Budget, and adoption of a final Recommended Budget in June. The development of the Fiscal Year 2021/22 Proposed Budget included a City Council and Staff Strategic Planning Session on April 19th that was live-streamed and open for public input, and one citizen did submit written comments. In 2020, a survey was also sent out to citizens of Oakley regarding their priorities for the City of Oakley Fiscal Year 2020-2021 Budget. The input that we received was incorporated into this budget as well.

The City operates on a fiscal year that begins each July 1 and ends on June 30. The adopted Budget includes the annual update of the City's Comprehensive Statement of Financial Policies, which serves as a framework for its financial practices, an update to its 10 Year Plan, and budgets for each of the funds under the City's control. Budgetary control is established at the Fund level.

The City's General Fund is its primary operating fund, and is used to account for Legislative, Administrative Services, Community Development, Recreation, Police and Public Works operations, and is where the City accounts for all its general purpose revenues. It is distinguished from the City's other governmental funds that are used to account for special purpose revenues, capital projects, debt service activities, and monies held for the benefit of others.

Debt Management

The City generally does not incur debt, except in instances where there will be long-term benefits or where no other method of acquiring an asset is possible. Equipment purchases are generally funded through the City's Equipment Replacement Fund or with current revenues.

Reserves

The City has sufficient reserves to meet its current and immediate future obligations. The Statement of Financial Policies contains reserve policies and the City's Adopted Budget includes a 10 Year Plan which highlights the impact of near term decisions on fund balances and reserves during the 10-year period. Furthermore, in order to maintain the 10 Year Plan's relevance, twice each year (at budget adoption and again at mid-year), the City reviews and updates the assumptions used in the Plan.

ECONOMIC FACTORS AND NEXT YEAR'S BUDGET

In preparing the budget for FY 2021/22, management considered the following significant factors likely to affect the financial condition of the City:

- Housing prices have continued to strengthen and building activity continues to grow, with 275 new homes built in FY 2020/21. Property tax revenue growth was budgeted conservatively at 1%, due to the many uncertainties created by the COVID-19 Pandemic. However, with record-low interest rates, we are now anticipating a 5% to 6% growth in property tax revenue in Fiscal Year 2021/22, reflecting the increasing market strength, offset by conservative estimates of what the County Assessor might or might not reflect in his assessed values. In addition, the City projects developers will complete at least 350 new homes in Fiscal Year 2021/22.

- The City is also anticipating a rise in commercial and industrial development with the Contra Costa Logistic Center opening one more building, totaling more than 480,000 square feet of building area in Fiscal Year 2021/22. At build-out, the Center will provide approximately 1.7 million square feet of new, Class A light industrial, warehousing, distribution, e-commerce fulfillment, and light manufacturing space that will serve as a regional catalyst for jobs and business in the City and beyond.

- The City has accumulated reserves well in excess of its adopted policy level of 20% of anticipated General Fund expenditures. With an adequate reserve, the Council has begun the appropriation of the excess to fund one-time additional infrastructure and economic development investments.

- In December 2016 the California Public Employees Retirement System ("CalPERS") lowered the discount rate assumption, the long-term rate of return from 7.50% to 7% over the subsequent three years. On November 15, 2021, the CalPERS Board voted to lower the rate further, from 7% to 6.8%. In FY 2017/18 the City set up a pension trust that will be used to reduce the unfunded accrued liability and/or provide rate stabilization in future years. In FY 2019/20, the City Council appropriated $200,000 towards the 115 Pension Trust and an additional $300,000 was appropriated in the FY 2020/21 Budget. The City of Oakley also paid down just over $1 million of its unfunded accrued liability (UAL) during FY 2019/20 and an additional $500,000 was paid down during FY 2020/21. The City has also set aside reserves of $700,000 for consideration of future section 115 Trust investments or UAL pay-downs.

- Passed by Congress on March 25, 2020 and signed into law on March 27, 2020, the Coronavirus Aid, Relief, and Economic Security (CARES) Act (2020) provided fast and direct economic assistance for American workers, families, small businesses and industries. The CARES Act established the Coronavirus Relief Fund which was to be used to make payments to States, local and tribal governments and US territories. The money was to be used to help offset costs incurred by the COVID-19 public health emergency. Between July 2020 and October 2020, The City of Oakley received $524,272 and used the funding to offset costs associated to Public Safety expenses.

- On March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law. Section 9901 of the ARPA amended Title VI of the Social Security Act to add Section 603. This establishes the Coronavirus State & Local Fiscal Recovery Fund (SLFRP) for local governments across the U.S. Every city and town received a funding allocation. In California, both large cities-entitlement cities (populations over 50,000) and small cities – non-entitlement cities (populations of less than 50,000, which includes the City of Oakley) have received ARPA funding allocations. In total, small cities (non-entitlement, cities including Oakley) in California received $1.2 billion. At the time the budget was being prepared, it was estimated that the City of Oakley would receive approximately $8 million. Since then, it has been determined that the City of Oakley will receive nearly $10.2 million, with half being received in July of 2021 and the other half to be received in July of 2022.

While the budget news was generally good, the City Council continues to support a budget process that uses recurring revenues for recurring expenditures and allocates one-time funds for one-time purposes, reflecting the Council's commitment to conservative budgeting, controlling costs, and using the City's revenues wisely.

LONG TERM FINANCIAL PLANNING

The City adopts a balanced budget for each fiscal year by June 30. The City has financial policies that include the use of one-time revenues will be used for non-recurring or one-time expenditures including capital and reserves. The City has adopted a fund balance policy that requires the unassigned fund balance in the General Fund to be at least 20% of operating expenditures. As part of the budgeting process a 10 year financial projection is approved each year. This creates the framework to evaluate the City's success in ensuring service sustainability. Each year a 5-year Capital Improvement Plan is created to maintain the core infrastructure of the City will building new infrastructure for the community.

THE LOCAL AND REGIONAL ECONOMIES

Oakley's local economy continued to grow in FY 2020/21, in spite of the COVID-19 Pandemic. While commercial activity in the region has improved, commercial vacancies in nearby cities remain a viable and competing alternative to new ground-up construction in Oakley. New development and City initiatives bring infrastructure improvements and attractive new neighborhoods. These investments support the City's efforts to attract new businesses and expand existing local employment opportunities. The City continues the revitalization of the downtown area with the improvement and widening of Main Street. New commercial development is planned in the downtown and grant funding has been received by the San Joaquin Joint Powers Authority to install an Amtrak train platform in the downtown area.

Like most small cities in metropolitan areas, Oakley's economy is influenced strongly by the regional economy. It rises as the region expands, and falls as the region contracts.

The greater San Francisco Bay Area economy has continued to improve this last year, and employment for the City's residents has improved yet again. Oakley has a labor force of 19,300 with an unemployment rate that dropped to 7.2 % in August 2021, compared to14.7% in 2020 and 3.7% in 2019.

INDEPENDENT AUDITORS

State statutes require an annual audit by independent certified public accountants. The accounting firm of Maze & Associates has been engaged by the City to conduct this year's audit. The auditor's report on the basic financial statements is included in the financial section of the report.

AWARDS FOR EXCELLENCE IN FINANCIAL REPORTING

The Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the City for its comprehensive annual financial report for the fiscal year ended June 30, 2020. To receive the award, a government must publish an easily readable and efficiently organized comprehensive annual financial report. This report must satisfy both generally accepted accounting principles and applicable legal requirements. A Certificate of Achievement is valid for a period of one year only. We believe that our current comprehensive annual financial report continues to meet the Certificate of Achievement Program's requirements and we are submitting it to the GFOA to determine its eligibility for another certificate.

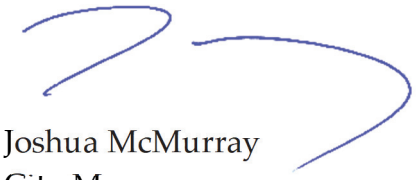
AVAILABILITY TO THE PUBLIC

Once accepted by the Council, the report will be made available to the Public at the City Offices, on the City's website, at State and Federal repositories, and by providing copies to the City's bond disclosure dissemination agent.

CONCLUSION

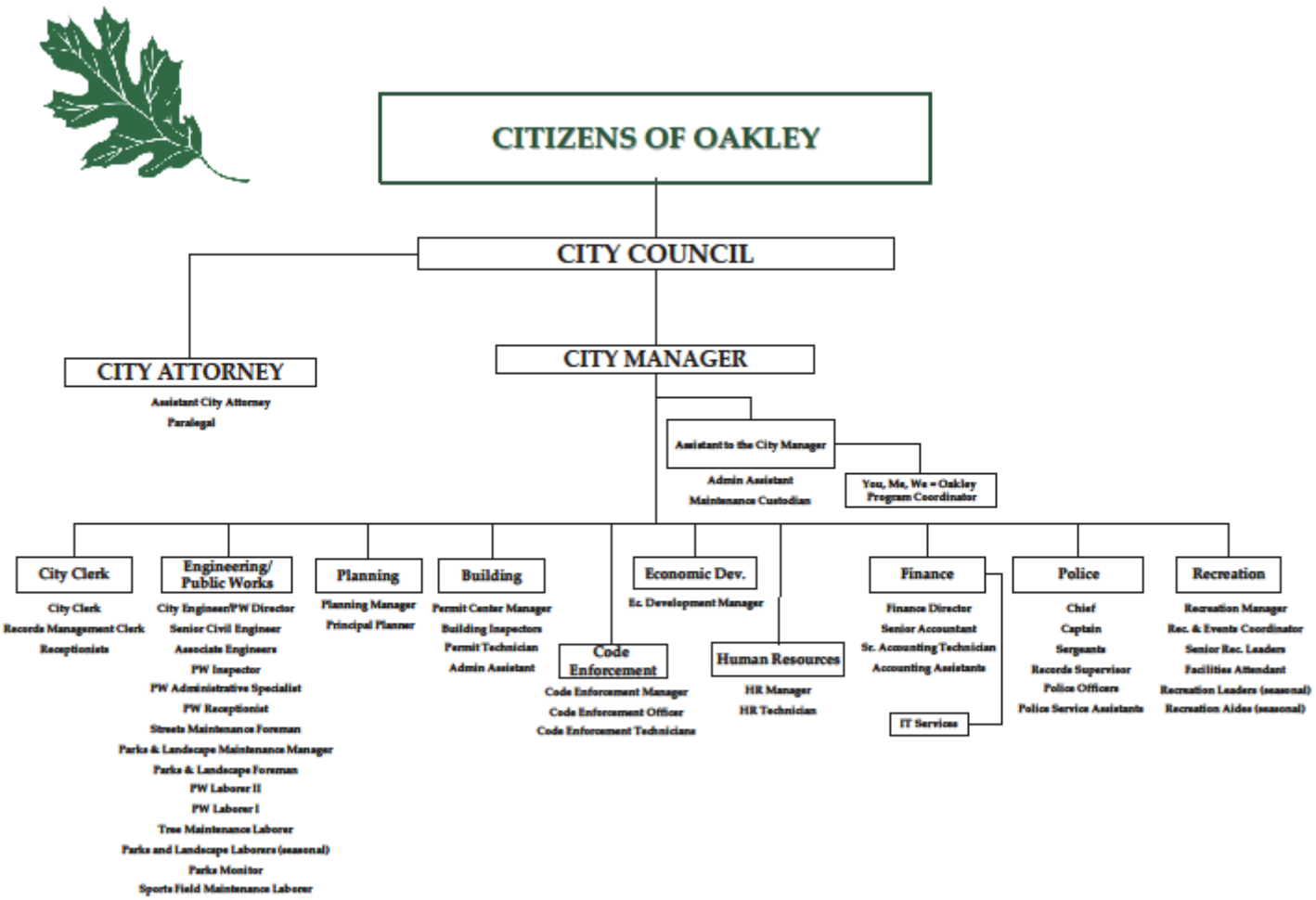
We are proud to deliver to you the City's Annual Comprehensive Financial Report for the year ended June 30, 2021. The preparation of this report on a timely basis could not be accomplished without the dedicated services of Finance Department staff and the assistance of many others in the City organization. We would like to express our appreciation to everyone who contributed to its preparation and thank you for your continued support in planning and conducting the financial operations of the City in a responsible and progressive manner.

Respectfully submitted,



Joshua McMurray
City Manager

Tim Przybyla
Finance Director


CITIZENS OF OAKLEY
CITY COUNCIL
CITY ATTORNEY
Assistant City Attorney
Paralegal
CITY MANAGER
Assistant to the City Manager
Admin Assistant
Maintenance Custodian
You, Me, We = Oakley Program Coordinator
City Clerk
City Clerk
Records Management Clerk
Receptionists
Engineering/ Public Works
City Engineer/PW Director
Senior Civil Engineer
Associate Engineers
PW Inspector
PW Administrative Specialist
PW Receptionist
Streets Maintenance Foreman
Parks & Landscape Maintenance Manager
Parks & Landscape Foreman
PW Laborer II
PW Laborer I
Tree Maintenance Laborer
Parks and Landscape Laborers (seasonal)
Parks Monitor
Sports Field Maintenance Laborer
Planning
Planning Manager
Principal Planner
Building
Permit Center Manager
Building Inspectors
Permit Technician
Admin Assistant
Code Enforcement
Code Enforcement Manager
Code Enforcement Officer
Code Enforcement Technicians
Economic Dev.
Ec. Development Manager
Human Resources
HR Manager
HR Technician
Finance
Finance Director
Senior Accountant
Sr. Accounting Technician
Accounting Assistants
IT Services
Police
Chief
Captain
Sergeants
Records Supervisor
Police Officers
Police Service Assistants
Recreation
Recreation Manager
Rec. & Events Coordinator
Senior Rec. Leaders
Facilities Attendant
Recreation Leaders (seasonal)
Recreation Aides (seasonal)

CITY OF OAKLEY

ELECTED OFFICIALS AND ADMINISTRATIVE PERSONNEL

JUNE 30, 2021

ELECTED OFFICIALS

Mayor	Sue Higgins
Vice-Mayor	Randy Pope
Council Member	George Fuller
Council Member	Aaron Meadows
Council Member	Anissa Williams

ADMINISTRATIVE PERSONNEL

Interim City Manager	Josh McMurray
City Attorney	Derek Cole
Finance Director	Tim Przybyla
Chief of Police	Dean Capelletti
City Clerk	Libby Vreonis
Human Resources Director	Nancy Marquez-Suarez
Public Works Director/City Engineer	Kevin Rohani
Recreation Director	Lindsey Bruno

Government Finance Officers Association

Certificate of Achievement for Excellence in Financial Reporting

Presented to

City of Oakley
California

For its Comprehensive Annual
Financial Report
For the Fiscal Year Ended

June 30, 2020

Christopher P. Morrill

Executive Director/CEO

FINANCIAL SECTION

MAZE & ASSOCIATES

INDEPENDENT AUDITOR'S REPORT

To the Honorable Mayor and City Council
City of Oakley, California

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the City of Oakley, California, as of and for the year ended June 30, 2021, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the Table of Contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the City's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund of the City as of June 30, 2021, and the respective changes in financial position and, where applicable, cash flows thereof and the respective budgetary comparisons listed in the Table of Contents as part of the basic financial statements for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Accountancy Corporation
3478 Buskirk Avenue, Suite 215
Pleasant Hill, CA 94523

T 925.930.0902
F 925.930.0135
E maze@mazeassociates.com
W **mazeassociates.com**

Change in Accounting Principles

Management adopted the provisions of Governmental Accounting Standards Board Statement No. 84 – *Fiduciary Activities*, which became effective during the year ended June 30, 2021 and established the new fund type, Custodial Funds, and eliminated the fund type of Agency Funds as discussed in Note 1M to the financial statements.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that Management's Discussion and Analysis and other Required Supplementary Information as listed in the Table of Contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements as a whole. The Introductory Section, Supplemental Information, and Statistical Section listed in the Table of Contents are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The Supplemental Information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the Supplemental Information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

The Introductory and Statistical Sections have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated November 29, 2021 on our consideration of the City's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control over financial reporting and compliance.

Maze & Associates

Pleasant Hill, California
November 29, 2021

MANAGEMENT'S DISCUSSION AND ANALYSIS

This discussion and analysis of the City of Oakley's financial performance for the fiscal year ended June 30, 2021, provides an overview of year ending results based on the government-wide statements, an analysis on the City's overall financial position and results of operations to assist users in evaluating the City's financial position, and discussions of both significant changes that occurred in funds and significant budget variances. In addition, it describes the activities during the year for capital assets and long-term debt. It concludes with a description of currently known facts, decisions, and conditions that are expected to have a significant effect on the financial position or results of operations. Please read this MD&A in conjunction with the City's financial statements.

FINANCIAL HIGHLIGHTS

- Government-wide net position increased by $43,130,143, or 17.08 percent this year.
- Government-wide program revenues exceeded program expenditures by $27,599,232.
- General Fund revenues were $4,846,354 more than budgeted; expenditures were $2,124,496 less than budgeted.
- The General Fund balance at the end of the year was $24,334,923 of which $12,790,759 was available/unassigned.

USING THIS ANNUAL REPORT

This annual report consists of a series of financial statements. The Statement of Net Position and Statement of Activities (on pages 14 and 15) provide information about the activities of the City as a whole and present a long-term view of the City's finances. Fund financial statements start on page 18. For governmental activities, the fund financial statements tell how these services were financed in the short term as well as what remains for future spending. Fund financial statements also report the City's operations in more detail than the government-wide statements by providing information about the City's most significant funds and other funds. The remaining fiduciary fund statement provides financial information about activities for which the City acts solely as a trustee or agent for the benefit of those outside of the government.

REPORTING THE CITY AS A WHOLE

The Statement of Net Position and the Statement of Activities:

Our analysis of the City as a whole begins on page 5. One of the most important questions asked about the City's finances is "Is the City as a whole better off or worse off as a result of the year's activities?" The Statement of Net Position and the Statement of Activities report information about the City as a whole and about its activities to answer this question. These statements include all assets, deferred outflows/inflows of resources and liabilities of the City using the *accrual basis of accounting*, which is similar to the accounting used by most private-sector companies. All of the current year's revenues and expenses are considered regardless of when cash is received or paid.

These two statements report the City's *net position* and *changes in net position.* Net position is the difference between assets plus deferred outflows of resources and liabilities plus deferred inflows of resources, which is one way to measure the City's financial health, or *financial position*. Over time, *increases or decreases* in the City's net position is an indication of whether its *financial health* is improving or deteriorating. To put the City's financial health in perspective, you will likely need to consider certain non-financial factors, such as changes in the economy, that impact consumer spending or property values. In the statement of Net Position and the Statement of Activities, we include City Activities from two categories:

Governmental activities – Most of the City's basic services are reported in this category, and include general government (city manager, city clerk, finance, etc.), community development (planning and building, public works and parks, police protection, and recreation. Property taxes, sales tax, transient occupancy tax, user fees, interest income, franchise fees, state and federal grants, contributions from other agencies, and other revenues finance these activities.

Component unit activities – The City includes one additional legal entity in its report – the Oakley Public Financing Authority. Although legally separate, the City is financially accountable for this "component unit".

REPORTING THE CITY'S MOST SIGNIFICANT FUNDS

Fund Financial Statements

The fund financial statements provide detailed information about the most significant funds (called "major" funds) and other funds (called "non-major" funds) – not the City as a whole. Some funds are required by State law and/or by bond covenants; however, management has established other funds to help it control and manage money for particular purposes or to show that it is meeting legal responsibilities for the use of certain taxes, grants, and other resources. The City's funds are classified as Governmental Funds, Proprietary Funds or Fiduciary Funds.

Governmental Funds

Most of the City's basic services are reported in governmental funds, which focus on how money flows in and out of those funds and the balances left at year-end that are available for spending. These funds are reported using an accounting method called *modified accrual* accounting, which measures cash and all other *financial* assets that can readily be converted to cash. The governmental fund statements provide a detailed *short-term view* of the City's general government operations and the basic services it provides. Governmental fund information helps determine whether there are more or fewer financial resources that can be spent in the near future to finance the City's programs. The differences of results in the Governmental Fund financial statements to those in the Government-Wide financial statements are explained in a reconciliation following each Governmental Fund financial statement.

Proprietary Funds - Internal Service Activities

The City has established Equipment Replacement and Capital Facilities Maintenance and Replacement Internal Services Funds. Internal Service Funds are operated in a manner similar to a private business enterprise. In the case of the Equipment Replacement Fund, it charges the other City funds to accumulate amounts sufficient to replace the equipment at the end of its useful life. The Capital Facilities Maintenance and Replacement Fund charges the other City Funds to accumulate amounts sufficient pay for major repairs and building systems replacements when they may occur. These Funds are reported using the *accrual basis of accounting*.

Trust and Agency Funds - Reporting the City's Fiduciary Responsibilities

The City is the trustee, or *fiduciary,* for certain funds held on behalf of bondholders and other governmental agencies. The City's fiduciary activities are reported in separate Statements of Fiduciary Net Position and Changes in Fiduciary Net Position. We exclude these activities from the City's other financial statements because the City doesn't own these assets and cannot use them to finance its operations. The City is the Successor Agency to the Oakley Redevelopment Agency, and the Successor Agency's assets and liabilities are accounted for in a private purpose trust fund reported with the City's other fiduciary funds.

THE CITY AS A WHOLE

For Fiscal Year 2020/21 the City's combined net position increased $43,130,143 from $252,567,097 to $295,697,240. The analysis below focuses on the net position (Table 1) and changes in net position (Table 2) of the City's governmental activities.

Table 1
Net Position
As of June 30, 2021 and 2020

Governmental Activities	**2021**	**2020**
Assets		
Current and restricted assets	$ 90,687,911	$ 69,937,796
Capital assets	223,742,426	199,319,875
Total Assets	314,430,337	269,257,671
Deferred Outflows of Resources Related to pensions (Note 11)	3,437,053	3,482,156
Liabilities		
Long-term debt outstanding	8,560,000	8,865,000
Other liabilities	12,969,236	11,218,090
Total Liabilities	21,529,236	20,083,090
Deferred Inflows of Resources Related to pensions (Note 11)	640,914	89,640
Net Position		
Net Investment in Capital Assets	214,187,285	188,554,875
Restricted	48,460,572	39,992,104
Unrestricted	33,049,383	24,020,118
Total Net Position	$ 295,697,240	$ 252,567,097

The City's Net Position is made-up of three components: Net Investment in Capital Assets; Restricted Net Position; and Unrestricted Net Position. Net Investment in Capital Assets, representing capital assets, and principally infrastructure assets, accounts for the majority of the City's governmental activities net position.

The increase of $25,632,410 in Net Investment in Capital Assets resulted primarily from the contribution of street and parks infrastructure from developers including, Gilbert Property, Duarte Ranch and Emerson Ranch.

The increase of $8,468,468 in Restricted Net Position is primarily due to funds restricted for capital projects, as a result of current year project expenditures and carryover to the next year for project completion.

The increase of $9,029,265 in Unrestricted Net Position is primarily attributed to the General Fund revenues in excess of expenditures. With a conservative budget due to the uncertainties of the COVID 19 pandemic, property tax, sales tax and building permits were all more than anticipated. Large capital projects, primarily related to street repairs, were carried over to FY 2021/22 bringing FY 2020/21 expenditures in under budget.

Table 2
Changes in Net Position
As of June 30, 2021 and 2020

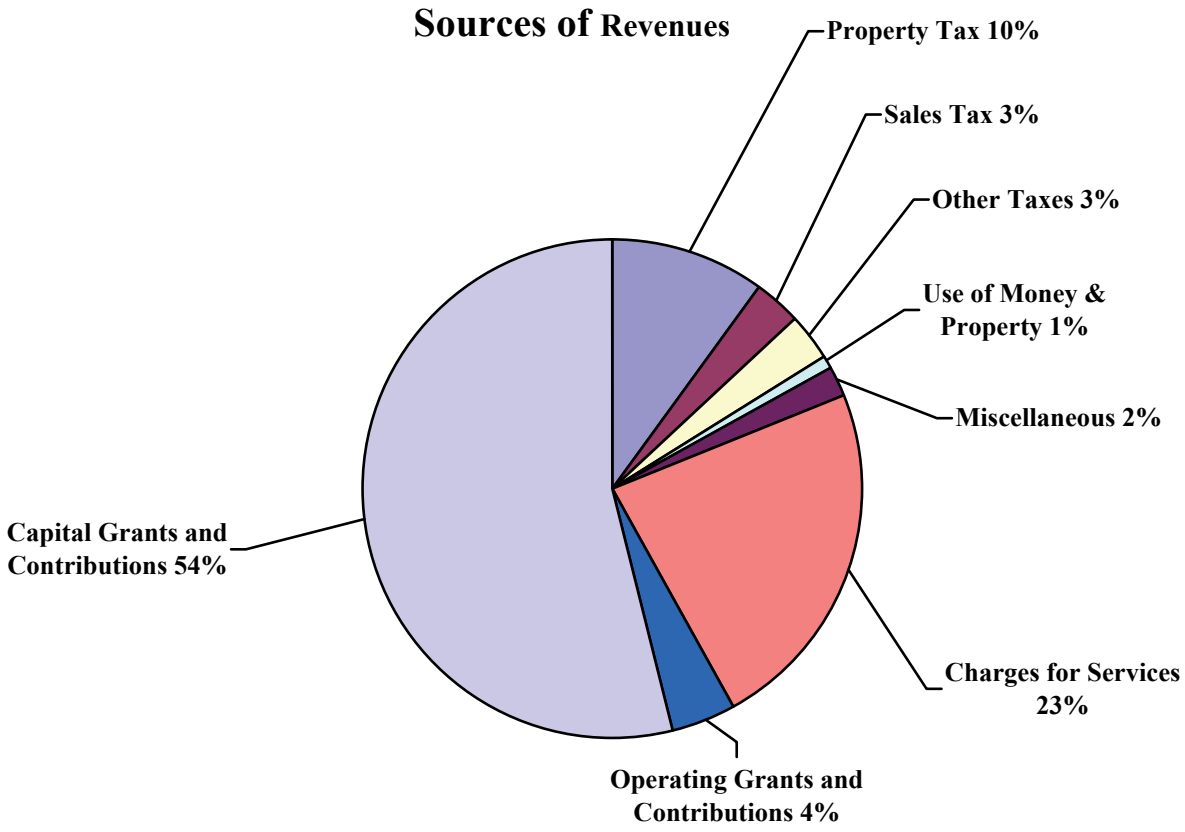
Governmental Activities	**2021**	**2020**
REVENUES		
Program revenues:		
Charges for Services	$ 19,373,945	$ 15,762,029
Operating Grants & Contributions	2,895,109	2,246,262
Capital Grants & Contributions	45,154,818	10,090,275
General revenues:		
Property tax	8,569,457	7,965,003
Sales tax	2,485,023	2,183,053
Other taxes	2,474,503	2,275,039
Use of money and property	755,854	1,572,811
Miscellaneous	1,241,615	1,940,098
Total Revenues	82,950,324	44,034,570
EXPENSES		
Legislative	722,088	661,388
Administrative Services	3,056,064	3,197,031
Law Enforcement	10,138,852	10,257,399
Community Development and Housing	3,439,987	4,575,972
Public Works	21,436,956	13,197,601
Recreation	652,829	661,635
Interest on long-term debt	373,405	378,462
Total Expenses	39,820,181	32,929,488
Change in Net Position	43,130,143	11,105,082
Net Position – Beginning	252,567,097	241,462,015
Net Position – Ending	$ 295,697,240	$ 252,567,097

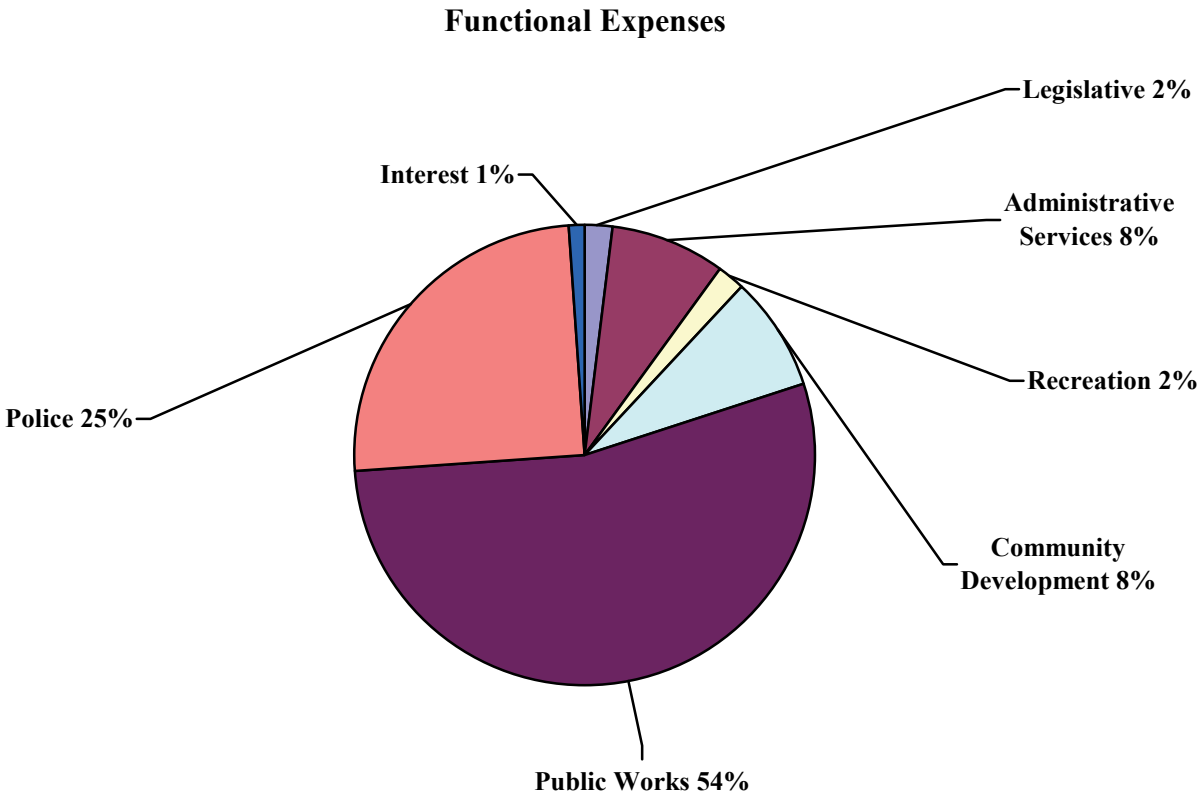
Governmental Activities

Total revenue was $82,950,324. Capital grants and contributions, which accounts for 54% of revenue, saw an increase of $35,064,543. This increase is significantly due to streets and parks infrastructure contributed by development. Charges for services which accounts for 23% of revenue increased $3,611,916 due to unprecedented development continuing within the City. Property taxes increased $604,917 due to increased property values and the increase in new homes. Most other categories experienced slight increases.

Total expenses were $39,820,181. Public works, with $21,436,956 of expenses, represented the largest component of total governmental expenses. The $8,239,355 increase in public works expenses resulted from increases in capital projects for street repair and maintenance. Other categories remained similar to the prior year with some seeing slight decreases with the most significant decrease in Community Development and Housing. This decrease was due to a one-time land transaction that occurred in FY 2019/20.

Fiscal Year 2021 Government Activities





THE CITY'S FUNDS

On page 22, the governmental funds balance sheet is shown. The combined fund balance was $68,416,266, an increase of $17,045,563. The largest contributors to the change in fund balance were the increases in the General Fund ($6,284,551) primarily due to revenues exceeding expenditures, the increase in the Traffic Impact Fees Fund ($1,584,918) due to increased development and the increase in the Lighting and Landscaping Districts Fund ($1,514,037) resulting from an increase in assessed value and growth of the City. Other Governmental Funds saw a large increase ($7,663,072), primarily due to increases in the Parks Impact Fee and Public Facilities Impact Fee. Both funds saw an increase in revenue due to development. The combined fund balance includes the General Fund balance of $24,334,923.

The General Fund balance increased by $6,284,551 from the prior year. The increased revenues in property taxes and licenses and permits were due to the increase in residential and commercial building and development. Expenditures decreased $627,222 primarily due to decreases in community development and housing.

General Fund Unassigned fund balances increased by $5,448,333, due primarily to increased building revenue related to development and property tax revenue increases.

General Fund revenues were $8,444,351 more than expenditures before transfers. This is a result of building revenue and property taxes coming in higher than anticipated as well as expenditures being less than anticipated.

General Fund Budgetary Highlights

For the City's General Fund, actual revenues of $20,689,912 were $4,846,354 more than the final budgeted revenues of $15,843,558. Property tax, sales tax and other tax revenues exceeded final budget by $1,335,496. The increase in assessed value of property was approximately 8%, which was better than the projected increase of 3%. With the COVID 19 Pandemic at the forefront during budget preparations, sales tax was anticipated to stay the same or decrease as the effects of the Pandemic were unknown. However, the City received $485,023 or 24.3% more sales tax revenues than anticipated. Licenses & permits exceeded final budget by $2,100,136 due to permit revenue increases related to development. Use of money and property revenue was over budget by $113,257 due to increased interest and gain on investments.

Actual General Fund expenditures of $12,245,561 were $2,124,496 less than final budget of $14,370,057. Savings were primarily in community development ($533,897) and law enforcement ($1,035,821). The savings in community development resulted from savings in consulting and contract services in building and planning as well as salaries in building. The savings in law enforcement was a result of vacant police positions creating a savings in salary and benefits.

CAPITAL ASSETS AND DEBT ADMINISTRATION

Capital Assets

At the end of Fiscal Year 2020/21, the City had $223,742,426 invested in a broad range of capital assets including land, streets, bridges, drainage systems, traffic lights, parks, buildings, vehicles and equipment. (See Table 3).

Table 3
Capital Assets
As of June 30, 2021 and 2020

Governmental Activities	**2021**	**2020**
Non Depreciable		
-Land	$ 18,581,634	$ 18,407,212
-Construction in progress	2,457,845	3,466,341
Depreciable, net of accumulated depreciation:		
-Machinery, equipment and vehicles	614,714	694,568
-Buildings and improvements	21,157,989	27,166,739
-Park improvements	16,044,983	11,503,370
-Infrastructure	164,885,261	138,081,645
Total Capital Assets	$223,742,426	$199,319,875

Capital assets increased by $24,422,551 during Fiscal Year 2020/21, with the most significant increase being contribution of streets infrastructure from development in the amount of $31,112,280.

The City's FY 2021/22 capital improvement budget calls for it to spend $21,030,000 for new capital projects, the majority being the construction of roadways, street repair and resurfacing and a regional park project. The projects will be financed primarily with Traffic Impact Fees, Measure J, Park Impact fees and General Fund Allocations. Additional information about the capital assets can be found in Note 7 of the financial statements.

Debt

At year-end, the City's governmental activities had $8,560,000 of outstanding debt as shown in Table 4. In December 2016, the City issued the 2016 Lease Revenue Bonds of $10,025,000 to refinance the outstanding 2006 Certificates of Participation and to finance the construction of the Oakley Recreation Center. Additional information about the City's debt can be found in Note 8 of the financial statements.

Table 4
Outstanding Debt at Year-End

Governmental Activities	**2021**	**2020**
2016 Lease Revenue Bonds	$8,560,000	$8,865,000

During the year, the City made all of its current year debt service payments in a timely manner.

CONTACTING THE CITY FOR FINANCIAL INFORMATION

This financial report is designed to provide our citizens, taxpayers, customers, investors, and creditors with a general overview of the City's finances and to show the City's accountability for the money it receives. If you have questions about this report or need additional financial information, contact the City's Finance Department at the City offices at 3231 Main Street, Oakley, California, by calling (925) 625-7010, or forwarding your inquiry via the "contact us" page on the City's website (www.oakleyinfo.com). This CAFR, as well as other financial documents, is posted in the Finance Department section of the City's website.

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STATEMENT OF NET POSITION AND STATEMENT OF ACTIVITIES

The Statement of Net Position and the Statement of Activities summarize the entire City's financial activities and financial position. They are prepared on the same basis as is used by most businesses, which means they include all the City's assets and deferred outflows of resources and all its liabilities and deferred inflows of resources, as well as all its revenues and expenses. This is known as the full accrual basis—the effect of all the City's transactions is taken into account, regardless of whether or when cash changes hands, but all material internal transactions between City funds have been eliminated.

The Statement of Net Position reports the difference between the City's total assets and deferred outflows of resources and the City's total liabilities and deferred inflows of resources, including all the City's capital assets and all its long-term debt. The Statement of Net Position focuses the reader on the composition of the City's Net Position, by subtracting total liabilities from total assets.

The Statement of Net Position summarizes the financial position of all of the City's Governmental Activities in a single column. The City's Governmental Activities include the activities of its General Fund, along with all its Special Revenue, Capital Projects and Debt Service Funds.

The Statement of Activities reports increases and decreases in the City's Net Position. It is also prepared on the full accrual basis, which means it includes all the City's revenues and all its expenses, regardless of when cash changes hands. This differs from the "modified accrual" basis used in the Fund financial statements, which reflect only current assets, current liabilities, available revenues and measurable expenditures.

The Statement of Activities presents the City's expenses first, listed by program. Program revenues—that is, revenues which are generated directly by these programs—are then deducted from program expenses to arrive at the net expense of each governmental program. The City's general revenues are then listed in the Governmental Activities and the Change in Net Position is computed and reconciled with the Statement of Net Position.

Both these Statements include the financial activities of the City and the Oakley Public Financing Authority, which is legally separate but is a component unit of the City because it is controlled by the City, which is financially accountable for the activities of the entity.

CITY OF OAKLEY
STATEMENT OF NET POSITION
JUNE 30, 2021

	Governmental Activities
ASSETS	
Cash and investments available for operations (Note 3)	$72,172,801
Cash and investments with fiscal agent (Note 3)	1,631,960
Accounts receivable, net of allowance for doubtful accounts (Note 1F)	1,497,821
Interest receivable	51,464
Prepaids and deposits	
Loans receivable (Note 5)	12,009,683
Land held for resale (Note 6)	3,324,182
Capital assets (Note 7):	
Land and construction in progress	21,039,479
Depreciable, net	202,702,947
Total Assets	314,430,337
DEFERRED OUTFLOWS OF RESOURCES	
Related to pensions (Note 11)	3,437,053
LIABILITIES	
Accounts payable	1,660,547
Accrued liabilities	696,178
Deposits payable	2,319,049
Unearned revenue	4,109,876
Interest payable	58,228
Claims payable - due in one year (Note 14)	14,933
Compensated absences (Note 1H):	
Due within one year	290,945
Due in more than one year	1,163,781
Advance from Fire District, due in more than one year (Note 15D)	995,141
Long-term debt (Note 8):	
Due within one year	315,000
Due in more than one year	8,245,000
Net pension liability, due in more than one year (Note 11)	1,660,558
Total Liabilities	21,529,236
DEFERRED INFLOWS OF RESOURCES	
Related to pensions (Note 11)	640,914
NET POSITION (Note 10)	
Net investment in capital assets	214,187,285
Restricted for:	
Capital projects	37,459,392
Debt service	45,336
Low and moderate income housing	10,955,844
Total Restricted Net Position	48,460,572
Unrestricted net position	33,049,383
Total Net Position	$295,697,240

See accompanying notes to financial statements

CITY OF OAKLEY
STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2021

Functions/Programs	Expenses	Program Revenues: Charges for Services	Program Revenues: Operating Grants and Contributions	Program Revenues: Capital Grants and Contributions	Net (Expense) Revenue and Change in Net Position: Governmental Activities
Governmental Activities:					
Legislative	$722,088				($722,088)
Administrative Services	3,056,064	$1,735,746	$774,272		(546,046)
Community Development	3,437,313	4,784,661	47,675	$3,157,359	4,552,382
Public Works	21,436,956	7,021,543	1,760,933	41,997,459	29,342,979
Housing Programs	2,674				(2,674)
Law Enforcement	10,138,852	5,551,232	244,112		(4,343,508)
Recreation	652,829	280,763	68,117		(303,949)
Interest and fiscal charges	373,405				(373,405)
Total Governmental Activities	$39,820,181	$19,373,945	$2,895,109	$45,154,818	27,603,691
General revenues:					
Taxes:					
Property taxes					8,569,457
Sales taxes					2,485,023
Business license taxes					190,154
Transient occupancy taxes					240,477
Franchise taxes					2,043,872
Intergovernmental, unrestricted:					
Motor vehicle in lieu					31,142
Use of money and property					755,854
Miscellaneous					1,210,473
Total General Revenues					15,526,452
Change in Net Position					43,130,143
Net Position-Beginning					252,567,097
Net Position-Ending					$295,697,240

See accompanying notes to financial statements

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FUND FINANCIAL STATEMENTS

Major funds are defined generally as having significant activities or balances in the current year.

MAJOR GOVERNMENTAL FUNDS

The funds described below were determined to be Major Funds by the City in fiscal 2021. Individual non-major funds may be found in the Supplemental Section.

GENERAL FUND

The General Fund is the general operating fund of the City. It is used to account for all financial resources except those required to be accounted for in another fund. Revenues deposited in the General Fund include property tax, sales tax, franchise fees, business licenses, fines and forfeitures and fees for services. This fund is used to finance most of the City's basic services including Legislative, General Administration, Law Enforcement, Public Works and Community Development.

LIGHTING AND LANDSCAPING DISTRICTS SPECIAL REVENUE FUND

This fund accounts for assessments made upon parcels of land within the Lighting and Landscaping Zones #1, #2 and #3 and their use in accordance with the provisions of the State of California Streets and Highway Code.

PUBLIC PROTECTION SPECIAL REVENUE FUND

This fund accounts for dedicated Police Services Special Taxes and State COPS program funds.

DEVELOPER DEPOSITS SPECIAL REVENUE FUND

This fund accounts for deposits received from contractors and property owners to offset the cost of providing certain Community Development services including processing applications and reviewing grading plans of applicant projects.

LOW AND MODERATE INCOME HOUSING ASSET SPECIAL REVENUE FUND

This fund accounts for the housing assets of the former Oakley Redevelopment Agency and loan repayments restricted to low and moderate income housing projects.

TRAFFIC IMPACT FEES CAPITAL PROJECTS FUND

This fund accounts for fees assessed on new development to provide street and road improvements.

CITY OF OAKLEY
GOVERNMENTAL FUNDS
BALANCE SHEET
JUNE 30, 2021

	General	Lighting and Landscaping Districts	Public Protection	Developer Deposits
ASSETS				
Cash and investments available for operations (Note 3)	$20,589,347	$11,568,066	$903	$2,388,294
Cash and investments with fiscal agent (Note 3)	1,109,669			
Accounts receivable, net of allowance for doubtful accounts (Note 1F)	1,200,110			87,627
Interest receivable	19,435	8,428	967	
Due from other funds (Note 4C)	25,952			
Prepaids and deposits				
Loans receivable (Note 5)	109,618			
Advances to other funds (Note 4B)	78,532			
Land held for resale (Note 6)	3,324,182			
Total Assets	$26,456,845	$11,576,494	$1,870	$2,475,921
LIABILITIES				
Accounts payable	$556,546	$352,815		$164,508
Accrued liabilities	663,455			
Due to other funds (Note 4C)				
Deposits payable	4,636			2,311,413
Unearned revenue	897,285			
Advances from other funds (Note 4B)		78,532		
Total Liabilities	2,121,922	431,347		2,475,921
DEFERRED INFLOWS OF RESOURCES				
Unavailable revenue - loans receivable				
Unavailable revenue - interest on advances to other funds				
Total Deferred Inflows of Resources				
FUND BALANCES				
Fund balance (Note 10):				
Nonspendable	3,512,332			
Restricted	1,109,669	11,145,147	$1,870	
Assigned	6,922,163			
Unassigned	12,790,759			
Total Fund Balances (Deficits)	24,334,923	11,145,147	1,870	
Total Liabilities, Deferred Inflows of Resources and Fund Balances	$26,456,845	$11,576,494	$1,870	$2,475,921

See accompanying notes to financial statements

Low and Moderate Income Housing Asset	Traffic Impact Fees	Other Governmental Funds	Total Governmental Funds
$246,373	$11,296,485	$24,744,207	$70,833,675
		522,291	1,631,960
		210,084	1,497,821
1,172	7,557	12,958	50,517
			25,952
11,878,366	21,699		12,009,683
	591,329	578,738	1,248,599
			3,324,182
$12,125,911	$11,917,070	$26,068,278	$90,622,389
	$57,469	$526,142	$1,657,480
		32,723	696,178
		25,952	25,952
		3,000	2,319,049
	2,652,291	560,300	4,109,876
$1,170,067			1,248,599
1,170,067	2,709,760	1,148,117	10,057,134
11,878,366			11,878,366
	136,768	133,855	270,623
11,878,366	136,768	133,855	12,148,989
			3,512,332
	9,070,542	17,017,397	38,344,625
		7,769,760	14,691,923
(922,522)		(851)	11,867,386
(922,522)	9,070,542	24,786,306	68,416,266
$12,125,911	$11,917,070	$26,068,278	$90,622,389

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CITY OF OAKLEY
Reconciliation of the
GOVERNMENTAL FUNDS - BALANCE SHEET
with the
STATEMENT OF NET POSITION
JUNE 30, 2021

Total fund balances reported on the governmental funds balance sheet:	$68,416,266
Amounts reported for Governmental Activities in the Statement of Net Position are different from those reported in the Governmental Funds above because of the following:	
CAPITAL ASSETS	
Capital assets used in Governmental Activities are not current assets or financial resources and therefore are not reported in the Government Funds.	223,742,426
ALLOCATION OF INTERNAL SERVICE FUND NET POSITION	
Internal service funds are not governmental funds. However, they are used by management to charge the costs of certain activities, such as insurance and central services and maintenance, to individual governmental funds. The net current assets of the Internal Service Funds are therefore included in Governmental Activities in the Statement of Net Position.	1,337,006
NON-CURRENT REVENUES	
Revenues which are unavailable on the Fund Balance Sheets because they are not available currently are taken into revenue in the Statement of Activities.	12,148,989
LONG TERM ASSETS AND LIABILITIES	
The assets and liabilities below are not due and payable in the current period and therefore are not reported in the Funds:	
Long-term debt	(8,560,000)
Interest payable	(58,228)
Advance from Fire District	(995,141)
Compensated absences	(1,454,726)
Net pension liability and pension-related deferred outflows/inflows of resources	1,135,581
Claims Payable	(14,933)
NET POSITION OF GOVERNMENTAL ACTIVITIES	$295,697,240

See accompanying notes to financial statements

CITY OF OAKLEY
GOVERNMENTAL FUNDS
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
FOR THE YEAR ENDED JUNE 30, 2021

	General	Lighting and Landscaping Districts	Public Protection	Developer Deposits
REVENUES				
Property taxes	$8,049,872			
Sales tax	2,485,023			
Other taxes	2,808,621	$398,022		
Licenses and permits	4,739,597			
Charges for services	174,986			
Fines and forfeits	77,231			
Intergovernmental:				
Motor vehicle in lieu	31,142			
Other	453,353	2,103	$156,727	
Developer fees				
Special assessments		4,644,519	5,420,492	$1,199,933
Loan repayments				
Use of money and property	356,757	70,017	9,816	
Miscellaneous	1,513,330	2,622		
Total Revenues	20,689,912	5,117,283	5,587,035	1,199,933
EXPENDITURES				
Current:				
Legislative	728,198			
Administrative Services	2,961,495			
Community Development	2,301,185			1,199,933
Public Works	1,305,807	3,772,653		
Housing programs				
Law Enforcement	4,172,992		5,585,165	
Recreation	590,128			
Capital outlay	185,756			
Debt service:				
Principal				
Interest and fiscal charges		392		
Total Expenditures	12,245,561	3,773,045	5,585,165	1,199,933
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	8,444,351	1,344,238	1,870	
OTHER FINANCING SOURCES (USES)				
Transfers in (Note 4A)		169,799		
Transfers (out) (Note 4A)	(2,159,800)			
Total Other Financing Sources (Uses)	(2,159,800)	169,799		
NET CHANGE IN FUND BALANCES	6,284,551	1,514,037	1,870	
FUND BALANCES (DEFICIT) AT BEGINNING OF YEAR	18,050,372	9,631,110		
FUND BALANCES (DEFICIT) AT END OF YEAR	$24,334,923	$11,145,147	$1,870	

See accompanying notes to financial statements

Low and Moderate Income Housing Asset	Traffic Impact Fees	Other Governmental Funds	Total Governmental Funds
		$519,585	$8,569,457
			2,485,023
		1,693,834	4,900,477
			4,739,597
			174,986
			77,231
			31,142
		2,528,090	3,140,273
	$4,847,979	7,565,102	12,413,081
		331,380	11,596,324
$1,494			1,494
4,116	4,954	62,901	508,561
	1,147,753	272,676	2,936,381
5,610	6,000,686	12,973,568	51,574,027
			728,198
			2,961,495
		849,827	4,350,945
	179,584	2,786,035	8,044,079
2,674			2,674
		13,798	9,771,955
		69,397	659,525
	4,236,184	2,907,215	7,329,155
		305,000	305,000
5,821		369,225	375,438
8,495	4,415,768	7,300,497	34,528,464
(2,885)	1,584,918	5,673,071	17,045,563
		2,857,934	3,027,733
		(867,933)	(3,027,733)
		1,990,001	
(2,885)	1,584,918	7,663,072	17,045,563
(919,637)	7,485,624	17,123,234	51,370,703
($922,522)	$9,070,542	$24,786,306	$68,416,266

CITY OF OAKLEY
Reconciliation of the
NET CHANGE IN FUND BALANCES - TOTAL GOVERNMENTAL FUNDS
with the
STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2021

The schedule below reconciles the Net Changes in Fund Balances reported on the Governmental Funds Statement of Revenues, Expenditures and Changes in Fund Balance, which measures only changes in current assets and current liabilities on the modified accrual basis, with the Change in Net Position of Governmental Activities reported in the Statement of Activities, which is prepared on the full accrual basis.

NET CHANGE IN FUND BALANCES - TOTAL GOVERNMENTAL FUNDS	$17,045,563
Amounts reported for governmental activities in the Statement of Activities are different because of the following:	
CAPITAL ASSETS TRANSACTIONS	
Governmental Funds report capital outlays as expenditures. However, in the Statement of Activities the cost of those assets is capitalized and allocated over their estimated useful lives and reported as depreciation expense.	
Capital expenditures are added back to fund balance	7,365,091
Depreciation expense is deducted from fund balance (Depreciation expense is net of internal service fund depreciation of $569,972 which has already been allocated to serviced funds.)	(8,083,559)
Developer dedicated infrastructure is added to fund balance	31,112,280
Loss on capital assets retirement is deducted from fund balance	(5,564,948)
LONG TERM DEBT PROCEEDS AND PAYMENTS	
Bond proceeds provide current financial resources to governmental funds, but issuing debt increases long-term liabilities in the Statement of Net Position. Repayment of bond principal is an expenditure in the governmental funds, but in the Statement of Net Position the repayment reduces long-term liabilities.	
Repayment of debt principal is added back to fund balance	305,000
NON-CURRENT ITEMS	
The amounts below included in the Statement of Activities do not provide or (require) the use of current financial resources and therefore are not reported as revenue or expenditures in governmental funds (net change):	
Non-current portion of compensated absences	(103,822)
Interest payable	2,033
Unavailable revenue	247,560
Advance from Fire District	904,859
Net pension liability and deferred outflows/inflows related to pensions	57,039
Claims payable	(547)
ALLOCATION OF INTERNAL SERVICE FUND ACTIVITY	
Internal Service Funds are used by management to charge the costs of certain activities, such as equipment acquisition and maintenance to individual funds. The portion of the net revenue (expense) of these Internal Service Funds arising out of their transactions with governmental funds is reported with governmental activities, because they service those activities.	
Change in Net Position - Internal Service Fund	(156,406)
CHANGE IN NET POSITION OF GOVERNMENTAL ACTIVITIES	$43,130,143

See accompanying notes to financial statements

CITY OF OAKLEY
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2021

	Original Budget	Amended Budget	Actual Amounts	Variance Positive (Negative)
REVENUES				
Property taxes	$7,652,020	$7,652,020	$8,049,872	$397,852
Sales taxes	1,720,000	2,000,000	2,485,023	485,023
Other taxes	1,832,000	2,356,000	2,808,621	452,621
Licenses and permits	1,418,461	2,639,461	4,739,597	2,100,136
Charges for services	162,150	108,350	174,986	66,636
Fines and forfeits	87,600	37,600	77,231	39,631
Intergovernmental:				
Motor vehicle in lieu	15,000	15,000	31,142	16,142
Other	436,837	376,837	453,353	76,516
Use of money and property	283,700	243,500	356,757	113,257
Miscellaneous	71,790	414,790	1,513,330	1,098,540
Total Revenues	13,679,558	15,843,558	20,689,912	4,846,354
EXPENDITURES				
Current:				
Legislative	911,325	917,259	728,198	189,061
Administrative Services	2,241,101	3,064,558	2,961,495	103,063
Community Development	2,655,267	2,835,082	2,301,185	533,897
Public Works	1,040,079	1,256,774	1,305,807	(49,033)
Law Enforcement	4,812,781	5,208,813	4,172,992	1,035,821
Recreation	872,384	879,207	590,128	289,079
Capital outlay	22,000	208,364	185,756	22,608
Total Expenditures	12,554,937	14,370,057	12,245,561	2,124,496
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	1,124,621	1,473,501	8,444,351	6,970,850
OTHER FINANCING SOURCES (USES)				
Transfers in	75,000	75,000		(75,000)
Transfers (out)	(1,475,000)	(2,434,800)	(2,159,800)	275,000
Total Other Financing Sources (Uses)	(1,400,000)	(2,359,800)	(2,159,800)	200,000
NET CHANGE IN FUND BALANCES	($275,379)	($886,299)	6,284,551	$7,170,850
Fund balance at beginning of year			18,050,372	
Fund balance at end of year			$24,334,923	

See accompanying notes to financial statements

CITY OF OAKLEY
LIGHTING AND LANDSCAPING DISTRICTS SPECIAL REVENUE FUND
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2021

	Original Budget	Amended Budget	Actual	Variance Positive (Negative)
REVENUES				
Other taxes	$175,000	$379,000	$400,125	$21,125
Special assessments	4,227,110	4,227,110	4,644,519	417,409
Use of money and property	78,775	78,775	70,017	(8,758)
Miscellaneous			2,622	2,622
Total Revenues	4,480,885	4,684,885	5,117,283	432,398
EXPENDITURES				
Current:				
Public Works	5,733,864	5,754,828	3,772,653	1,982,175
Debt service:				
Interest and fiscal charges			392	(392)
Total Expenditures	5,733,864	5,754,828	3,773,045	1,981,783
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	(1,252,979)	(1,069,943)	1,344,238	2,414,181
OTHER FINANCING SOURCES (USES)				
Transfers in	369,722	369,722	169,799	(199,923)
Transfers out	(180,000)	(180,000)		180,000
Total Other Financing Sources (Uses)	189,722	189,722	169,799	(19,923)
NET CHANGE IN FUND BALANCES	($1,063,257)	($880,221)	1,514,037	$2,394,258
Fund balance at beginning of year			9,631,110	
Fund balance at end of year			$11,145,147	

See accompanying notes to financial statements

CITY OF OAKLEY
PUBLIC PROTECTION SPECIAL REVENUE FUND
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2021

	Original Budget	Amended Budget	Actual	Variance Positive (Negative)
REVENUES				
Intergovernmental:				
Other	$100,000	$100,000	$156,727	$56,727
Special assessments	5,259,050	5,339,050	5,420,492	81,442
Use of money and property	2,925	2,925	9,816	6,891
Miscellaneous				
Total Revenues	5,361,975	5,441,975	5,587,035	145,060
EXPENDITURES				
Current:				
Law Enforcement	5,361,975	5,441,975	5,585,165	(143,190)
Total Expenditures	5,361,975	5,441,975	5,585,165	(143,190)
NET CHANGE IN FUND BALANCES			1,870	$1,870
Fund balance at beginning of year				
Fund balance at end of year			$1,870	

See accompanying notes to financial statements

CITY OF OAKLEY
DEVELOPER DEPOSITS SPECIAL REVENUE FUND
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2021

	Original Budget	Amended Budget	Actual	Variance Positive (Negative)
REVENUES				
Developer fees	$470,000	$1,078,000	$1,199,933	$121,933
Total Revenues	470,000	1,078,000	1,199,933	121,933
EXPENDITURES				
Current:				
Community Development	470,000	1,078,000	1,199,933	(121,933)
Total Expenditures	470,000	1,078,000	1,199,933	(121,933)
NET CHANGE IN FUND BALANCES				
Fund balance at beginning of year				
Fund balance at end of year				

See accompanying notes to financial statements

CITY OF OAKLEY
LOW AND MODERATE INCOME HOUSING ASSET SPECIAL REVENUE FUND
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2021

	Original Budget	Amended Budget	Actual	Variance Positive (Negative)
REVENUES				
Loan repayment	$10,000	$10,000	$1,494	($8,506)
Use of money and property	700	700	4,116	3,416
Total Revenues	10,700	10,700	5,610	(5,090)
EXPENDITURES				
Current:				
Housing programs	3,500	3,500	2,674	826
Debt service:				
Interest	10,000	10,000	5,821	4,179
Total Expenditures	13,500	13,500	8,495	5,005
NET CHANGE IN FUND BALANCES	($2,800)	($2,800)	(2,885)	($85)
Fund balance (deficit) at beginning of year			(919,637)	
Fund balance (deficit) at end of year			($922,522)	

See accompanying notes to financial statements

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INTERNAL SERVICE FUNDS

Internal service funds account for City operations financed and operated in a manner similar to a private business enterprise. The intent of the City is that the cost of providing goods and services to other City funds be financed through user fees to those funds

The concept of major funds does not extend to internal service funds because they do not do business with outside parties. For the Statement of Activities, the net revenues or expenses of the internal service fund is eliminated by netting them against the operations of the other City departments which generated them. The remaining balance sheet items are consolidated with these same funds in the Statement of Net Position.

CITY OF OAKLEY
PROPRIETARY FUNDS
STATEMENT OF NET POSITION
JUNE 30, 2021

	Governmental Activities - Internal Service Funds
ASSETS	
Current:	
Cash and investments available for operations (Note 3)	$1,339,126
Receivables:	
Interest	947
Total Current Assets	1,340,073
Noncurrent:	
Capital assets (Note 7):	
Depreciable, net	5,923,448
Total noncurrent Assets	5,923,448
Total Assets	7,263,521
LIABILITIES	
Current:	
Accounts payable	3,067
Total Liabilities	3,067
NET POSITION (Note 10)	
Net investment in capital assets	5,923,448
Unrestricted	1,337,006
Total Net Position	$7,260,454

See accompanying notes to financial statements

CITY OF OAKLEY
PROPRIETARY FUNDS
STATEMENT OF REVENUE, EXPENSES
AND CHANGES IN FUND NET POSITION
FOR THE YEAR ENDED JUNE 30, 2021

	Governmental Activities - Internal Service Funds
OPERATING REVENUES	
Charges for services	$425,000
Miscellaneous	2,024
Total Operating Revenues	427,024
OPERATING EXPENSES	
Supplies	29,915
Depreciation	569,972
Total Operating Expenses	599,887
Operating Income (Loss)	(172,863)
NONOPERATING REVENUES (EXPENSES)	
Gain on sale of capital assets	7,475
Interest income	(1,761)
Total Nonoperating Revenues	5,714
Income (Loss) Before Contributions	(167,149)
Contributions	10,743
Change in net position	(156,406)
BEGINNING NET POSITION	7,416,860
ENDING NET POSITION	$7,260,454

See accompanying notes to financial statements

CITY OF OAKLEY
PROPRIETARY FUNDS
STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED JUNE 30, 2021

	Governmental Activities - Internal Service Funds
CASH FLOWS FROM OPERATING ACTIVITIES	
Receipts from customers	$427,250
Receipts from other income	2,024
Payments to suppliers	(78,464)
Cash Flows from Operating Activities	350,810
CASH FLOWS FROM CAPITAL FINANCING ACTIVITIES	
Proceeds from sale of capital assets	7,475
Acquisition of capital assets	(152,916)
Cash Flows from Capital Financing Activities	(145,441)
CASH FLOWS FROM INVESTING ACTIVITIES	
Interest received	924
Net Cash Flows	206,293
Cash and investments at beginning of period	1,132,833
Cash and investments at end of period	$1,339,126
NONCASH TRANSACTIONS	
Contribution of capital assets	$10,743
Reconciliation of Operating Income (Loss) to Cash Flows from Operating Activities:	
Operating income (loss)	($172,863)
Adjustments to reconcile operating income (loss) to cash flows from operating activities:	
Depreciation	569,972
Net change in liabilities:	
Accounts receivable	2,250
Accounts payable	(48,549)
Cash Flows from Operating Activities	$350,810

See accompanying notes to financial statements

FIDUCIARY FUNDS

These funds are used to account for assets held by the City as an agent for individuals, private organizations, and other governments. The financial activities of these funds are excluded from the City-wide financial statements, but are presented in separate Fiduciary Fund financial statements. Fiduciary assets are held for others, therefore they are reported in aggregate without indicating whether they are restricted or unrestricted.

Successor Agency to the Redevelopment Agency Private Purpose Trust Fund is used to account for the activities of the Successor Agency to the former Redevelopment Agency of the City of Oakley.

Custodial Funds are used to report resources, not in a trust, that are held by the City for other parties outside of the City's reporting entity.

CITY OF OAKLEY
FIDUCIARY FUNDS
STATEMENT OF FIDUCIARY NET POSITION
JUNE 30, 2021

	Successor Agency to the Redevelopment Agency Private Purpose Trust Fund	Custodial Funds
ASSETS		
Cash and investments (Note 3 and 16)	$1,364,270	$3,424,773
Cash and investments with fiscal agent (Note 3 and 16)	314	1,571,397
Accounts receivable	2,000	
Interest receivable	143	1,214
Loans receivable (Note 16B)	669,455	
Total Assets	2,036,182	4,997,384
LIABILITIES		
Accounts payable		$853,277
Interest payable	268,535	
Due to other agencies		703,011
Due to bondholders		
Unearned revenue	18,692	
Long-term debt (Note 16C):		
Due within one year	845,000	
Due in more than one year	23,801,679	
Total Liabilities	24,933,906	1,556,288
NET POSITION (DEFICIT)		
Restricted for:		
Held in Trust for private purpose	(22,897,724)	
Bondholders		3,441,096
Total Net Position (Deficit)	($22,897,724)	$3,441,096

See accompanying notes to financial statements

CITY OF OAKLEY
FIDUCIARY FUNDS
STATEMENT OF CHANGES IN FIDUCIARY NET POSITION
FOR THE YEAR ENDED JUNE 30, 2021

	Successor Agency to the Redevelopment Agency Private-Purpose Trust Fund	Custodial Funds
ADDITIONS		
Property taxes	$1,933,455	
Special assessments		$1,955,415
Use of money and property	(209)	28,058
Total Additions	1,933,246	1,983,473
DEDUCTIONS		
Administrative expenses		219,100
Redevelopment and economic development	251,500	
Payments to bondholders and related fiscal charges		1,702,313
Debt service:		
Interest and fiscal charges	999,076	
Total Deductions	1,250,576	1,921,413
Change in Net Position	682,670	62,060
NET POSITION (DEFICIT) HELD IN TRUST FOR SUCCESSOR AGENCY AND OTHER GOVERNMENTS		
Beginning of year, as restated (Note 1M)	(23,580,394)	3,379,036
End of year	($22,897,724)	$3,441,096

See accompanying notes to financial statements

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NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The City of Oakley was incorporated as a general law city on July 1, 1999. Oakley is a community of approximately 40,144 residents situated in Contra Costa County on the east side of San Francisco Bay. Oakley is located approximately 50 miles east of the City of San Francisco. The City operates under the Council-Manager form of government and provides the following services: law enforcement, highways and streets, public improvements, planning and zoning, recreation, and general administration services.

The financial statements and accounting policies of the City conform with generally accepted accounting principles applicable to governments. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles. Significant accounting policies are summarized below:

A. Reporting Entity

The City is governed by a five member council elected by City residents. The City is legally separate and fiscally independent which means it can issue debt, set and modify budgets and fees and sue or be sued. The accompanying basic financial statements include only the financial activities of the City and the Oakley Public Financing Authority, which is a component unit controlled by and dependent on the City. The Authority is included ("blended") with funds of the City since it is governed by the City Council sitting in a separate capacity.

The Oakley Public Financing Authority is a separate governmental entity whose purpose is to assist in the financing and refinancing of certain redevelopment activities of the former Redevelopment Agency and certain programs and projects of the City. The Authority's activities to date consist only of the purchase and resale of City or Redevelopment Agency debt issues, and the issuance of the 2004-1 Limited Obligation Bonds, the 2006-1 Infrastructure Revenue Bonds, the 2006 Certificates of Participation and the Refunding Revenue Bonds, Series 2012, the Refunding Revenue Bonds, Series 2014, and the 2016 Lease Revenue Bonds. Separate financial statements are not issued for the Oakley Public Financing Authority.

B. Basis of Presentation

The City's Basic Financial Statements are prepared in conformity with accounting principles generally accepted in the United States of America. The Government Accounting Standards Board is the acknowledged standard setting body for establishing accounting and financial reporting standards followed by governmental entities in the United States of America.

Government-wide Statements: The Statement of Net Position and the Statement of Activities display information about the primary government (the City) and its component units. These statements include the financial activities of the overall City government. Eliminations have been made to minimize the double counting of internal activities. Governmental activities generally are financed through taxes, intergovernmental revenues, and other nonexchange transactions.

The Statement of Activities presents a comparison between direct expenses and program revenues for each function of the City's governmental activities. Direct expenses are those that are specifically associated with a program or function and, therefore, are clearly identifiable to a particular function. Program revenues include (a) charges paid by the recipients of goods or services offered by the programs, (b) grants and contributions that are restricted to meeting the operational needs of a particular program and (c) fees, grants and contributions that are restricted to financing the acquisition or construction of capital assets. Revenues that are not classified as program revenues, including all taxes, are presented as general revenues.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Fund Financial Statements: The fund financial statements provide information about the City's funds, including blended component units. The emphasis of fund financial statements is on major individual governmental funds, each of which is displayed in a separate column. All remaining governmental funds are aggregated and reported as nonmajor funds.

C. Major Funds

Major governmental funds are identified and presented separately in the fund financial statements. All other funds, called non-major funds, are combined and reported in a single column, regardless of their fund-type.

Major funds are defined as funds that have either assets and deferred outflows of resources, liabilities and deferred inflows of resources, revenues or expenditures/expenses equal to ten percent of their fund-type total and five percent of the grand total. The General Fund is always a major fund. The City may also select other funds it believes should be presented as major funds.

The City reported the following major governmental funds in the accompanying financial statements:

General Fund – The General Fund is the general operating fund of the City. It is used to account for all financial resources except those required to be accounted for in another fund. Revenues deposited in the General Fund include property tax, sales tax, franchise fees, business licenses, fines and forfeitures and fees for services. This fund is used to account for most of the City's basic services including Legislative, General Administration, Law Enforcement, Recreation and Community Development.

Lighting and Landscaping Districts Special Revenue Fund – This fund accounts for assessments made upon parcels of land within the Lighting and Landscaping Zones #1, #2 and #3 and their use in accordance with the provisions of the State of California Streets and Highway Code.

Public Protection Special Revenue Fund – This fund accounts for dedicated Police Services Special Taxes and State COPS program funds.

Low and Moderate Income Housing Asset Special Revenue Fund – This fund accounts for the housing assets of the former Oakley Redevelopment Agency and loan repayments restricted to low and moderate income housing projects.

Developer Deposits Special Revenue Fund – This fund accounts for deposits received from contractors and property owners to offset the cost of providing certain Community Development services including processing applications and reviewing grading plans of applicant projects.

Traffic Impact Fees Capital Projects Fund – This fund accounts for fees assessed on new development to provide street and road improvements.

The City also reports the following fund types:

Internal Service Funds – The funds account for equipment replacement and capital facilities maintenance and replacement; all of which are provided to City departments on a cost reimbursement basis.

Fiduciary Funds – These funds are used to account for assets held by the City as an agent or trustee for individuals, private organizations, and other governments. The Successor Agency to the Redevelopment Agency Private-Purpose Trust Fund accounts for the accumulation of resources to be used for payments at appropriate amounts and times in the future. Custodial funds are used to account for assets held by the City for the Assessment Districts 2004-1 and 2006-1, assets held on behalf of the County for regional mitigation fees and on behalf of other agencies for other purposes. The financial activities of these funds are excluded from the City-wide financial statements, but are presented in separate Fiduciary Fund financial statements.

D. Basis of Accounting

The government-wide and fiduciary fund financial statements are reported using the *economic resources measurement focus* and the full *accrual basis* of accounting. Revenues are recorded when *earned* and expenses are recorded at the time liabilities are *incurred,* regardless of when the related cash flows take place.

Governmental funds are reported using the *current financial resources* measurement focus and the *modified accrual* basis of accounting. Under this method, revenues are recognized when *measurable* and *available*. The City considers all revenues reported in the governmental funds to be available if the revenues are collected within sixty days after year-end. Expenditures are recorded when the related fund liability is incurred, except for principal and interest on general long-term debt, claims and judgments, and compensated absences, which are recognized as expenditures to the extent they have matured. Governmental capital asset acquisitions are reported as *expenditures* in governmental funds. Proceeds of governmental long-term debt and acquisitions under capital leases are reported as *other financing sources*.

Those revenues susceptible to accrual are sales tax, transfer tax, fines, interest revenue and gross receipts taxes. Charges for services, and licenses and permits are not susceptible to accrual because they are not measurable until received in cash.

Non-exchange transactions, in which the City gives or receives value without directly receiving or giving equal value in exchange, include taxes, grants, entitlements, and donations. On an accrual basis, revenue from property taxes is recognized in the fiscal year for which the taxes are levied or assessed. Revenue from grants, entitlements, and donations is recognized in the fiscal year in which all eligibility requirements have been satisfied.

The City may fund programs with a combination of cost-reimbursement grants, categorical block grants, special purpose revenues and general purpose revenues. While both restricted and unrestricted Net Position may be available to finance program expenditures the City's policy is to first apply restricted purpose revenues to such programs, followed by general purpose revenues if necessary.

Certain indirect costs are included in program expenses reported for individual functions and activities.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

E. Deferred Outflows/Inflows of Resources

In addition to assets, the statement of net position or balance sheet report a separate section for deferred outflows of resources. This separate financial statement element, *deferred outflows of resources*, represents a consumption of net position that applies to a future period(s) and so will *not* be recognized as an outflow of resources (expense/expenditure) until then.

In addition to liabilities, the statement of net position or balance sheet report a separate section for deferred inflows of resources. This separate financial statement element, *deferred inflows of resources,* represents an acquisition of net position or fund balance that applies to a future period(s) and so will *not* be recognized as an inflow of resources (revenue) until that time. The City has only one item, which arises only under a modified accrual basis of accounting, that qualifies for reporting in this category. Accordingly, the item, *unavailable revenue,* is reported only in the governmental funds balance sheet. The governmental funds report unavailable revenues from three sources: accounts receivable, interest on interfund advances and loans receivable. These amounts are deferred and recognized as an inflow of resources in the period that the amounts become available.

F. Accounts Receivable

Receivables at June 30, 2021 were comprised of the following:

Governmental Activities:	Taxes	Accounts	Inter-Governmental	Total Receivables
General Fund	$1,104,482	$3,462	$92,166	$1,200,110
Developer Deposits Special Revenue Fund		87,627		87,627
Non-Major Governmental Funds			210,084	210,084
Total	$1,104,482	$91,089	$302,250	$1,497,821

G. Property Taxes and Special Assessment Revenue

Revenue is recognized in the fiscal year for which the tax and assessment is levied. The County of Contra Costa levies, bills and collects property taxes and special assessments for the City; under the County's "Teeter Plan" the County remits the entire amount levied for secured taxes and handles all delinquencies, retaining interest and penalties. Secured and unsecured property taxes are levied on January 1 of the preceding fiscal year.

Secured property tax is due in two installments, on November 1 and February 1 and becomes a lien on those dates. It becomes delinquent on December 10 and April 10, respectively. Unsecured property tax is due on July 1, and becomes delinquent on August 31.

The term "unsecured" refers to taxes on personal property other than real estate, land and buildings. These taxes are secured by liens on the personal property being taxed. Secured and unsecured property tax revenues are recognized by the City in the fiscal year they are assessed, provided they become available as defined above.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

H. Compensated Absences

Compensated absences comprise unpaid vacation and certain compensated time off, which are accrued as earned. For all governmental funds, amounts expected to be paid out for permanent liquidation are recorded as fund liabilities; the long-term portion is recorded in the Statement of Net Position. The liability for compensated absences is determined annually. The changes in the compensated absences were as follows:

	Governmental Activities
Beginning Balance	$1,350,904
Additions	568,387
Payments	(464,565)
Ending Balance	$1,454,726
Current Portion	$290,945

The long-term portion of governmental activities compensated absences is liquidated primarily by the General Fund.

I. Prepaids and Deposits

Certain payments to vendors reflect costs applicable to future fiscal years and are recorded as prepaid items in both government-wide and fund financial statements. The cost of prepaid items is recorded as expenditures/expenses when consumed rather than when purchased.

Prepaids and deposits in governmental funds are equally offset by nonspendable fund balance which indicates that they do not constitute available spendable resources even though they are a component of net current assets.

J. Fair Value Measurements

Fair value is defined as the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. The City categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The fair value hierarchy categorizes the inputs to valuation techniques used to measure fair value into three levels based on the extent to which inputs used in measuring fair value are observable in the market.

Level 1 inputs are quoted prices (unadjusted) in active markets for identical assets or liabilities.

Level 2 inputs are inputs – other than quoted prices included within level 1 – that are observable for an asset or liability, either directly or indirectly.

Level 3 inputs are unobservable inputs for an asset or liability.

If the fair value of an asset or liability is measured using inputs from more than one level of the fair value hierarchy, the measurement is considered to be based on the lowest priority level input that is significant to the entire measurement.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

K. Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles (GAAP) requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

L. Cash and Cash Equivalents

The City's cash and cash equivalents are considered to be cash on hand, demand deposits, and short-term investments with original maturities of three months or less from the date of acquisition.

M. Restatement of Net Position

The City implemented the provisions of Governmental Accounting Standards Board Statement No. 84 – Fiduciary Activities during the year ended June 30, 2021. Accordingly, the activities of the Assessment Districts 2004-1 and 2006-1, as well as assets held on behalf of the County for regional mitigation fees and on behalf of other agencies for other purposes, are now reported in custodial funds. As a result of the implementation, the City restated the beginning net positions of the Assessment District 2004-1 Custodial Fund and Assessment District 2006-1 Custodial Fund by increasing the balances in the amounts of $2,232,848 and $1,146,188 respectively.

N. New Fund

During fiscal year 2020-21, the City established the OTS Police Grants Special Revenue Fund to account for grant funding received to pay for overtime expenses on eligible traffic operations.

NOTE 2 – BUDGETS AND BUDGETARY ACCOUNTING

A. Budget Policy

The City follows these procedures in establishing the budgetary data reflected in the financial statements:

1. The City Manager submits to the City Council a proposed operating budget for the fiscal year commencing the following July 1. The operating budget includes proposed expenditures and the means of financing them.

2. Work sessions are conducted to obtain citizen's comments.

3. The budget is legally enacted by City Council resolution.

4. All appropriations transfers between funds must be approved by the City Council by resolution during the fiscal year. The City Manager is authorized to transfer unencumbered appropriations within a fund. In addition, amendments that are made to authorize spending of increased or new special purpose revenues may be approved by the City Manager. The legally adopted budget requires that expenditures not exceed total appropriations at the fund level.

NOTE 2 – BUDGETS AND BUDGETARY ACCOUNTING (Continued)

5. Budgets are adopted for all Governmental Funds except the 2006-1 Assessment District Capital Projects Fund, which is governed by bond convents.

6. Formal budgetary integration is employed as a management control device during the year for all budgeted funds.

7. Budgets are adopted on a basis consistent with generally accepted accounting principles (GAAP).

8. Budgeted amounts appearing in the budgetary comparison statements are as originally adopted or as amended by the City Council or the City Manager, as authorized.

B. Encumbrances

Under encumbrance accounting, purchase orders, contracts and other commitments for the expenditure of monies are recorded in order to reserve that portion of the applicable appropriation. Encumbrance accounting is employed as an extension of formal budgetary integration in all budgeted funds. Unexpended operating appropriations lapse at year end and must be reappropriated in the following year. Unexpended capital projects appropriations are automatically reappropriated in the following year. Encumbrances outstanding at year-end are recorded as restricted, committed or assigned fund balance, depending on the classification of the resources to be used to liquidate the encumbrance, since they do not constitute expenditures or liabilities.

C. Expenditures in Excess of Appropriations

The following funds incurred expenditures in excess of appropriations:

Fund	Excess of Expenditures Over Appropriations
Public Protection Special Revenue Fund	$143,190
Developer Deposits Special Revenue Fund	121,933
Community Facilities District 2015-01 Special Revenue Fund	365,199
Public Facilities Impact Fee Capital Projects Fund	37,522
Fire Impact Fees Capital Projects Fund	460,060
Street Maintenance Reserve Capital Projects Fund	6,079

The funds had sufficient revenues or other resources to finance these expenditures.

NOTE 3 – CASH AND INVESTMENTS

The City pools cash from all sources and all funds, except cash of the Successor Agency and cash with fiscal agents, so that it can be invested at the maximum yield, consistent with safety and liquidity, while individual funds can make expenditures at any time.

NOTE 3 – CASH AND INVESTMENTS (Continued)

A. Policies

The City and its fiscal agents invest in individual investments and in investment pools. Individual investments are evidenced by specific identifiable pieces of paper called *securities instruments,* or by an electronic entry registering the owner in the records of the institution issuing the security, called the *book entry* system. Individual investments are generally made by the City's fiscal agents as required under its debt issues. In order to maximize security, the City employs the Trust Department of a bank as the custodian of all City managed investments, regardless of their form.

California Law requires banks and savings and loan institutions to pledge government securities with a market value of 110% of the City's cash on deposit, or first trust deed mortgage notes with a market value of 150% of the deposit, as collateral for these deposits. Under California Law this collateral is held in a separate investment pool by another institution in the City's name and places the City ahead of general creditors of the institution.

The City's investments are carried at fair value, as required by generally accepted accounting principles. The City adjusts the carrying value of its investments to reflect their fair value at each fiscal year end, and it includes the effects of these adjustments in income for that fiscal year.

B. Classification

Cash and investments are classified in the financial statements as shown below:

City cash and investments:	
Cash and investments available for operations	$72,172,801
Cash and investments with fiscal agent	1,631,960
Total City Cash and Investments	73,804,761
Cash and investments in Fiduciary Funds (Separate Statement):	
Successor Agency to the Redevelopment Agency Private Purpose Trust Fund:	
Cash available for operations	1,364,270
Cash and investments with fiscal agent	314
Custodial Funds:	
Cash and investments available for operations	3,424,773
Cash and investments with fiscal agent	1,571,397
Total Cash and Investments	$80,165,515

NOTE 3 – CASH AND INVESTMENTS (Continued)

C. Investments Authorized by the California Government Code and the City's Investment Policy

The City's Investment Policy and the California Government Code allow the City to invest in the following, provided the credit ratings of the issuers are acceptable to the City; and approved percentages and maturities are not exceeded. The table below also identifies certain provisions of the California Government Code or the City's Investment Policy:

Authorized Investment Type	Maximum Maturity	Minimum Credit Quality	Maximum Percentage of Portfolio	Maximum Investment In One Issuer
U.S. Government Securities	5 years		No Limit	No Limit
U.S. Government Agency Securities: Federal Home Loan Bank Federal National Mortgage Association Federal Farm Credit Bank Federal Home Loan Mortgage Corporation Student Loan Marketing Association Government National Mortgage Association	5 years		33%	No Limit
State of California Warrants, Treasury Notes or Bonds	5 years		33%	No Limit
California Local Agency Investment Fund	N/A		No Limit	$75 million per account
Certificates of Deposit	5 years	A1/P1	30%	No Limit
Non-negotiable Certificates of Deposit	5 years		30%	No Limit
Supranational Obligations	5 years	AA	30%	No Limit
Medium-Term Corporate Notes	5 years	A	30%	5%
Money Market Mutual Funds and Mutual Funds	N/A	Top rating category	20%/10%	No Limit
Investment Trust of California (CalTRUST)	N/A		No Limit	No Limit
Commercial Paper – Pooled Funds	270 days	Top rating category	30%	5%
Commercial Paper – Non-Pooled Funds	270 days	Top rating category	25%	5%

NOTE 3 – CASH AND INVESTMENTS (Continued)

D. Investments Authorized by Debt Agreements

The City and Successor Agency must maintain required amounts of cash and investments with trustees or fiscal agents under the terms of certain debt issues. These funds are unexpended bond proceeds or are pledged reserves to be used if the City fails to meet its obligations under these debt issues. The California Government Code requires these funds to be invested in accordance with City resolutions, bond indentures or State statutes. The table below identifies the investment types that are authorized for investments held by fiscal agents. The table also identifies certain provisions of these debt agreements:

Authorized Investment Type	Maximum Maturity	Minimum Credit Quality
U.S. Government Securities	N/A	Aaa/AAA
U.S. Government Agency Securities	N/A	N/A
Local Agency Investment Fund	N/A	$75 million per account
Bankers Acceptances	360 days	A1/A1+/P1
Commercial Paper	270 days	A-1+/P-1
Money Market Funds	N/A	A/AAAm/AAAm
Municipal Obligations	N/A	Aaa/AAA
Pre-refunded Municipal Obligations	N/A	Highest
General Obligations	N/A	A2/A
Investment Agreements/Contracts	N/A	A
Repurchase Agreements	N/A	N/A
Investments fully insured by the FDIC	N/A	N/A
Tax-exempt Obligations	N/A	Highest Rating
Short term Certificates of Deposit	360 days	A1/A1+/P1
Certificates of Deposit	N/A	A
California Asset Management Program	N/A	N/A
Shares in a California Common Law Trust	N/A	N/A

E. Public Agencies Post-Employment Trust

On June 29, 2017, the City Council adopted resolution 86-17 approving the adoption of the Public Agencies Post-Employment Trust administered by Public Agency Retirement Services (PARS). The Trust is an irrevocable trust and qualifies as an Internal Revenue Section 115 trust. This trust will assist the City in mitigating the CalPERS contribution rate volatility. Investments of funds held in Trust are governed by the Investment Guideline Document for the investment account and by the agreement for administrative services with PARS, rather than the general provisions of the California Government Code or the City's investment policy. The City elected a discretionary investment approach which allows the City to maintain oversight of the investment management, control on target yield and the portfolio' risk tolerance, under the Balanced Index PLUS investment option. The assets in the Trust will eventually be used to fund pension plan obligations.

NOTE 3 – CASH AND INVESTMENTS (Continued)

F. Interest Rate Risk and Fair Value Hierarchy

Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Normally, the longer the maturity of an investment, the greater the sensitivity of its fair value to changes in market interest rates. The City generally manages its interest rate risk by holding investments to maturity.

Information about the sensitivity of the fair values of the City's investments (including investments held by bond trustees) to market interest rate fluctuations is provided by the distribution of the City's investments by maturity. At June 30, 2021, all of the City's investments mature in 12 months or less.

The City categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure fair value of the assets. Level 1 inputs are quoted prices in an active market for identical assets; Level 2 inputs are significant other observable inputs; and Level 3 inputs are significant unobservable inputs.

Investment Type	Level 2	Investments Measured at Net Asset Value	Investments Measured at Amortized Cost	Total
Cash and Investments in City Treasury:				
Money Market Funds			$1,814,302	$1,814,302
CalTRUST	$274,014			274,014
Held by Fiscal Agents:				
Capital Asset Management Program			311	311
PARS Balanced Index PLUS		$1,109,669		1,109,669
Money Market Funds			2,093,691	2,093,691
Total Investments	$274,014	$1,109,669	$3,908,304	5,291,987
Investments Exempt from Fair Value Hierarchy:				
Local Agency Investment Fund				70,709,907
Cash deposits in banks				4,163,621
Total Cash and Investments				$80,165,515

The City is a participant in the Local Agency Investment Fund (LAIF) that is regulated by California Government Code Section 16429 under the oversight of the Treasurer of the State of California. The City reports its investment in LAIF at the fair value amount provided by LAIF, which is the same as the value of the pool share. The balance is available for withdrawal on demand, and is based on the accounting records maintained by LAIF, which are recorded on an amortized cost basis. Each regular LAIF account is permitted to have up to 15 transactions per month, with a minimum transaction amount of $5,000, a maximum transaction amount of $75 million and at least 24 hours advance notice for withdrawals of $10 million or more. Bond proceeds accounts are subject to a one-time deposit with no cap and are set up with a monthly draw down schedule. Included in LAIF's investment portfolio are collateralized mortgage obligations, mortgage-backed securities, other asset-backed securities, loans to certain state funds, and floating rate securities issued by federal agencies, government-sponsored enterprises, United States Treasury Notes and Bills, and corporations. At June 30, 2021, these investments matured in an average of 291 days.

NOTE 3 – CASH AND INVESTMENTS (Continued)

The City is a participant in the Short-Term Fund of the Investment Trust of California (CalTRUST), a joint powers authority and public agency established by its members under the provisions of Section 6509.7 of the California Government Code. Members and participants are limited to California public agencies. CalTRUST is governed by a Board of Trustees of seven Trustees, at least seventy-five percent of whom are from the participating agencies. The City reports its investment in CalTRUST at the fair value amount provided by CalTRUST, which is the same as the value of the pool shares. The balance is available for withdrawal on demand, and is based on the accounting records maintained by CalTRUST. Included in CalTRUST's investment portfolio are: United States Treasury Notes, Bills, Bonds or Certificates of Indebtedness; registered state warrants or treasury notes or bonds; California local agency bonds, notes, warrants or other indebtedness; federal agency or United States government-sponsored enterprise obligations; bankers acceptances; commercial paper; negotiable certificates of deposit; repurchase agreements; medium-term notes; money market mutual funds; notes, bonds or other obligation secured by a first priority security interest in securities authorized under Government Code Section 53651; and mortgage passthrough securities, collateralized mortgage obligations, and other asset – backed securities.

CalTRUST's Short-Term Fund has a target portfolio duration of 0 to 2 years. At June 30, 2021, these investments matured in an average of 318 days. The investment in CalTRUST, classified in Level 2 of the fair value hierarchy, is valued based on the fair value factor provided by the CalTRUST, which is calculated as the average cost to net asset value per share of the Short-Term Fund. At June 30, 2021, the fair value approximated the City's cost.

The Successor Agency is a participant in the California Asset Management Program (CAMP). CAMP is an investment pool offered by the California Asset Management Trust (the Trust). The Trust is a joint powers authority and public agency created by the Declaration of Trust and established under the provisions of the California Joint Exercise of Powers Act (California Government Code Sections 6500 et seq., or the "Act") for the purpose of exercising the common power of its Participants to invest certain proceeds of debt issues and surplus funds. CAMP's investments are limited to investments permitted by subdivisions (a) to (n), inclusive, of Section 53601 of the California Government Code. The Successor Agency reports its investments in CAMP at the fair value amounts provided by CAMP, which is the same as the value of the pool share in accordance with GASB 79 requirements. At June 30, 2021, the fair value approximated the Successor Agency's cost. At June 30, 2021, these investments have an average maturity of 52 days.

The Successor Agency, as a CAMP shareholder, may withdraw all or any portion of the funds in its CAMP account at any time by redeeming shares. The CAMP Declaration of Trust permits the CAMP trustee to suspend the right of withdrawal from CAMP or to postpone the date of payment of redemption proceeds if the New York Stock Exchange is closed other than for customary weekend and holiday closings, if trading on the New York Stock Exchange is restricted, or if, in the opinion of the CAMP trustees, an emergency exists such that disposal of the CAMP pool securities or determination of its net asset value is not reasonably practicable. If the right of withdrawal is suspended, the Successor Agency may either withdraw its request for that withdrawal or receive payment based on the net asset value of the CAMP pool next determined after termination of the suspension of the right of withdrawal.

Money market funds are available for withdrawal on demand and at June 30, 2021 matured in an average of 45 days.

NOTE 3 – CASH AND INVESTMENTS (Continued)

G. Credit Risk

Credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. The actual ratings as of June 30, 2021 for CalTRUST is AAf, California Asset Management Program was rated AAAm, and all the City's Money Market Funds were rated AAAm as provided by Standard and Poor's investment ratings service. The Local Agency Investment Fund external investment pool and the PARS Balanced Index PLUS were not rated as of June 30, 2021.

H. Concentration of Credit Risk

At June 30, 2021, City had no significant investments in the securities of any individual issuers, other than U. S. Treasury securities, investment pools and money market funds.

NOTE 4 – INTERFUND TRANSACTIONS

A. Transfers Between Funds

With Council approval, resources may be transferred from one City fund to another. Transfers are used: to move revenue from the fund that statute or budget requires to collect the item to the fund that statute or budget requires to expend the item; distribute unrestricted revenues collected in the General Fund to finance various programs accounted for in other funds in accordance with budgetary authorizations; to segregate money for anticipated capital projects; and to provide additional resources for current operations or debt service.

Transfers between Funds during the fiscal year ended June 30, 2021 and the purpose for each were as follows:

Fund Receiving Transfer	Fund Making Transfers	Transfer Amount	
Lighting and Landscaping Districts Special Revenue Fund	Non-Major Governmental Funds	$169,799	(A)
Non-Major Governmental Funds	General Fund	2,159,800	(A)
	Non-Major Governmental Funds	698,134	(A),(B)
	Total Interfund Transfers	$3,027,733	

(A) To fund capital projects and administration.

(B) To fund debt service.

NOTE 4 – INTERFUND TRANSACTIONS (Continued)

B. Long-Term Interfund Advances

At June 30, 2021, the funds below had made advances which were not expected to be repaid within the next year. The balances in the funds with the advance to other funds are offset by deferred inflow, or nonspendable or restricted fund balance.

Advances to Other Funds	Advances from Other Funds	Advanced Amount
General Fund	Lighting and Landscaping Districts Special Revenue Fund	$78,532
Traffic Impact Fees Capital Projects Fund	Low and Moderate Income Housing Asset Special Revenue Fund	591,329
Non-Major Governmental Funds	Low and Moderate Income Housing Asset Special Revenue Fund	578,738
	Total Interfund Advances	$1,248,599

Since the City's formation in 1999, the General Fund has, on occasion, made advances to the Lighting and Landscaping Districts Special Revenue Fund to cure operating deficits in two of the Landscaping Districts. The advances bear interest at the City's investment pool rate. The balance of these advances totaled $78,532 at June 30, 2021.

The Traffic Impact Fees Capital Projects Fund, Park Impact Fees Capital Projects Fund, and Public Facilities Impact Fees Capital Projects Fund agreed to accept deferred payment of impact fees by the former Redevelopment Agency to assist with the Courtyards at Cypress Grove affordable housing project. Although no cash was advanced, these obligations were recorded as advances to the former Redevelopment Agency. The City's Low and Moderate Income Housing Asset Special Revenue Fund, as Housing Successor to the former Redevelopment Agency's housing activities, assumed the obligation to repay the advances, which will be repaid from future loan collections. The advances bear interest at the City's annual pooled investment rate which was of 0.50% for fiscal year 2021. The balance outstanding at June 30, 2021 was $1,170,067.

C. Current Interfund Balances

Current interfund balances arise in the normal course of business and are expected to be repaid shortly after at the end of the fiscal year. The OTS Police Grants Special Revenue Fund and Cypress Grove Fees Capital Projects Fund owed the General Fund $4,202 and $21,750, respectively as of June 30, 2021.

NOTE 5 – LOANS RECEIVABLE

A. Low and Moderate Income Housing and City Loans Receivable

The former Redevelopment Agency engaged in programs designed to encourage construction of or improvement in low-to-moderate income housing. Under these programs, grants or loans were provided under favorable terms to homeowners or developers who agreed to expend these funds in accordance with the Agency's terms. With the dissolution of the Redevelopment Agency as discussed in Note 16, the City agreed to become the successor to the Redevelopment Agency's housing activities and as a result the Low and Moderate Income Housing Asset Fund assumed the loans receivable of the Redevelopment Agency's Low and Moderate Income Housing Fund. In addition, the City has made loans to certain employees and to local businesses for economic development. Although these loans and notes are expected to be repaid in full, their balance has been offset by unavailable revenue or nonspendable fund balance. The balances of the loans receivable, including accrued interest, at June 30, 2021 are set forth below:

Golden Oak Manor	$1,220,748
Silver Oak Apartments	640,678
Oakley Senior Housing	705,673
Oakley Cypress Associates	3,668,750
Carol Lane	5,519,710
First Time Homebuyer	122,807
New Lifeline Ministries	21,699
Downtown Revitalization Loan Program	109,618
Total	$12,009,683

B. Golden Oak Manor

Under the terms of a Loan Agreement dated December 19, 1994 between the Redevelopment Agency and the Developer, Golden Oak Manor, L.P., the Agency loaned the amount of $780,000 to construct 50 senior residential rental units, with 24 of the units being restricted to very low income households. The loan is secured by a deed of trust on the property, is due in 2054 and bears simple annual interest of 3 percent. Interest and principal are deferred for 60 years or upon transfer of the property to an unqualified entity. Any unpaid amounts are considered deferred; all deferred principal and interest is due when the note matures. During fiscal year 2017, the loan was assigned and transferred from Golden Oak Manor, L.P., to Golden Oak Manor II, L.P.

C. Silver Oak Apartments

Under the terms of a Loan Agreement dated May 1, 1998 between the Redevelopment Agency and the Developer, Ecumenical Association for Housing, the Agency loaned $374,220 along with an additional $99,206 in January 1999, for a total loan amount of $473,426, to fund the construction of 24 affordable housing units. The loan is secured by a deed of trust on the property, is due in 2058 and bears simple annual interest of 3 percent with principal and interest due annually to the extent there is "residual receipts" as defined in the agreement. Any unpaid amounts are considered deferred; all deferred principal and interest is due when the note matures.

NOTE 5 – LOANS RECEIVABLE (Continued)

D. Oakley Senior Housing

Under the terms of a Loan Agreement dated February 8, 2000 between the Redevelopment Agency and the Developer, Oakley Senior Associates, L.P., the Agency loaned the amount of $1,800,000 to fund the acquisition and development costs to construct eighty units of affordable housing for low and moderate income seniors. The loan is secured by a deed of trust on the property, is due in 55 years from the issuance of the certificate of completion, but not later than 2058, and bears simple annual interest of 3 percent, with principal and interest due annually to the extent there is "residual receipts" as defined in the agreement. Any unpaid amounts are considered deferred; all deferred principal and interest is due when the note matures. The Agency received a payment of $547,000 from the developer during fiscal year 2002. A portion of the loan had been funded by the Redevelopment Agency Projects Fund, and with the dissolution of the Agency effective February 1, 2012, the assets of the Redevelopment Agency Projects Fund, including a portion of the Oakley Senior Housing loan in the amount of $623,082, were assumed by the Successor Agency as discussed in Note 16.

E. Oakley Cypress Associates

Under the terms of the Loan Agreement dated December 1, 2005, the former Redevelopment Agency loaned $2.5 million to Oakley Cypress Associates to assist in the development of 96 affordable housing units. The loan is secured by a deed of trust on the property and bears simple interest of 3 percent annually. Principal and interest payments are due annually to the extent that Oakley Cypress Associates has "residual receipts" as defined in the agreement. The remaining balance of unpaid principal and accrued interest is due fifty-five years after the issuance of the certificate of completion, but no later than December 1, 2063.

F. Carol Lane

Under the terms of a Loan Agreement dated February 23, 2007 between the Redevelopment Agency and the Developer, 59 Carol Lane, L.P., the Agency loaned the amount of $3,858,753 to fund the acquisition and development costs to construct two hundred and eight units of senior and family affordable housing for low and very-low income households. The loan is secured by a deed of trust on the property, is due in 55 years from the issuance of the certificate of completion, but not later than 2062, and bears simple interest of 3 percent annually, with principal and interest due annually to the extent there are "residual receipts" as defined in the agreement. Any unpaid amounts are considered deferred; all deferred principal and interest is due when the note matures.

G. First-Time Homebuyer Program

The Redevelopment Agency administered a First-Time Homebuyers Program funded by Bond proceeds in the amount of $512,392 in 1994, under which low and moderate income individuals may qualify for first-time home buyer deferred second mortgages to purchase homes in the Oakley area. The individual loans are 30-year fixed rate deferred loans, bearing interest at a rate equal to two percent below the Lender's rate and do not exceed $50,000. These loans are due thirty years from the date of issuance, but principal and accrued interest will be forgiven at maturity if the unit was owner occupied for the full thirty years. Under the terms of the Program, loans must be repaid in full if the property is sold to a nonqualified buyer.

NOTE 5 – LOANS RECEIVABLE (Continued)

H. New Lifeline Ministries

The City installed frontage improvements that are to be paid by the property owner, New Lifeline Ministries. Under the terms of a June 2015 reimbursement agreement, New Lifeline Ministries agreed to reimburse the City for its costs incurred in the amount of $36,165. The loan is unsecured, bears interest of 1% and is repayable in equal monthly installments over 15 years. The balance of the loan as of June 30, 2021 was $21,699.

I. Revitalization Loan Program

In 2014, the City Council approved funds to be allocated for the Downtown Revitalization Loan Program. The goal of the Loan Program is to leverage public funds and private investment to further enhance the physical appearance and economic vitality of the commercial buildings and businesses in the downtown corridor. The long-term objectives of the program include improving the physical appearance of the buildings and area, encouraging the retention and attraction of businesses to the corridor, increasing property values, increasing tenant stability, increasing pedestrian walkability and creating a stronger "sense of place". Loan funds under the program can be used for façade improvements, landscaping and exterior lighting, signage, ADA compliance, building infrastructure upgrades needed for new tenant conversion and demolition. The loan program requires that the applicant contribute minimum equity of 10% of the total projects.

The loans under this program are secured by a promissory note and a personal guarantee, as well as UCC filings on all equipment purchased by the loan. 50% of the loan, or $37,500, of the loan can be assumed and prepaid with no prepayment penalty, but is due and payable if the business is sold. The balance of the loan was $109,618 as of June 30, 2021.

NOTE 6 – LAND HELD FOR RESALE

The City has purchased parcels that are expected to be resold in the near future. Such land parcels are accounted for at the lower of cost or net realizable value or agreed-upon sales price if a disposition agreement has been made with a developer.

The balance of land held for resale in the General Fund at June 30, 2021 was $3,324,182.

NOTE 7 – CAPITAL ASSETS

All capital assets are valued at historical cost or estimated historical cost if actual historical cost is not available. Contributed capital assets are valued at their estimated acquisition value on the date contributed.

All capital assets with limited useful lives are depreciated over their estimated useful lives. The purpose of depreciation is to spread the cost of capital assets equitably among all users over the life of these assets. The amount charged to depreciation expense each year represents that year's pro rata share of the cost of capital assets.

Depreciation is provided using the half-year convention method which is like the straight-line method in that the cost of the asset is divided by its expected useful life in years, but the asset is depreciated over 6 months instead over one year in its first year. The result is charged to expense each year until the asset is fully depreciated. The capitalization threshold for equipment with a cost of $5,000 or more and a useful life of more than two years, and for all buildings, improvements and infrastructure with a cost of $50,000 or more and a useful life of more than two years. The City has assigned the useful lives listed below to capital assets:

Buildings	40 years
Improvements	5-15 years
Machinery and Equipment	5 years
Vehicles	5 years
Roadways:	
Streets (includes pavement, sidewalk, curb & gutters, trees & signs)	7-40 years
Traffic Signals	25 years
Street Lights	40 years
Bridges	100 years
Parks and Recreation:	
General Improvement	25 years
Specialty Features	10 years

Major outlays for capital assets and improvements are capitalized as projects are constructed. Interest incurred during the construction phase is reflected in the capitalized value of the asset constructed, net of interest earned on the invested proceeds over the same period.

NOTE 7 – CAPITAL ASSETS (Continued)

A. Capital Assets Additions and Retirements

Capital asset balances comprise the following:

	Balance as of June 30, 2020	Additions	Retirements	Transfers	Balance as of June 30, 2021
Governmental Activities:					
Capital assets not being depreciated:					
Land	$18,407,212	$174,422			$18,581,634
Construction in Progress	3,466,341	7,139,053		($8,147,549)	2,457,845
Total capital assets not being depreciated	21,873,553	7,313,475		(8,147,549)	21,039,479
Capital assets being depreciated:					
Buildings and Improvements	33,509,524	58,005	($5,781,764)	474,435	28,260,200
Machinery and Equipment	2,484,890	118,828	(122,088)		2,481,630
Vehicles	2,024,743	96,447	(125,582)		1,995,608
Roadways:					
Pavement	197,909,242	14,516,662		7,473,007	219,898,911
Sidewalks	9,917,070	1,360,118			11,277,188
Storm Drains		5,043,978			5,043,978
Curbs and Gutters	10,638,515	1,512,179		103,249	12,253,943
Traffic Signals	7,757,954			44,772	7,802,726
Regulatory Signs and Street Trees	2,358,092	1,965,339			4,323,431
Street Lights	3,239,203	1,355,105			4,594,308
Bridges	4,422,722				4,422,722
Parks and Recreation Structures	18,399,204	5,300,894		52,086	23,752,184
Total capital assets being depreciated	292,661,159	31,327,555	(6,029,434)	8,147,549	326,106,829
Less accumulated depreciation for:					
Buildings and Improvements	(6,342,785)	(976,242)	216,816		(7,102,211)
Machinery and Equipment	(2,271,201)	(113,586)	122,088		(2,262,699)
Vehicles	(1,543,864)	(181,543)	125,582		(1,599,825)
Roadways:					
Pavement	(84,797,793)	(5,464,871)			(90,262,664)
Sidewalks	(3,453,876)	(150,629)			(3,604,505)
Storm Drains		(100,880)			(100,880)
Curbs and Gutters	(3,442,300)	(173,242)			(3,615,542)
Traffic Signals	(2,150,658)	(289,823)			(2,440,481)
Regulatory Signs and Street Trees	(1,715,215)	(249,202)			(1,964,417)
Street Lights	(1,398,900)	(97,920)			(1,496,820)
Bridges	(1,202,411)	(44,226)			(1,246,637)
Parks and Recreation Structures	(6,895,834)	(811,367)			(7,707,201)
Total accumulated depreciation	(115,214,837)	(8,653,531)	464,486		(123,403,882)
Net capital assets being depreciated	177,446,322	22,674,024	(5,564,948)	8,147,549	202,702,947
Governmental activities capital assets, net	$199,319,875	$29,987,499	($5,564,948)		$223,742,426

NOTE 7 – CAPITAL ASSETS (Continued)

B. Capital Asset Contributions

Some capital assets may be acquired using federal and State grant funds, or they may be contributed by developers or other governments. These contributions are accounted for as revenues at the time the capital assets are contributed.

C. Depreciation Allocation

Depreciation expense is charged to functions and programs based on their usage of the related assets. The amounts allocated to each function or program are as follows:

Governmental Activities	
Administrative Services	$199,331
Public Works	7,884,228
Internal Service Funds	569,972
Total Depreciation	$8,653,531

NOTE 8 – LONG-TERM DEBT

The City generally incurs long-term debt to finance projects or purchase assets which will have useful lives equal to or greater than the related debt. The City's long-term debt is recorded only in the government-wide financial statements.

In governmental fund types, debt discounts and issuance costs are recognized in the current period.

A. Current Year Transactions and Balances

The City's debt issue and transaction is shown below and discussed in detail thereafter.

	Original Issue Amount	Balance June 30, 2020	Retirements	Balance June 30, 2021	Current Portion
2016 Lease Revenue Bonds 2.00-5.00%, due 5/1/2041	$10,025,000	$8,865,000	($305,000)	$8,560,000	$315,000

B. 2016 Lease Revenue Bonds

On December 1, 2016, the Oakley Public Financing Authority issued the 2016 Lease Revenue Bonds in the principal amount of $10,025,000 to: (i) refinance the outstanding 2006 Certificates of Participation together with related lease payment obligations, (ii) obtain additional funds to finance the construction of a community center and related facilities (the "2016 Project"), (iii) pay the premium of a debt service reserve policy for the Bonds and (iv) pay the costs of issuing the Bonds, including the premium for the Policy. Principal is payable annually and the interest is payable semi-annually through 2041. The 2006 Certificates of Participation were called on January 14, 2017.

NOTE 8 – LONG-TERM DEBT (Continued)

Under the terms of the Trust Agreement for the 2016 Lease Revenue Bonds, an event of default occurs if (i) the Authority fails to pay interest or principal on the Bonds when due and payable, (ii) the Authority fails to observe or perform in any material way any other covenant or term contained in the Trust Agreement, (iii) the Authority commences a voluntary case under Title 11 of the United States Code, or (iv) an event of default occurs under the lease entered into in connection with the Bonds (the "Lease"). The City has pledged City Hall as collateral for the Lease payments due to the Authority.

Upon the occurrence of an event of default, the Trustee may enforce all rights of the bond owners, including without limitation the right to receive and collect the lease payments payable by the City under the Lease (the "Lease Payments") and declare the principal and interest of all of the Bonds then outstanding to be due and payable immediately; provided, that neither the Authority nor the Trustee may accelerate the Lease Payments or otherwise declare any Lease Payments not then in default to be immediately due and payable.

The City's failure to pay Lease Payments when due, among other items, constitutes an event of default under the Lease. Upon the occurrence of an event of default under the Lease Agreement, the Authority may exercise any and all remedies available under law or granted under the Lease and the Trustee acting at the direction of the insurer of the Bonds, has the right to re-enter and re-let City Hall and to terminate the Lease.

C. Debt Service Requirements

Annual debt service requirements are shown below for the City's long-term debt:

For the Year Ending June 30	Principal	Interest
2022	$315,000	$349,369
2023	330,000	336,769
2024	345,000	323,569
2025	360,000	309,769
2026	380,000	295,369
2027 - 2031	2,110,000	1,256,066
2032 - 2036	2,180,000	789,270
2037 - 2041	2,540,000	322,782
	$8,560,000	$3,982,963

NOTE 9 – ASSESSMENT DEBT WITH NO CITY COMMITMENT

On August 3, 2004, and July 19, 2006, the Oakley Public Financing Authority issued $17,150,000 principal amount of Revenue Bonds and $11,460,000 principal amount of Infrastructure Revenue Bonds to finance the construction and acquisition of certain public improvements within the City's Special District Nos. 2004-1 and 2006-1, respectively. On March 3, 2012, the 2004 Bonds were refunded by the Refunding Revenue bonds, Series 2012 in the principal amount of $14,775,000. On October 15, 2014, the Oakley Public Financing Authority issued Refunding Revenue Bonds, Series 2014, in the principal amount of $9,070,000 to refund the 2006 Bonds. The Bonds are secured only by revenues received as payment of assessments levied against property within Special District Nos. 2004-1 and 2006-1. Neither the faith and credit nor the general taxing power of the City of Oakley have been pledged to the payment of the Bonds. Therefore, the Bonds have been excluded from the accompanying financial statements. The outstanding balances of the Bonds were $10,680,000 and $7,150,000, respectively, at June 30, 2021.

NOTE 10 – NET POSITION AND FUND BALANCES

Net Position is measured on the full accrual basis, while Fund Balance is measured on the modified accrual basis.

A. Net Position

Net Position is the excess of all the City's assets and deferred outflows of resources over all its liabilities and deferred inflows of resources, regardless of fund. Net Position is divided into three captions. These captions apply only to Net Position, which is determined only at the Government-wide level, and are described below:

Net investment in capital assets describes the portion of Net Position which is represented by the current net book value of the City's capital assets, less the outstanding balance of any debt issued to finance these assets.

Restricted describes the portion of Net Position which is restricted as to use by the terms and conditions of agreements with outside parties, governmental regulations, laws, or other restrictions which the City cannot unilaterally alter. These principally include developer fees received for use on capital projects, debt service requirements, and redevelopment funds restricted to low and moderate income purposes.

Unrestricted describes the portion of Net Position which is not restricted to use.

B. Fund Balances

Governmental fund balances represent the net current assets of each fund. Net current assets generally represent a fund's cash, receivables and deferred outflows of resources, less its liabilities and deferred inflows of resources.

The City's fund balances are classified based on spending constraints imposed on the use of resources. For programs with multiple funding sources, the City prioritizes and expends funds in the following order: Restricted, Committed, Assigned, and Unassigned. Each category in the following hierarchy is ranked according to the degree of spending constraint:

NOTE 10 – NET POSITION AND FUND BALANCES (Continued)

Nonspendable represents balances set aside to indicate items do not represent available, spendable resources even though they are a component of assets. Fund balances required to be maintained intact, such as Permanent Funds, and assets not expected to be converted to cash, such as prepaids, notes receivable, and land held for redevelopment are included. However, if proceeds realized from the sale or collection of nonspendable assets are restricted, committed or assigned, then nonspendable amounts are required to be presented as a component of the applicable category.

Restricted fund balances have external restrictions imposed by creditors, grantors, contributors, laws, regulations, or enabling legislation which requires the resources to be used only for a specific purpose.

Committed fund balances have constraints imposed by formal action of the City Council, such as by Resolution or Ordinance, which are equally binding, and may be altered only by the same formal action of the City Council.

Assigned fund balances are amounts constrained by the City's intent to be used for a specific purpose, but are neither restricted nor committed. Intent is expressed by the City Council or its designee and may be changed at the discretion of the City Council or its designee under the Appropriations Control Policy, the City Manager. This category includes encumbrances that are not to be liquidated by restricted or committed resources; nonspendables, when it is the City's intent to use proceeds or collections for a specific purpose; and residual fund balances, if any, of Special Revenue, Capital Projects and Debt Service Funds, which have not been restricted or committed.

Unassigned fund balance represents residual amounts that have not been restricted, committed, or assigned. This includes the residual general fund balance and residual fund deficits, if any, of other governmental funds.

NOTE 10 – NET POSITION AND FUND BALANCES (Continued)

Detailed classifications of the City's Fund Balances, as of June 30, 2021, are below:

		Major Special Revenue Funds				Major Capital Projects Fund		
Fund Balance Classifications	General Fund	Lighting and Landscaping District	Public Protection	Developer Deposits	Low and Mod Income Housing Asset	Traffic Impact Fees	Other Governmental Funds	Total
Nonspendables:								
Items not in spendable form:								
Prepaids and deposits								
Loans receivable	$109,618							$109,618
Land held for resale	3,324,182							3,324,182
Advances	78,532							78,532
Total Nonspendable Fund Balances	3,512,332							3,512,332
Restricted for:								
Pension benefits	1,109,669							1,109,669
Lighting and landscaping services		$11,145,147						11,145,147
Traffic impact projects						$9,070,542		9,070,542
Police services			$1,870					1,870
Public facilities impact projects							$2,572,742	2,572,742
Street maintenance and improvement							3,108,340	3,108,340
2006-1 Assessment District							530,346	530,346
NPDES projects							284,010	284,010
Community Facilities District #1							2,465,807	2,465,807
Community Facilities District 2015-1							2,102,831	2,102,831
Citywide Community Facilities							785,725	785,725
Agricultural conservation							7,299	7,299
Debt service							45,336	45,336
Park impact fees							3,477,719	3,477,719
Cypress Grove improvements							74,921	74,921
Regional Park							1,562,321	1,562,321
Total Restricted Fund Balances	1,109,669	11,145,147	1,870			9,070,542	17,017,397	38,344,625
Assigned to:								
Termination payments	285,000							285,000
Uninsured claims payable	650,000							650,000
Outlay projects	87,163							87,163
Plans - consulting	200,000							200,000
Capital projects	5,000,000							5,000,000
Unfunded pension liability	700,000							700,000
Main Street Projects							7,769,760	7,769,760
Total Assigned Fund Balances	6,922,163						7,769,760	14,691,923
Unassigned:								
General Fund	12,790,759							12,790,759
Other fund deficits					($922,522)		(851)	(923,373)
Total Unassigned Fund Balances	12,790,759				(922,522)		(851)	11,867,386
Total Fund Balances	$24,334,923	$11,145,147	$1,870		($922,522)	$9,070,542	$24,786,306	$68,416,266

NOTE 10 – NET POSITION AND FUND BALANCES (Continued)

C. Minimum Fund Balance Policies

The City's Budget Policies require the City to strive to maintain the following fund balances:

1) 20% of the annual operating expenditures in the General Fund's Unassigned Fund Balance for emergencies and unforeseen operating or capital needs. The primary purpose of this reserve is to protect the City's essential service programs and funding requirements during periods of economic downturn (defined as a recession lasting two or more years) or other unforeseen catastrophic costs not covered by the annually budgeted Contingency Reserve.

2) Budget a Contingency Reserve each year for non-recurring unanticipated expenditures or to set aside funds to cover known contingencies with unknown costs. The level of the Contingency Reserve will be established as needed but shall not be less than 2% of General Fund operating expenditures. The balance of the reserve, which is a component of the General Fund's Unassigned Fund Balance was $371,099 as of June 30, 2021.

3) Establish an account to accumulate funds to be used for payment of accrued employee benefits for terminated employees. The accumulated amount in the reserve will equal the projected payout of accumulated benefits requiring conversion to pay on retirement for employees then eligible for retirement so there are funds to pay out accumulated benefits requiring conversion to pay on termination. The balance of the reserve was $285,000 as of June 30, 2021.

5) Claims Reserves will be budgeted at a level which, together with purchased insurance, adequately protects the City. The City will maintain a reserve of two times its deductibles for those claims covered by the insurance pool of which the City is a member (currently the Municipal Pooling Authority of Northern California). In addition, the City will perform an annual analysis of past claims not covered by the pool, and reserve an appropriate amount to pay for uncovered claims as well as Labor Code Section 4850 Salary Continuation payments. The balance of the reserve was $650,000 as of June 30, 2021.

6) The City will establish a Street Maintenance Reserve Fund for the accumulation of funds for the long-term maintenance of the City's streets. The amounts transferred into the reserve will be used to augment the City's Gas Tax, Measure J, and other street improvement revenues in completing street maintenance and improvement projects. The reserve shall be considered fully funded when the balance and the combination of anticipated special revenues eligible for street maintenance is sufficient to pay for the next 3 years' anticipated maintenance, which is approximately $2.25 million. The balance of the reserve was $2,150,941 as of June 30, 2021.

7) The City established a Vehicle and Equipment Replacement Reserve Fund for the accumulation of funds for the replacement of worn and obsolete vehicles and other capital equipment. Adequate funds shall be set aside to ensure that funds are available for asset replacement at the end of the assets' life cycles. The balance of the reserve was $1,065,380 as of June 30, 2021.

   Staff has created a schedule of vehicles and computer equipment, along with their estimated lives and replacement values, and determined that the cost to replace existing vehicle and computer equipment is approximately $290,000 per year. The revised policy will ensure the City's ability to replace assets when they reach the end of their useful lives.

NOTE 10 – NET POSITION AND FUND BALANCES (Continued)

8) The City will seek to build and maintain a Facilities Maintenance Capital Asset Reserve Fund for capital costs associated with the maintenance of all City building facilities. The reserve will be maintained at a level at least equal to projected five year facilities maintenance capital costs. Park operating funds shall budget annual capital replacement costs and use them to fund reserves for future equipment replacement and resurfacing needs. The balance of the Facilities Maintenance Capital Asset Reserve was $271,627 as of June 30, 2021 and many of the park operating funds do not have sufficient revenues to adequately fund reserves, which does not meet the targeted level. However, management believes the balance is sufficient to fund all anticipated replacements.

9) The City will seek to build and maintain a Storm Drain Depreciation Reserve for costs associated with the major maintenance and capital improvement costs included in the Storm Drain (NPDES) program budget. The minimum reserve level will be 50% of the costs projected over the next five years, or $250 thousand per year as of June 30, 2020. The balance of the reserve which is a component of the NPDES Special Revenue Fund's Restricted Fund Balance was $284,010 as of June 30, 2021.

10) The City will establish a Reserve for Qualifying Expenditures and will transfer into it from current revenues all amounts necessary to ensure compliance with Gann Limit provisions. These funds will be used solely to pay for Gann Limit excludable capital expenditures. To qualify, they must be for assets having a value greater than $100,000 and having a useful life of at least 10 years. The City was in compliance with the Gann Limit provisions as of June 30, 2021, and therefore was not required to establish a Reserve for Qualifying Expenditures as of June 30, 2021.

NOTE 11 – PENSION PLAN

A. General Information about the Pension Plan

Plan Description – All qualified permanent, probationary and part-time employees are eligible to participate in the City's Safety (police) and Miscellaneous (all other) Employee Pension Rate Plans. The City's Miscellaneous and Safety Rate Plans are part of the public agency cost-sharing multiple-employer defined benefit pension plan (PERF C), which is administered by the California Public Employees' Retirement System (CalPERS). PERF C consists of a miscellaneous pool and a safety pool (also referred to as "risk pools"), which are comprised of individual employer miscellaneous and safety rate plans, respectively. Individual employers may sponsor more than one miscellaneous and safety rate plan. The employer participates in one cost-sharing multiple-employer defined benefit pension plan regardless of the number of rate plans the employer sponsors. The City sponsors four rate plans (three miscellaneous and one safety). Benefit provisions under the Plan are established by State statute and City resolution. CalPERS issues publicly available reports that include a full description of the pension plan regarding benefit provisions, assumptions and membership information that can be found on the CalPERS website.

Benefits Provided – CalPERS provides service retirement and disability benefits, annual cost of living adjustments and death benefits to plan members, who must be public employees and beneficiaries. Benefits are based on years of credited service, equal to one year of full time employment. Members with five years of total service are eligible to retire at age 50 with statutorily reduced benefits. All members are eligible for non-duty disability benefits after 10 years of service. The death benefit is one of the following: the Basic Death Benefit, the 1957 Survivor Benefit, or the Optional Settlement 2W Death Benefit. The cost of living adjustments for each plan are applied as specified by the Public Employees' Retirement Law.

NOTE 11 – PENSION PLAN (Continued)

In August 2010, the City Council authorized an amendment to the contract between the City and the CalPERS in order to establish a Tier 2 retirement benefits structure. The Tier 2 changed the retirement benefit formula from 2.5%@55 to 2%@60 for new miscellaneous employees hired on or after October 18, 2010. A Tier 3 structure was established to implement the provisions of the Pension Reform Act of 2013 (PEPRA), Assembly Bill 340, and is applicable to employees new to CALPERS, and hired after December 31, 2012, and not subject to grandfathering into the previously existing Tier 2 Rate Plan.

Effective August 12, 2015, the City established a Safety Rate Plan that provides benefits for safety employees hired after January 1, 2013 using the 2.7% @ 57 benefit formula.

The Plan's provisions and benefits in effect at June 30, 2021, are summarized as follows:

	Miscellaneous		
	Classic Tier 1	Classic Tier 2	PEPRA Tier 3
Hire date	Prior to October 18, 2010	On or after October 18, 2010	On or after January 1, 2013
Benefit formula	2.5% @ 55	2.0% @ 60	2.0% @ 62
Benefit vesting schedule	5 years service	5 years service	5 years service
Benefit payments	monthly for life	monthly for life	monthly for life
Retirement age	50 - 55	50 - 63	52 - 67
Monthly benefits, as a % of eligible compensation	2.0 % to 2.5%	1.092% - 2.418%	1.0% - 2.5%
Required employee contribution rates	8.000%	7.000%	6.750%
Required employer contribution rates	12.361%	9.281%	7.732%
Required UAL contribution	$82,195	$5,729	$4,684

	Safety
	PEPRA
Hire date	On or after January 1, 2013
Benefit formula	2.7% @ 57
Benefit vesting schedule	5 years service
Benefit payments	monthly for life
Retirement age	50 - 57
Monthly benefits, as a % of eligible compensation	2.0% - 2.7%
Required employee contribution rates	13.000%
Required employer contribution rates	13.663%
Required UAL contribution	$12,002

Beginning in fiscal year 2016, CalPERS collects employer contributions for the Plan as a percentage of payroll for the normal cost portion as noted in the rates above and as a dollar amount for contributions toward the unfunded liability (UAL). The dollar amounts are billed on a monthly basis or can be paid in a lump sum at a reduced amount. The City elected to make the lump sum contributions and the required contribution for the unfunded liability was $104,610 in fiscal year 2021, as shown in the table above.

NOTE 11 – PENSION PLAN (Continued)

Contributions – Section 20814(c) of the California Public Employees' Retirement Law requires that the employer contribution rates for all public employers be determined on an annual basis by the actuary and shall be effective on the July 1 following notice of a change in the rate. Funding contributions for the Plan are determined annually on an actuarial basis as of June 30 by CalPERS. The actuarially determined rate is the estimated amount necessary to finance the costs of benefits earned by employees during the year, with an additional amount to finance any unfunded accrued liability. The City is required to contribute the difference between the actuarially determined rate and the contribution rate of employees.

For the year ended June 30, 2021, the City's total contributions to the Plan were $1,595,273.

B. Pension Liabilities, Pension Expenses and Deferred Outflows/Inflows of Resources Related to Pensions

For purposes of measuring the net pension liability and deferred outflows/inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Plan and additions to/deductions from the Plan's fiduciary net position have been determined on the same basis as they are reported by the CalPERS Financial Office. For this purpose, benefit payments (including refunds of employee contributions) are recognized when currently due and payable in accordance with the benefit terms. Investments are reported at fair value.

As of June 30, 2021, the City reported a net pension liability for its proportionate share of the net pension liability of the Plan as follows:

	Proportionate Share of Net Pension Liability
Miscellaneous	$1,323,806
Safety	336,752
Total Net Pension Liability	$1,660,558

The governmental activities net pension liability is liquidated primarily by the General Fund.

The City's net pension liability for the Plan is measured as the proportionate share of the net pension liability. The net pension liability of the Plan is measured as of June 30, 2020, and the total pension liability for the Plan used to calculate the net pension liability was determined by an actuarial valuation as of June 30, 2019 rolled forward to June 30, 2020 using standard update procedures. The City's proportion of the net pension liability was based on a projection of the City's long-term share of contributions to the pension plan relative to the projected contributions of all participating employers, actuarially determined. The City's proportionate share of the net pension liability for the Plan as of June 30, 2019 and 2020 was as follows:

Proportion - June 30, 2019	0.02258%
Proportion - June 30, 2020	0.01526%
Change - Increase (Decrease)	-0.00732%

NOTE 11 – PENSION PLAN (Continued)

For the year ended June 30, 2021, the City recognized pension expense of $1,538,234. At June 30, 2021, the City reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Pension contributions subsequent to measurement date	$1,595,273	
Differences between actual and expected experience	94,333	
Changes in assumptions		($10,564)
Change in employer's proportion and differences between the employer's contributions and the employer's proportionate share of contributions	1,700,802	(630,350)
Net differences between projected and actual earnings on plan investments	46,645	
Total	$3,437,053	($640,914)

$1,595,273 reported as deferred outflows of resources related to contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the year ended June 30, 2022. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized as pension expense as follows:

Year Ended June 30	Annual Amortization
2022	$571,416
2023	406,460
2024	200,461
2025	22,529
Total	$1,200,866

NOTE 11 – PENSION PLAN (Continued)

Actuarial Assumptions – For the measurement period ended June 30, 2020, the total pension liability was determined by rolling forward the June 30, 2019 total pension liability. The June 30, 2019 total pension liabilities were based on the following actuarial methods and assumptions for all benefit tiers:

Valuation Date	June 30, 2019
Measurement Date	June 30, 2020
Actuarial Cost Method	Entry-Age Normal Cost Method
Actuarial Assumptions:	
Discount Rate	7.15%
Inflation	2.50%
Salary Increases	(1)
Investment Rate of Return	7.15% (2)
Mortality	Derived using CalPERS Membership Data for all Funds (3)
Post Retirement Benefit Increase	Contract COLA up to 2.50% until Purchasing Power Protection Allowance Floor on Purchasing Power applies.

(1) Depending on age, service and type of employment
(2) Net of pension plan investment expenses, including inflation
(3) The mortality table used was developed based on CalPERS' specific data. The table includes 15 years of mortality improvements using the Society of Actuaries Scale 90% of scale MP 2016. For more details on this table, please refer to the December 2017 experience study report (based on CalPERS demographic data from 1997 to 2015) that can be found on the CalPERS website.

The underlying mortality assumptions and all other actuarial assumptions used in the June 30, 2019 valuation were based on the results of a December 2018 actuarial experience study for the period 1997 to 2015. Further details of the Experience Study can be found on the CalPERS website.

Discount Rate – The discount rate used to measure the total pension liability for the Plan was 7.15%. The projection of cash flows used to determine the discount rate for the Plan assumed that contributions from all plan members in the Public Employees Retirement Fund (PERF) will be made at the current member contribution rates and that contributions from employers will be made at statutorily required rates, actuarially determined. Based on those assumptions, the Plan's fiduciary net position was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

NOTE 11 – PENSION PLAN (Continued)

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class.

In determining the long-term expected rate of return, CalPERS took into account both short-term and long-term market return expectations as well as the expected pension fund cash flows. Using historical returns of all the funds' asset classes, expected compound (geometric) returns were calculated over the short-term (first 10 years) and the long-term (11+ years) using a building-block approach. Using the expected nominal returns for both short-term and long-term, the present value of benefits was calculated for each fund. The expected rate of return was set by calculating the rounded single equivalent expected return that arrived at the same present value of benefits for cash flows as the one calculated using both short-term and long-term returns. The expected rate of return was then set equal to the single equivalent rate calculated above and adjusted to account for assumed administrative expenses.

The table below reflects the expected real rate of return by asset class.

Asset Class (a)	Current Target Allocation	Real Return Years 1 - 10(b)	Real Return Years 11+(c)
Global Equity	50.0%	4.80%	5.98%
Fixed Income	28.0%	1.00%	2.62%
Inflation Assets	0.0%	0.77%	1.81%
Private Equity	8.0%	6.30%	7.23%
Real Assets	13.0%	3.75%	4.93%
Liquidity	1.0%	--%	-0.92%
Total	100.0%		

(a) In the CalPERS Comprehensive Annual Financial Report, Fixed Income is included in Global Debt Securities; Liquidity is included in Short-term Investments; Inflation Assets are included in both Global Equity Securities and Global Debt Securities.

(b) An expected inflation of 2.0% used for this period.

(c) An expected inflation of 2.92% used for this period.

Sensitivity of the Proportionate Share of the Net Pension Liability to Changes in the Discount Rate – The following presents the City's proportionate share of the net pension liability for the Plan, calculated using the discount rate for the Plan, as well as what the City's proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1-percentage point lower or 1-percentage point higher than the current rate:

1% Decrease	6.15%
Net Pension Liability	$3,896,743
Current Discount Rate	7.15%
Net Pension Liability	$1,660,558
1% Increase	8.15%
Net Pension Liability (Asset)	($183,897)

NOTE 11 – PENSION PLAN (Continued)

Pension Plan Fiduciary Net Position – Detailed information about the pension plan's fiduciary net position is available in the separately issued CalPERS financial reports.

C. Reduction of CalPERS Discount Rate

In July 2021, CalPERS reported a preliminary 21.3% net return on investments for the 12-month period that ended June 30, 2021. Under the Funding Risk Mitigation Policy, approved by the CalPERS Board of Administration in 2015, the 21.3% net return will trigger a reduction in the discount rate used to calculate employer and Public Employees' Pension Reform Act (PEPRA) member contributions. The Funding Risk Mitigation Policy seeks to reduce CalPERS funding risk over time, in which CalPERS investment performance that significantly outperforms the discount rate will trigger adjustments to the discount rate, expected investment return, and strategic asset allocation targets. This is the first time it has been triggered. The discount rate, or assumed rate of return, will drop to 6.8%, from its current level of 7%.

Based on these preliminary fiscal year returns, the CalPERS has announced the funded status of the overall Public Employees Retirement Fund (PERF) is an estimated 82%. This estimate is based on a 7% discount rate. Under the new 6.8% discount rate, however, CalPERS indicated the funded status of the overall PERF drops to 80%. This is because existing assets are assumed to grow at a slightly slower rate annually into the future. As intended under the Funding Risk Mitigation Policy, the lower discount rate increases the likelihood that CalPERS can reach its target over the longer term. The CalPERS Board of Administration will continue to review the discount rate through its Asset Liability Management process during the rest of the calendar year.

CalPERS' final fiscal year 2021 investment performance will be calculated based on audited figures and will be reflected in contribution levels for contracting cities, counties, and special districts in fiscal year 2024.

NOTE 12 – OTHER POST-EMPLOYMENT BENEFITS

The City established a post-employment health care defined contribution plan in May 2016, pursuant to a negotiated Memoranda of Understanding (MOU) with its Oakley Police Officers Association employee bargaining unit. The City's funding obligation for the plan is defined within the MOU and is a specified contribution of $450 per month per police employee.

The administration of benefits for the plan rests with the plan administrator. The administrator for the plan is the Peace Officers Research Association of California (PORAC) Retiree Medical Trust. There are no vesting requirements to be eligible to use these funds post-employment. The benefit can only be used to purchase post-employment health insurance.

Contributions to the plan during fiscal year 2021 were $166,950.

In February 2020, the City established a retirement health savings (RHS) plan for all non-safety employees. The City's funding obligation for the plan is $20 per month per employee.

The administration of benefits for the plan rests with the plan administrator. The administrator for the plan is ICMA-RC. To be vested in the plan an employee must have 5 years of consecutive employment to be eligible to use these funds post-employment. The benefit can only be used to fund post-employment medical expenses.

Contributions to the plan during fiscal year 2021 were $10,129.

NOTE 13 – DEFERRED COMPENSATION PLANS

City employees may also defer a portion of their compensation under City sponsored Deferred Compensation Plans. The City offers the opportunity to participate in one of two plans, one created in accordance with Internal Revenue Code Section 457, and one created in accordance with Internal Revenue Code 401a. Under the 457 plan, participants are not taxed on the deferred portion of their compensation until distributed to them; under the 401a plan different rules apply and amounts contributed may be either pre-tax or after-tax depending on applicable plan rules. Under both plans, distributions may be made only at termination, retirement, death or in an emergency as defined by the Plan.

The laws governing deferred compensation plan assets require plan assets to be held by a Trust for the exclusive benefit of plan participants and their beneficiaries. Since the assets held under these plans are not the City's property and are not subject to City control, they have been excluded from these financial statements.

NOTE 14 – RISK MANAGEMENT

A. Municipal Pooling Authority of Northern California (MPA)

The City is a member of the Municipal Pooling Authority of Northern California. The Authority provides coverage against various types of loss risks under the terms of a joint-powers agreement with the City and several other cities and governmental agencies. The City participates in the coverage programs as follows:

Types of Coverage (Deductible)	Coverage Limits
Liability ($25,000)	$29,000,000
Vehicle - Physical Damage ($3,000 for police vehicles, $2,000 for all others)	250,000
Worker's Compensation (no deductible)	Statutory Limit
Property:	
All Risk and Copper Claims ($25,000), Water Claims ($150,000)	800,000,000
Flood*	25,000,000
Pollution Liability ($100,000)	1,000,000
Boiler and Machinery ($5,000)	100,000,000
Cyber Liability ($50,000)	2,000,000
Government Crime ($2,500)	5,000,000
Employment Liability ($50,000)	2,000,000

* $100,000 minimum deductible per occurrence, except Zones A and V, which are subject to a $250,000 deductible per occurrence.

The Authority is governed by a Board consisting of representatives from member municipalities. The Board controls the operations of the Authority, including selection of management and approval of operating budgets, independent of any influence by member municipalities beyond their representation on the Board.

The City's deposits with the Authority are in accordance with formulas established by the Authority. Actual surpluses or losses are shared according to a formula developed from overall loss costs and spread to member entities on a percentage basis after a retrospective rating.

Audited financial statements for the Authority are available from MPA, 1911 San Miguel Drive, Suite 200, Walnut Creek, CA 94596.

NOTE 14 – RISK MANAGEMENT (Continued)

B. Liability for Uninsured Claims

Claims and judgments, including a provision for claims incurred but not reported, are recorded when a loss is deemed probable of assertion and the amount of the loss is reasonably determinable. As discussed, above, the City has coverage for such claims, but it has retained the risk for the deductible, or uninsured portion of these claims. Settlements have not exceeded insurance coverage for the past three fiscal years.

The City's liability for uninsured liability claims at June 30 was estimated by management based on claims experience during the fiscal year and was computed as follows:

	June 30	
	2021	2020
Balance at beginning of year	$14,386	$56,171
Liability for current fiscal year claims	155	4
Change in liability for prior fiscal year claims and claims incurred but not reported	140,388	(14,088)
Claims paid	(139,996)	(27,701)
Balance at end of year	$14,933	$14,386

NOTE 15 – COMMITMENTS AND CONTINGENCIES

A. Construction and Other Commitments

The City has the following outstanding construction commitments as of June 30, 2021 which are included in the balance of encumbrances in Note 15E:

Downtown Gateway Plaza Roadway and Parking	$237,486
Traffic Signal Modernization	87,259
Civic Center Emergency Generator Project	72,731
Laural Road Resurfacing	28,463
Street Repair and Maintenance	17,955
Downtown Parking Lot Project	9,162
Laurel Road Reconstruction (Mellowood-Main)	8,540
Regional Park at Dutch Slough	7,420
Civic Center Park Renovation	1,824
Police Parking Lot Expansion	1,200

NOTE 15 – COMMITMENTS AND CONTINGENCIES (Continued)

B. Litigation

The City is subject to litigation arising in the normal course of business. In the opinion of the City Attorney, there is no presently filed litigation which is likely to have a material adverse effect on the financial position of the City.

C. Federal and State Grant Programs

The City participates in several federal and State grant programs. These programs are subject to audit by the City's independent accountants in accordance with the provisions of the federal Single Audit Act as amended and applicable State requirements. No cost disallowances have been proposed as a result of audits completed to date; however, these programs are still subject to further examination by the grantors and the amount, if any, of expenditures which may be disallowed by the granting agencies cannot be determined at this time. The City expects such amounts, if any, to be immaterial.

D. Funding Plan for Construction of Station 55 and Advance from Fire District

In September 2018, the City entered into a cooperative funding agreement with the East Contra Costa Fire Protection District for the construction of Fire Station No. 55 in the Summer Lakes subdivision. Under the terms of a separate settlement agreement with a developer, the City received $3.12 million for the design and construction of Fire Station #55 along with the dedication of a one acre parcel on which the station is to be built. Under the terms of the cooperative funding agreement, the District agreed to advance $1.9 million to the City to complete the design and construction of Station 55. Within thirty days of final completion of the project, the City agrees to transfer title to Station 55 and the associated one acre parcel to the District.

Starting sixty days following the final completion of the project, the advance from the District is repayable on a monthly basis from fire facilities impact fees collected by the City in the previous month. The advance of funds does not bear interest and the balance of the advance was $995,141 at June 30, 2021.

E. Encumbrances

Encumbrances outstanding as of June 30, 2021 by fund were as follows:

Major Governmental Funds:	
General Fund	$87,163
Lighting and Landscaping Districts Special Revenue Fund	101,727
Traffic Impact Fees Capital Projects Fund	87,259
Non-Major Governmental Funds	447,960
Total Encumbrances	$724,109

NOTE 16 – REDEVELOPMENT AGENCY DISSOLUTION AND SUCCESSOR AGENCY ACTIVITIES

A. REDEVELOPMENT DISSOLUTION

In an effort to balance its budget, the State of California adopted ABx1 26 on June 28, 2011, amended by AB1484 on June 27, 2012 (collectively referred to as the Dissolution Act), which suspended all new redevelopment activities except for limited specified activities as of that date and dissolved redevelopment agencies on January 31, 2012.

The suspension provisions prohibited all redevelopment agencies from a wide range of activities, including incurring new indebtedness or obligations, entering into or modifying agreements or contracts, acquiring or disposing of real property, taking actions to adopt or amend redevelopment plans and other similar actions, except actions required by law or to carry out existing enforceable obligations, as defined in ABx1 26.

In addition, the Dissolution Act directs the State Controller to review the activities of all redevelopment agencies and successor agencies to determine whether an asset transfer between an agency and any public agency occurred on or after January 1, 2011. If an asset transfer did occur and the public agency that received the asset is not contractually committed to a third party for the expenditure or encumbrance of the asset, the legislation purports to require the State Controller to order the asset returned to the redevelopment agency. The State Controller's Office completed its asset transfer review in July 2015, which did not require the transfer of any additional assets to the Successor Agency.

Effective January 31, 2012, the Redevelopment Agency was dissolved. In accordance with the Dissolution Act, certain assets of the Redevelopment Agency Low and Moderate Income Housing Fund were distributed to a Housing Successor; and all remaining Redevelopment Agency assets and liabilities were distributed to a Successor Agency.

Under the provisions of ABx1 26, the City was eligible to elect to become the Housing Successor and retain the housing assets and elected to do so. On February 1, 2012, the Agency's housing assets were transferred to the City's Low and Moderate Income Housing Asset Special Revenue Fund. The activities of the Housing Successor are reported in the Low and Moderate Income Housing Assets Special Revenue Fund as the City has control of those assets, which may be used in accordance with the low and moderate income housing provisions of California Redevelopment Law.

The City also elected to become the Successor Agency and on February 1, 2012 the Redevelopment Agency's remaining assets were distributed to and liabilities were assumed by the Successor Agency. ABx1 26 requires the establishment of an Oversight Board to oversee the activities of the Successor Agency and one was established on April 17, 2012. The activities of the Successor Agency are subject to review and approval of the Oversight Board, which is comprised of seven members, including one member of City Council and one former Redevelopment Agency employee appointed by the Mayor.

The activities of the Successor Agency are reported in the Successor Agency to the Redevelopment Agency Private-Purpose Trust Fund as the activities are under the control of the Oversight Board and the Department of Finance. The City provides administrative services to the Successor Agency to wind down the affairs of the former Redevelopment Agency.

The Department of Finance issued the Successor Agency a Finding of Completion on August 15, 2014.

NOTE 16 – REDEVELOPMENT AGENCY DISSOLUTION AND SUCCESSOR AGENCY ACTIVITIES (Continued)

Cash and investments of the Successor Agency as of June 30, 2021 includes the following:

Cash available for operations:	
Cash available for operations	$4,058
Cash held for September 1, 2021 debt service payment	1,360,212
Cash and investments with fiscal agent	314
Total Cash and Investments	$1,364,584

Details regarding cash and investments are discussed in Note 3. Information presented in the following footnotes represents other assets and liabilities of the Successor Agency as of June 30, 2021.

B. LOANS RECEIVABLE

The Successor Agency assumed the non-housing loans receivable of the Redevelopment Agency as of February 1, 2012. The Redevelopment Agency engaged in programs designed to encourage construction of or improvement to low-to-moderate income housing. Under these programs, grants or loans were provided under favorable terms to homeowners or developers who agreed to expend these funds in accordance with the Agency's terms. The balance of the portion of the Oakley Senior Housing loan assumed by the Successor Agency as discussed in Note 5D above, including accrued interest was $669,455 as of June 30, 2021.

C. LONG-TERM DEBT

The Successor Agency assumed the long-term debt of the Redevelopment Agency as of February 1, 2012.

1. Current Year Transaction and Balances

All of the long-term debt of the Successor Agency is comprised of Tax Allocation Bonds issued by the Redevelopment Agency. The Bonds are special obligations of the Agency and are secured only by the Agency's tax increment revenues. Tax Allocation Bond transactions were as follows:

	Original Issue Amount	Balance June 30, 2020	Retirements	Balance June 30, 2021	Current Portion
2015A Tax Allocation Bonds					
3.375-5.00%, due 9/01/2028	$2,595,000	$2,595,000		$2,595,000	
2015B Tax Allocation Bonds					
2.00-3.75%, due 9/01/2024	3,115,000	2,400,000	($485,000)	1,915,000	$500,000
2018 Tax Allocation Refunding Bonds					
3.25-6.00%, due 9/01/2038	18,655,000	18,585,000	(330,000)	18,255,000	345,000
Add: Unamortized Bond Premium		1,881,679		1,881,679	
Total		$25,461,679	($815,000)	$24,646,679	$845,000

NOTE 16 – REDEVELOPMENT AGENCY DISSOLUTION AND SUCCESSOR AGENCY ACTIVITIES (Continued)

2. Successor Agency 2015 Tax Allocation Bonds

On May 6, 2015, the Agency issued $2,595,000 in 2015 Tax Allocation Bonds, Series A, and $3,115,000 in 2015 Tax Allocation Bonds, Series B. The proceeds of these bonds, secured by property tax revenues in the Redevelopment Property Tax Trust Fund, were used to refund and defease the outstanding 2003 Tax Allocation Bonds. The 2003 Bonds were called on June 19, 2015.

Under the terms of the Trust Indenture for the 2015 Bonds, an event of default occurs if, among other things, the Successor Agency (i) fails to pay interest or principal on the 2015 Bonds when due and payable, (ii) fails to observe or perform any other covenant or term contained in the Trust Indenture, or (iii) commences a voluntary case under Title 11 of the United States Code. Upon the occurrence of an event of default, the Trustee may exercise any remedies available to the Trustee and the bond owners in law or at equity.

The 2015 Bonds are secured by the Successor Agency's property tax revenues in the Redevelopment Property Tax Trust Fund. Annual principal payments on the Series A Bonds do not start till September 1, 2024, and semi-annual interest payments are due March 1 and September 1, through 2028. Annual principal payments on the Series B Bonds are due September 1, and semi-annual interest payments are due March 1 and September 1, through 2024.

3. Successor Agency 2018 Tax Allocation Refunding Bonds

On July 19, 2018, the Agency issued $18,655,000 in 2018 Tax Allocation Refunding Bonds. The proceeds of these bonds, secured by property tax revenues in the Redevelopment Property Tax Trust Fund, were used to refund and defease the outstanding 2008 Subordinate Tax Allocation Bonds. The refunding reduces the total debt service payments over 21 years by $7,649,546 and results in an economic gain (difference between the present values of the debt service payments on the old and new debt) of $3,097,278. The 2008 Bonds were called on September 1, 2018.

Under the terms of the Trust Indenture for the 2018 Bonds, an event of default occurs if, among other things, the Successor Agency (i) fails to pay interest or principal on the 2018 Bonds when due and payable, (ii) fails to observe or perform any other covenant or term contained in the Trust Indenture, or (iii) commences a voluntary case under Title 11 of the United States Code. Upon the occurrence of an event of default, the Trustee may exercise any remedies available to the Trustee and the bond owners in law or at equity.

The 2018 Bonds are secured by the Successor Agency's property tax revenues in the Redevelopment Property Tax Trust Fund. The 2018 Bonds are on parity with the 2015 Bonds discussed above Annual principal payments on the 2018 Bonds are due September 2, and semi-annual interest payments are due March 1 and September 1, through 2028.

NOTE 16 – REDEVELOPMENT AGENCY DISSOLUTION AND SUCCESSOR AGENCY ACTIVITIES (Continued)

4. Pledge of Tax Revenues

As discussed above, the Agency had pledged all future tax increment revenues, less amounts required to be set aside in the Redevelopment Agency Low and Moderate Income Housing Capital Projects Fund and certain tax increment pass through payments, for the repayment of both the 2003 and 2008A Tax Allocation Bonds (non-housing revenues). The Agency had also pledged tax increment revenues required to be set aside in the Redevelopment Agency Low and Moderate Income Housing Capital Projects Fund (housing revenue) for the repayment of a portion of the 2003 Tax Allocation Bonds. With the issuance of the 2018 Bonds, the tax increment revenue is pledged on parity with the 2015 and 2018 Bonds. The pledge of all future tax increment revenues ends upon repayment of the $32,364,613 remaining debt service on the 2015 and 2018 Bonds above, which is scheduled to occur in 2039.

With the dissolution of the Redevelopment Agency discussed above, Tax Increment is no longer distributed, and instead the Successor Agency receives payments from the County's Redevelopment Property Tax Trust Fund (RPTTF) that are to be used to fund debt service on the Bonds, with no distinction between housing and non-housing revenues. Beginning in fiscal year 2012, under the provisions of the laws dissolving the Redevelopment Agency, the Successor Agency only receives the funds necessary to fulfill its approved obligations. Total property taxes available for distribution to the Successor Agency and other taxing entities for fiscal year 2021 calculated by the County Auditor-Controller was $1,975,410 and the total received by the Successor Agency for fiscal year 2021 debt service was $1,933,455 which represented of 107% of the $1,809,885 of debt service.

5. Debt Service Requirements

Annual debt service requirements for the Bonds are shown below:

For the Year Ending June 30	Principal	Interest
2022	$845,000	$962,305
2023	880,000	925,498
2024	920,000	887,048
2025	955,000	846,489
2026	1,000,000	799,986
2027 - 2031	5,750,000	3,240,926
2032 - 2036	7,285,000	1,674,965
2037 - 2041	5,130,000	262,396
	22,765,000	$9,599,613
Add: Unamortized Premium	1,881,679	
Net Long Term Debt	$24,646,679	

NOTE 16 – REDEVELOPMENT AGENCY DISSOLUTION AND SUCCESSOR AGENCY ACTIVITIES (Continued)

D. COMMITMENTS AND CONTINGENCIES

1. State Approval of Enforceable Obligations

The Successor Agency prepares a Recognized Obligation Payment Schedule (ROPS) semi-annually that contains all proposed expenditures for the subsequent six-month period. The ROPS is subject to the review and approval of the Oversight Board as well as the State Department of Finance. Although the State Department of Finance may not question items included on the ROPS in one period, they may question the same items in a future period and disallow associated activities. The amount, if any, of current obligations that may be denied by the State Department of Finance in the future cannot be determined at this time.

2. State Asset Transfer Review

The activities of the former Redevelopment Agency and the Successor Agency were also subject to further examination by the State of California. The State Controller's Office conducted a review of the propriety of asset transfers between the former Redevelopment Agency or the Successor Agency and any public agency that occurred on or after January 1, 2011. The results of that review were issued in July 2015 and although the review did identify ineligible transfers of assets from the former Redevelopment Agency to the City, the report reflected the current year and prior year transfers discussed in Note 16A and made no further demands for the return of assets to the Successor Agency.

E. CONTRA COSTA COUNTYWIDE CONSOLIDATED OVERSIGHT BOARD

On July 1, 2018, the duties of the Oakley Oversight Board transferred to a new Contra Costa Countywide Consolidated Oversight Board, which will now be responsible for overseeing the winddown affairs of all Successor Agencies in Contra Costa County, including the Successor Agency to the Oakley Redevelopment Agency.

REQUIRED SUPPLEMENTARY INFORMATION

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REQUIRED SUPPLEMENTARY INFORMATION

Miscellaneous and Safety Rate Plans, a Cost Sharing-Employer Defined Benefit Pension Plan
Last 10 Years*

SCHEDULE OF THE CITY'S PROPORTIONATE SHARE OF THE NET PENSION LIABILITY

Measurement Date	6/30/2014	6/30/2015	6/30/2016	6/30/2017
Plan's Proportion of the Net Pension Liability (Asset)	0.04460%	0.05032%	0.04978%	0.02077%
Plan's Proportionate Share of the Net Pension Liability/(Asset)	$1,102,233	$1,380,410	$1,729,323	$2,059,612
Plan's Covered Payroll	$1,972,266	$2,494,839	$3,497,131	$6,800,698
Plan's Proportionate Share of the Net Pension Liability/(Asset) as a Percentage of its Covered Payroll	55.89%	55.33%	49.45%	30.29%
Plan's Proportionate Share of the Fiduciary Net Position as a Percentage of the Plan's Total Pension Liability	79.82%	78.40%	74.06%	73.31%

Notes to Schedule:

* - Fiscal year 2015 was the 1st year of implementation.

6/30/2018	6/30/2019	6/30/2020
0.02053%	0.02258%	0.01526%
$1,978,129	$2,313,974	$1,660,558
$8,031,468	$8,224,932	$8,331,862
24.63%	28.13%	19.93%
72.60%	83.26%	90.07%

REQUIRED SUPPLEMENTARY INFORMATION

Miscellaneous and Safety Rate Plans, a Cost Sharing-Employer Defined Benefit Pension Plan
Last 10 Years*

SCHEDULE OF CONTRIBUTIONS

For the year Ended June 30	2015	2016	2017	2018
Actuarially determined contribution	$296,613	$382,769	$746,429	$986,847
Contributions in relation to the actuarially determined contributions	296,613	382,769	746,429	986,847
Contribution deficiency (excess)	$0	$0	$0	$0
Covered payroll	$2,494,839	$3,497,131	$6,800,698	$8,031,468
Contributions as a percentage of covered payroll	11.89%	10.95%	10.98%	12.29%

* Fiscal year 2015 was the 1st year of implementation.

2019	2020	2021
$1,038,446	$2,174,321	$1,595,273
1,038,446	2,174,321	1,595,273
$0	$0	$0
$8,224,932	$8,331,862	$8,425,819
12.63%	26.10%	18.93%

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SUPPLEMENTAL INFORMATION

MAJOR GOVERNMENTAL FUND, OTHER THAN GENERAL FUND AND SPECIAL REVENUE FUNDS

TRAFFIC IMPACT FEES CAPITAL PROJECTS FUND

This fund accounts for fees assessed on new development to provide street and road improvements.

CITY OF OAKLEY
TRAFFIC IMPACT FEES
CAPITAL PROJECTS FUND
SCHEDULE OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2021

	Budget	Actual	Variance Positive (Negative)
REVENUES			
Developer fees	$3,232,107	$4,847,979	$1,615,872
Use of money and property	30,000	4,954	(25,046)
Miscellaneous	969,000	1,147,753	178,753
Total Revenues	4,231,107	6,000,686	1,769,579
EXPENDITURES			
Current:			
Community Development			
Public Works	128,000	179,584	(51,584)
Capital outlay	5,591,580	4,236,184	1,355,396
Total Expenditures	5,719,580	4,415,768	1,303,812
NET CHANGE IN FUND BALANCES	($1,488,473)	1,584,918	$3,073,391
Fund balance at beginning of year		7,485,624	
Fund balance at end of year		$9,070,542	

SPECIAL REVENUE FUNDS

GAS TAX

This fund accounts for revenues and expenditures received from the State of California under Street and Highways Code Sections 2105, 2106, 2107 and 2107.5. This fund also accounts for the revenues and expenditures related to Senate Bill 1 (SB 1) Road Maintenance and Rehabilitation Program received from the State of California under Street and Highways Code Sections 2032. All allocations must be spent for street maintenance and construction.

NPDES

This fund accounts for storm water utility fees assessed on properties city-wide and used to pay for the "National Pollution Discharge Elimination System" to prevent further polluting of our streams and bays as mandated by the Federal government.

YOUTH DEVELOPMENT

This fund accounts for youth development grant programs.

COMMUNITY FACILITIES DISTRICT #1

This fund accounts for maintenance and operations related to drainage and flood control at the Cypress Grove development.

COMMUNITY FACILITIES DISTRICT 2015-1

This fund accounts for the activities associated with the maintenance of neighborhood parks, community parks, regional parks, street lighting, landscaping and storm water detention facilities at Emerson Ranch.

OAKLEY WELCOMING

This fund accounts for the activities associated with the grant-funded Oakley Welcoming program under the You Me We Oakley! brand.

AG CONSERVATION

This fund accounts for the activities associated with establishing and carrying out the City's agricultural conservation program.

CITYWIDE COMMUNITY FACILITIES DISTRICT

This fund was established to account for the activities associated with the maintenance of neighborhood parks and stormwater detention facilities in the areas of the 2015-2 Citywide Community Facility District.

REGIONAL PARK

This fund was established to account for the activities associated with the development and maintenance of the Oakley Regional Community Park.

OTS POLICE GRANTS

This fund was established to account for grant funding received to pay for overtime expenses on eligible traffic operations.

CAPITAL PROJECTS FUNDS

MEASURE J

This fund accounts for the City's portion of the half-cent County-wide sales tax levied to fund transportation improvements to local streets.

GENERAL CAPITAL PROJECTS

This fund accounts for revenues and expenditures related to General Fund contributions, grants and other funding accounts for capital projects not accounted for in other capital projects funds. It accounts for the total expenditures for each project charged to this fund.

PARK IMPACT FEES

This fund accounts for fees assessed on new development to provide for park acquisition and development.

PUBLIC FACILITIES IMPACT FEE

This fund accounts for fees assessed on new development to provide for public facilities.

FIRE IMPACT FEES

This fund accounts for fees assessed on new developments to provide for fire protection capital facilities.

MAIN STREET

This fund accounts for Main Street related projects funded by the General Fund.

CYPRESS GROVE CAPITAL PROJECT

This fund accounts for funds from the 2004-1 Limited Obligation Bonds used to purchase infrastructure assets built by developers in the 2004-1 Assessment District area.

STREET MAINTENANCE RESERVE

This fund was established to account for the accumulation of funds for the long-term maintenance of the City's streets. The amounts transferred into the reserve will be used to augment the City's Gas Tax, Measure J, and other street improvement revenues in completing street maintenance and improvement projects. The reserve shall be considered fully funded when the balance and the combination of anticipated special revenues eligible for street maintenance is sufficient to pay for the next 3 years' anticipated maintenance, which is anticipated to occur by June 30, 2018.

2006-1 ASSESSMENT DISTRICT CAPITAL PROJECTS

This fund accounts for funds from the 2006 Infrastructure Revenue Bonds that will ultimately be used to purchase infrastructure assets built by developers in the 2006-1 Assessment District area.

DEBT SERVICE FUND

This fund accounts for principal and interest on the City's debt issues.

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CITY OF OAKLEY
NON-MAJOR GOVERNMENTAL FUNDS
COMBINING BALANCE SHEETS
JUNE 30, 2021

	SPECIAL REVENUE FUNDS			
	Gas Tax	NPDES	Youth Development	Community Facilities District #1
ASSETS				
Cash and investments available for operations	$1,935,024	$333,316		$2,480,350
Cash with fiscal agent				
Accounts receivable, net	76,733			
Interest receivable	1,371	153		1,839
Advances to other funds				
Total Assets	$2,013,128	$333,469		$2,482,189
LIABILITIES				
Accounts payable	$36,883	$11,883		$16,382
Accrued liabilities				
Due to other funds				
Deposits payable				
Unearned revenue		37,576		
Total Liabilities	36,883	49,459		16,382
DEFERRED INFLOWS OF RESOURCES				
Unavailable revenue - interest on advances to other funds				
Total Deferred Inflows of Resources				
FUND BALANCES				
Restricted	1,976,245	284,010		2,465,807
Assigned				
Unassigned				
Total Fund Balance	1,976,245	284,010		2,465,807
Total Liabilities, Deferred Inflows of Resources and Fund Balances	$2,013,128	$333,469		$2,482,189

SPECIAL REVENUE FUNDS					
Community Facilities District 2015-1	Oakley Welcoming	Ag Conservation	Citywide Community Facilities District	Regional Park	OTS Police Grants
$2,122,089	$173,972	$7,294	$831,995	$1,590,969	
1,542	134	5	573		$3,351
$2,123,631	$174,106	$7,299	$832,568	$1,590,969	$3,351
$20,800	$104		$46,843	$25,648	
	32,723				$4,202
				3,000	
	141,279				
20,800	174,106		46,843	28,648	4,202
2,102,831		$7,299	785,725	1,562,321	
					(851)
2,102,831		7,299	785,725	1,562,321	(851)
$2,123,631	$174,106	$7,299	$832,568	$1,590,969	$3,351

(Continued)

CITY OF OAKLEY
NON-MAJOR GOVERNMENTAL FUNDS
COMBINING BALANCE SHEETS
JUNE 30, 2021

	CAPITAL PROJECTS FUNDS			
	Measure J	General Capital Projects	Park Impact Fees	Public Facilities Impact Fee
ASSETS				
Cash and investments available for operations	$1,131,133	$3,583,846	$3,404,269	$2,463,807
Cash with fiscal agent				
Accounts receivable, net		109,774		
Interest receivable	962	2,053	2,466	1,761
Advances to other funds			438,410	140,328
Total Assets	$1,132,095	$3,695,673	$3,845,145	$2,605,896
LIABILITIES				
Accounts payable		$6,775	$263,846	
Accrued liabilities				
Due to other funds				
Deposits payable				
Unearned revenue		378,566	2,181	$698
Total Liabilities		385,341	266,027	698
DEFERRED INFLOWS OF RESOURCES				
Unavailable revenue - interest on advances to other funds			101,399	32,456
Total Deferred Inflows of Resources			101,399	32,456
FUND BALANCES				
Restricted	$1,132,095		3,477,719	2,572,742
Assigned		3,310,332		
Unassigned				
Total Fund Balance	1,132,095	3,310,332	3,477,719	2,572,742
Total Liabilities, Deferred Inflows of Resources	$1,132,095	$3,695,673	$3,845,145	$2,605,896

CAPITAL PROJECTS FUNDS						
Fire Impact Fees	Main Street	Cypress Grove Capital Project	Street Maintenance Reserve	2006-1 Assessment District	Debt Service Fund	Total Nonmajor Governmental Funds
	$2,315,052	$168	$2,202,873	$123,298	$44,752	$24,744,207
		114,919		407,048	324	522,291
		20,226				210,084
		(161)			260	12,958
						578,738
	$2,315,052	$135,152	$2,202,873	$530,346	$45,336	$26,068,278
	$6,564	$38,481	$51,933			$526,142
						32,723
		21,750				25,952
						3,000
						560,300
	6,564	60,231	51,933			1,148,117
						133,855
						133,855
		74,921		$530,346	$45,336	17,017,397
	2,308,488		2,150,940			7,769,760
						(851)
	2,308,488	74,921	2,150,940	530,346	45,336	24,786,306
	$2,315,052	$135,152	$2,202,873	$530,346	$45,336	$26,068,278

CITY OF OAKLEY
NON-MAJOR GOVERNMENTAL FUNDS
COMBINING STATEMENTS OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
FOR THE YEAR ENDED JUNE 30, 2021

	SPECIAL REVENUE FUNDS			
	Gas Tax	NPDES	Youth Development	Community Facilities District #1
REVENUES				
Property taxes		$519,585		
Other taxes				
Intergovernmental:				
Other	$1,714,207			
Developer fees				
Special assessments				$331,380
Use of money and property	8,891	(456)		86
Miscellaneous	16,496	120		
Total Revenues	1,739,594	519,249		331,466
EXPENDITURES				
Current:				
Community Development				
Public Works	432,398	594,013		140,327
Law Enforcement				
Recreation				
Capital outlay	83,938	1,002		
Debt service:				
Principal				
Interest and fiscal charges				
Total Expenditures	516,336	595,015		140,327
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	1,223,258	(75,766)		191,139
OTHER FINANCING SOURCES (USES)				
Transfers in				24,564
Transfers (out)	(169,799)			
Total Other Financing Sources (Uses)	(169,799)			24,564
NET CHANGE IN FUND BALANCES	1,053,459	(75,766)		215,703
Fund balance (deficit) at beginning of year	922,786	359,776		2,250,104
Fund balances (deficit) at end of year	$1,976,245	$284,010		$2,465,807

SPECIAL REVENUE FUNDS

Community Facilities District 2015-1	Oakley Welcoming	Ag Conservation	Citywide Community Facilities District	Regional Park	OTS Police Grants
$622,631			$686,234	$384,969	
					$12,947
10,548	$1,280	$48	3,727	20,472	
	68,117				
633,179	69,397	48	689,961	405,441	12,947
952,271			437,928		
					13,798
	69,397				
				42,463	
952,271	69,397		437,928	42,463	13,798
(319,092)		48	252,033	362,978	(851)
			(24,564)		
			(24,564)		
(319,092)		48	227,469	362,978	(851)
2,421,923		7,251	558,256	1,199,343	
$2,102,831		$7,299	$785,725	$1,562,321	($851)

(Continued)

CITY OF OAKLEY
NON-MAJOR GOVERNMENTAL FUNDS
COMBINING STATEMENTS OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
FOR THE YEAR ENDED JUNE 30, 2021

	CAPITAL PROJECTS FUNDS			
	Measure J	General Capital Projects	Park Impact Fees	Public Facilities Impact Fee
REVENUES				
Property taxes				
Other taxes				
Intergovernmental:				
Other	$640,318	$140,392		
Developer fees			$3,732,745	$2,626,968
Special assessments				
Use of money and property	6,839			9,503
Miscellaneous				
Total Revenues	647,157	140,392	3,732,745	2,636,471
EXPENDITURES				
Current:				
Community Development				81,522
Public Works	109,139		119,959	
Law Enforcement				
Recreation				
Capital outlay	366,972	1,490,275	472,852	
Debt service:				
Principal				
Interest and fiscal charges			1,000	
Total Expenditures	476,111	1,490,275	593,811	81,522
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	171,046	(1,349,883)	3,138,934	2,554,949
OTHER FINANCING SOURCES (USES)				
Transfers in		1,459,800		
Transfers (out)				(673,570)
Total Other Financing Sources (Uses)		1,459,800		(673,570)
NET CHANGE IN FUND BALANCES	171,046	109,917	3,138,934	1,881,379
Fund balance (deficit) at beginning of year	961,049	3,200,415	338,785	691,363
Fund balances (deficit) at end of year	$1,132,095	$3,310,332	$3,477,719	$2,572,742

CAPITAL PROJECTS FUNDS						
Fire Impact Fees	Main Street	Cypress Grove Capital Project	Street Maintenance Reserve	2006-1 Assessment District	Debt Service Fund	Total Nonmajor Governmental Funds
						$519,585
						1,693,834
		$20,226				2,528,090
$530,389			$675,000			7,565,102
						331,380
970		3		$285	$705	62,901
		62,773		125,170		272,676
531,359		83,002	675,000	125,455	705	12,973,568
768,305						849,827
						2,786,035
						13,798
						69,397
	$70,753	109,581	269,379			2,907,215
					305,000	305,000
					368,225	369,225
768,305	70,753	109,581	269,379		673,225	7,300,497
(236,946)	(70,753)	(26,579)	405,621	125,455	(672,520)	5,673,071
	350,000		350,000		673,570	2,857,934
						(867,933)
	350,000		350,000		673,570	1,990,001
(236,946)	279,247	(26,579)	755,621	125,455	1,050	7,663,072
236,946	2,029,241	101,500	1,395,319	404,891	44,286	17,123,234
	$2,308,488	$74,921	$2,150,940	$530,346	$45,336	$24,786,306

CITY OF OAKLEY
NON-MAJOR GOVERNMENTAL FUNDS
COMBINING SCHEDULES OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2021

	SPECIAL REVENUE FUNDS					
	GAS TAX			N.P.D.E.S.		
	Budget	Actual	Variance Positive (Negative)	Budget	Actual	Variance Positive (Negative)
REVENUES						
Property taxes				$450,000	$519,585	$69,585
Other taxes						
Intergovernmental:						
Other	$1,642,570	$1,714,207	$71,637			
Developer fees						
Special assessments						
Use of money and property	1,000	8,891	7,891	1,000	(456)	(1,456)
Miscellaneous		16,496	16,496		120	120
Total Revenues	1,643,570	1,739,594	96,024	451,000	519,249	68,249
EXPENDITURES						
Current:						
Community Development						
Public Works	583,750	432,398	151,352	546,000	594,013	(48,013)
Law Enforcement						
Recreation						
Capital outlay	1,366,552	83,938	1,282,614	233,210	1,002	232,208
Debt service:						
Principal						
Interest and fiscal charges						
Total Expenditures	1,950,302	516,336	1,433,966	779,210	595,015	184,195
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	(306,732)	1,223,258	1,529,990	(328,210)	(75,766)	252,444
OTHER FINANCING SOURCES (USES)						
Transfers in						
Transfers (out)	(189,722)	(169,799)	19,923			
Total Other Financing Sources (Uses)	(189,722)	(169,799)	19,923			
NET CHANGE IN FUND BALANCES	($496,454)	1,053,459	$1,549,913	($328,210)	(75,766)	$252,444
Fund balances (deficit) at beginning of year		922,786			359,776	
Fund balances (deficit) at end of year		$1,976,245			$284,010	

SPECIAL REVENUE FUNDS

YOUTH DEVELOPMENT			COMMUNITY FACILITIES DISTRICT #1			COMMUNITY FACILITIES DISTRICT 2015-1		
Budget	Actual	Variance Positive (Negative)	Budget	Actual	Variance Positive (Negative)	Budget	Actual	Variance Positive (Negative)
						$598,477	$622,631	$24,154
			$324,882	$331,380	$6,498			
			2,500	86	(2,414)		10,548	10,548
			327,382	331,466	4,084	598,477	633,179	34,702
			298,567	140,327	158,240	587,072	952,271	(365,199)
			298,567	140,327	158,240	587,072	952,271	(365,199)
			28,815	191,139	162,324	11,405	(319,092)	(330,497)
			24,564	24,564				
			24,564	24,564				
			$53,379	215,703	$162,324	$11,405	(319,092)	($330,497)
				2,250,104			2,421,923	
				$2,465,807			$2,102,831	

(Continued)

CITY OF OAKLEY
NON-MAJOR GOVERNMENTAL FUNDS
COMBINING SCHEDULES OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2021

	SPECIAL REVENUE FUNDS					
	OAKLEY WELCOMING			AG CONSERVATION		
	Budget	Actual	Variance Positive (Negative)	Budget	Actual	Variance Positive (Negative)
REVENUES						
Property taxes						
Other taxes						
Intergovernmental:						
Other						
Developer fees						
Special assessments						
Use of money and property		$1,280	$1,280		$48	$48
Miscellaneous	$81,000	68,117	(12,883)			
Total Revenues	81,000	69,397	(11,603)		48	48
EXPENDITURES						
Current:						
Community Development						
Public Works						
Law Enforcement						
Recreation	80,575	69,397	11,178			
Capital outlay						
Debt service:						
Principal						
Interest and fiscal charges						
Total Expenditures	80,575	69,397	11,178			
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	425		(425)		48	48
OTHER FINANCING SOURCES (USES)						
Transfers in						
Transfers (out)						
Total Other Financing Sources (Uses)						
NET CHANGE IN FUND BALANCES	$425		($425)		48	$48
Fund balances (deficit) at beginning of year					7,251	
Fund balances (deficit) at end of year					$7,299	

SPECIAL REVENUE FUNDS

CITYWIDE COMMUNITY FACILITIES DISTRICT			REGIONAL PARK			OTS Police Grants		
Budget	Actual	Variance Positive (Negative)	Budget	Actual	Variance Positive (Negative)	Budget	Actual	Variance Positive (Negative)
$765,083	$686,234	($78,849)	$167,000	$384,969	$217,969			
						$54,000	$12,947	($41,053)
250	3,727	3,477	15,000	20,472	5,472			
765,333	689,961	(75,372)	182,000	405,441	223,441	54,000	12,947	(41,053)
663,008	437,928	225,080						
						54,000	13,798	40,202
			139,124	42,463	96,661			
663,008	437,928	225,080	139,124	42,463	96,661	54,000	13,798	40,202
102,325	252,033	149,708	42,876	362,978	320,102		(851)	(851)
(24,564)	(24,564)							
(24,564)	(24,564)							
$77,761	227,469	$149,708	$42,876	362,978	$320,102		(851)	($851)
	558,256			1,199,343				
	$785,725			$1,562,321			($851)	

(Continued)

CITY OF OAKLEY
NON-MAJOR GOVERNMENTAL FUNDS
COMBINING SCHEDULES OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2021

	CAPITAL PROJECTS FUNDS					
	MEASURE J			GENERAL CAPITAL PROJECTS		
	Budget	Actual	Variance Positive (Negative)	Budget	Actual	Variance Positive (Negative)
REVENUES						
Property taxes						
Other taxes						
Intergovernmental:						
Other	$539,550	$640,318	$100,768		$140,392	$140,392
Developer fees						
Special assessments						
Use of money and property	5,000	6,839	1,839	$15,000		(15,000)
Miscellaneous						
Total Revenues	544,550	647,157	102,607	15,000	140,392	125,392
EXPENDITURES						
Current:						
Community Development						
Public Works	363,700	109,139	254,561			
Law Enforcement						
Recreation						
Capital outlay	772,974	366,972	406,002	4,660,048	1,490,275	3,169,773
Debt service:						
Principal						
Interest and fiscal charges						
Total Expenditures	1,136,674	476,111	660,563	4,660,048	1,490,275	3,169,773
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	(592,124)	171,046	763,170	(4,645,048)	(1,349,883)	3,295,165
OTHER FINANCING SOURCES (USES)						
Transfers in				1,459,800	1,459,800	
Transfers (out)						
Total Other Financing Sources (Uses)				1,459,800	1,459,800	
NET CHANGE IN FUND BALANCES	($592,124)	171,046	$763,170	($3,185,248)	109,917	$3,295,165
Fund balances (deficit) at beginning of year		961,049			3,200,415	
Fund balances (deficit) at end of year		$1,132,095			$3,310,332	

CAPITAL PROJECTS FUNDS

PARK IMPACT FEES			PUBLIC FACILITIES IMPACT FEE			FIRE IMPACT FEES		
Budget	Actual	Variance Positive (Negative)	Budget	Actual	Variance Positive (Negative)	Budget	Actual	Variance Positive (Negative)
$2,802,663	$3,732,745	$930,082	$1,410,025	$2,626,968	$1,216,943	$306,245	$530,389	$224,144
			1,500	9,503	8,003	1,000	970	(30)
2,802,663	3,732,745	930,082	1,411,525	2,636,471	1,224,946	307,245	531,359	224,114
			44,000	81,522	(37,522)	308,245	768,305	(460,060)
86,000	119,959	(33,959)						
700,080	472,852	227,228						
	1,000	(1,000)						
786,080	593,811	192,269	44,000	81,522	(37,522)	308,245	768,305	(460,060)
2,016,583	3,138,934	1,122,351	1,367,525	2,554,949	1,187,424	(1,000)	(236,946)	(235,946)
			(673,570)	(673,570)				
			(673,570)	(673,570)				
$2,016,583	3,138,934	$1,122,351	$693,955	1,881,379	$1,187,424	($1,000)	(236,946)	($235,946)
	338,785			691,363			236,946	
	$3,477,719			$2,572,742				

(Continued)

CITY OF OAKLEY
NON-MAJOR GOVERNMENTAL FUNDS
COMBINING SCHEDULES OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2021

	CAPITAL PROJECTS FUNDS					
	MAIN STREET			CYPRESS GROVE CAPITAL PROJECT		
	Budget	Actual	Variance Positive (Negative)	Budget	Actual	Variance Positive (Negative)
REVENUES						
Property taxes						
Other taxes						
Intergovernmental:						
Other					$20,226	$20,226
Developer fees						
Special assessments						
Use of money and property				$500	3	(497)
Miscellaneous					62,773	62,773
Total Revenues				500	83,002	82,502
EXPENDITURES						
Current:						
Community Development						
Public Works						
Law Enforcement						
Recreation						
Capital outlay	$2,515,646	$70,753	$2,444,893	153,500	109,581	43,919
Debt service:						
Principal						
Interest and fiscal charges						
Total Expenditures	2,515,646	70,753	2,444,893	153,500	109,581	43,919
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	(2,515,646)	(70,753)	2,444,893	(153,000)	(26,579)	126,421
OTHER FINANCING SOURCES (USES)						
Transfers in	350,000	350,000		62,773		(62,773)
Transfers (out)						
Total Other Financing Sources (Uses)	350,000	350,000		62,773		(62,773)
NET CHANGE IN FUND BALANCES	($2,165,646)	279,247	$2,444,893	($90,227)	(26,579)	$63,648
Fund balances (deficit) at beginning of year		2,029,241			101,500	
Fund balances (deficit) at end of year		$2,308,488			$74,921	

CAPITAL PROJECTS FUNDS								
STREET MAINTENANCE RESERVE			2006-1 ASSESSMENT DISTRICT			DEBT SERVICE FUND		
Budget	Actual	Variance Positive (Negative)	Budget	Actual	Variance Positive (Negative)	Budget	Actual	Variance Positive (Negative)
	$675,000	$675,000						
			$1,000	$285	($715)	$2,500	$705	($1,795)
				125,170	125,170			
	675,000	675,000	1,000	125,455	124,455	2,500	705	(1,795)
$263,300	269,379	(6,079)						
						305,000	305,000	
						368,570	368,225	345
263,300	269,379	(6,079)				673,570	673,225	345
(263,300)	405,621	668,921	1,000	125,455	124,455	(671,070)	(672,520)	(1,450)
350,000	350,000		125,170		(125,170)	673,570	673,570	
350,000	350,000		125,170		(125,170)	673,570	673,570	
$86,700	755,621	$668,921	$126,170	125,455	($715)	$2,500	1,050	($1,450)
	1,395,319			404,891			44,286	
	$2,150,940			$530,346			$45,336	

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INTERNAL SERVICE FUNDS

Internal Service Funds are used to finance and account for special activities and services performed by a designated department for other departments in the City on a cost reimbursement basis.

The concept of major funds does not extend to internal service funds because they do not do business with outside parties. For the Statement of Activities, the net revenues or expenses of each internal service fund be eliminated by netting them against the operations of the other City departments which generated them. The remaining balance sheet items are consolidated with these same funds in the Statement of Net Position.

However, internal service funds are still presented separately in the Fund financial statements, including the funds below.

EQUIPMENT REPLACEMENT

This fund is used to finance and account for the replacement of equipment used by City departments.

CAPITAL FACILITIES MAINTENANCE AND REPLACEMENT

This fund is used to account for the maintenance and replacement of the City's capital facilities used by City departments.

CITY OF OAKLEY
INTERNAL SERVICE FUNDS
COMBINING STATEMENT OF NET POSITION
JUNE 30, 2021

	Equipment Replacement	Capital Facilities Maintenance and Replacement	Total
ASSETS			
Current:			
Cash and investments available for operations	$1,067,680	$271,446	$1,339,126
Receivables:			
Interest	767	180	947
Total Current Assets	1,068,447	271,626	1,340,073
Noncurrent:			
Capital assets:			
Depreciable, net	614,714	5,308,734	5,923,448
Total Noncurrent Assets	614,714	5,308,734	5,923,448
Total Assets	1,683,161	5,580,360	7,263,521
LIABILITIES			
Accounts payable	3,067		3,067
Total Liabilities	3,067		3,067
NET POSITION			
Net investment in capital assets	614,714	5,308,734	5,923,448
Unrestricted	1,065,380	271,626	1,337,006
Total Net Position	$1,680,094	$5,580,360	$7,260,454

CITY OF OAKLEY
INTERNAL SERVICE FUNDS
COMBINING STATEMENT OF REVENUE, EXPENSES
AND CHANGES IN FUND NET POSITION
FOR THE YEAR ENDED JUNE 30, 2021

	Equipment Replacement	Capital Facilities Maintenance and Replacement	Total
OPERATING REVENUES			
Charges for services	$290,000	$135,000	$425,000
Miscellaneous	2,024		2,024
Total Operating Revenues	292,024	135,000	427,024
OPERATING EXPENSES			
Supplies	29,193	722	29,915
Depreciation	295,129	274,843	569,972
Total Operating Expenses	324,322	275,565	599,887
Operating Income (Loss)	(32,298)	(140,565)	(172,863)
NONOPERATING REVENUES (EXPENSES)			
Gain on sale of assets	7,475		7,475
Interest income	(2,950)	1,189	(1,761)
Total Nonoperating Revenues	4,525	1,189	5,714
Income (Loss) Before Contributions	(27,773)	(139,376)	(167,149)
Contributions	10,743		10,743
Change in net position	(17,030)	(139,376)	(156,406)
BEGINNING NET POSITION	1,697,124	5,719,736	7,416,860
ENDING NET POSITION	$1,680,094	$5,580,360	$7,260,454

CITY OF OAKLEY
INTERNAL SERVICE FUNDS
COMBINING STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED JUNE 30, 2021

	Equipment Replacement	Capital Facilities Maintenance and Replacement	Total
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts from customers	$292,250	$135,000	$427,250
Receipts from other income	2,024		2,024
Payments to suppliers	(77,742)	(722)	(78,464)
Cash Flows from Operating Activities	216,532	134,278	350,810
CASH FLOWS FROM CAPITAL FINANCING ACTIVITIES			
Proceeds from sale of capital assets	7,475		7,475
Acquisition of capital assets	(152,916)		(152,916)
Cash Flows from Noncapital Financing Activities	(145,441)		(145,441)
CASH FLOWS FROM INVESTING ACTIVITIES			
Interest	(520)	1,444	924
Net Cash Flows	70,571	135,722	206,293
Cash and investments at beginning of period	997,109	135,724	1,132,833
Cash and investments at end of period	$1,067,680	$271,446	$1,339,126
NONCASH TRANSACTIONS			
Contribution of capital assets	$10,743		$10,743
Reconciliation of Operating Income (Loss) to Cash Flows from Operating Activities:			
Operating income (loss)	($32,298)	($140,565)	($172,863)
Adjustments to reconcile operating income (loss) to cash flows from operating activities:			
Depreciation	295,129	274,843	569,972
Net change in assets and liabilities:			
Accounts receivable	2,250		2,250
Accounts payable	(48,549)		(48,549)
Cash Flows from Operating Activities	$216,532	$134,278	$350,810

CUSTODIAL FUNDS

Custodial Funds report resources, not in a trust, that are held by the City for other parties outside of the City's reporting entity.

ASSESSMENT DISTRICT 2004-1

This fund accounts for Assessment District 2004-1 special assessment collections and debt service payments.

GENERAL AGENCY FUND

This fund accounts for fees established by the County to fund future County capital facilities from development that are collected via building permits and submitted to the County, as well as assets held on behalf of other agencies for other purposes.

ASSESSMENT DISTRICT 2006-1

This fund accounts for Assessment District 2006-1 special assessment collections and debt service payments.

CITY OF OAKLEY
CUSTODIAL FUNDS
COMBINING STATEMENT OF NET POSITION
JUNE 30, 2021

	Assessment District 2004-1	General Agency Fund	Assessment District 2006-1	Total
ASSETS				
Cash and investments	$1,082,487	$1,556,288	$785,998	$3,424,773
Cash and investments with fiscal agent	1,207,978		363,419	1,571,397
Interest receivable	653		561	1,214
Total Assets	2,291,118	1,556,288	1,149,978	4,997,384
LIABILITIES				
Accounts payable		853,277		853,277
Due to other agencies		703,011		703,011
Total Liabilities		1,556,288		1,556,288
NET POSITION (DEFICIT):				
Restricted for:				
Bondholders	2,291,118		1,149,978	3,441,096
Total Net Position (Deficit)	$2,291,118		$1,149,978	$3,441,096

CITY OF OAKLEY
CUSTODIAL FUNDS
COMBINING STATEMENT OF CHANGES IN NET POSITION
FOR THE YEAR ENDED JUNE 30, 2021

	Assessment District 2004-1	General Agency Fund	Assessment District 2006-1	Total
ADDITIONS				
Special assessments	$1,194,985		$760,430	$1,955,415
Use of money and properties	17,656		10,402	28,058
Total Additions	1,212,641		770,832	1,983,473
DEDUCTIONS				
Administrative expenses	84,104		134,996	219,100
Payments to bondholders and related fiscal charges	1,070,267		632,046	1,702,313
Total Deductions	1,154,371		767,042	1,921,413
Change in net position	58,270		3,790	62,060
Beginning Net Position, as Restated	2,232,848		1,146,188	3,379,036
Ending Net Position	$2,291,118		$1,149,978	$3,441,096

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STATISTICAL SECTION

STATISTICAL SECTION

This part of the City's Comprehensive Annual Financial Report presents detailed information as a context for understanding what the information in the financial statements, note disclosures, and required supplementary information says about the City's overall financial health. In contrast to the financial section, the statistical section information is not subject to independent audit.

Financial Trends
These schedules contain trend information to help the reader understand how the City's financial performance and wellbeing have changed over time:

1. Net Position by Component
2. Changes in Net Position
3. Fund Balances of Governmental Funds
4. Changes in Fund Balance of Governmental Funds

Revenue Capacity
These schedules contain information to help the reader assess the City's most significant local revenue source, the property tax:

1. Assessed and Estimated Actual Value of Taxable Property
2. Property Tax Rates, All Overlapping Governments
3. Principal Property Tax Payers
4. Property Tax Levies and Collections

Debt Capacity
These schedules present information to help the reader assess the affordability of the City's current levels of outstanding debt and the City's ability to issue additional debt in the future:

1. Ratio of Outstanding Debt by Type
2. Computation of Direct and Overlapping Debt
3. Computation of Legal Bonded Debt Margin
4. Bonded Debt Pledged Revenue Coverage, Former Redevelopment Agency Tax Allocation Bonds

Demographic and Economic Information
These schedules offer demographic and economic indicators to help the reader understand the environment within which the City's financial activities take place:

1. Demographic and Economic Statistics
2. Principal Employers

Operating Information
These schedules contain service and infrastructure data to help the reader understand how the information in the City's financial report relates to the services the City provides and the activities it performs:

1. Budgeted Full-Time Equivalent City Government Employees by Function
2. Operating Indicators by Function/Program
3. Capital Asset Statistics by Function/Program

Sources
Unless otherwise noted, the information in these schedules is derived from the Comprehensive Annual Financial Reports for the relevant year.

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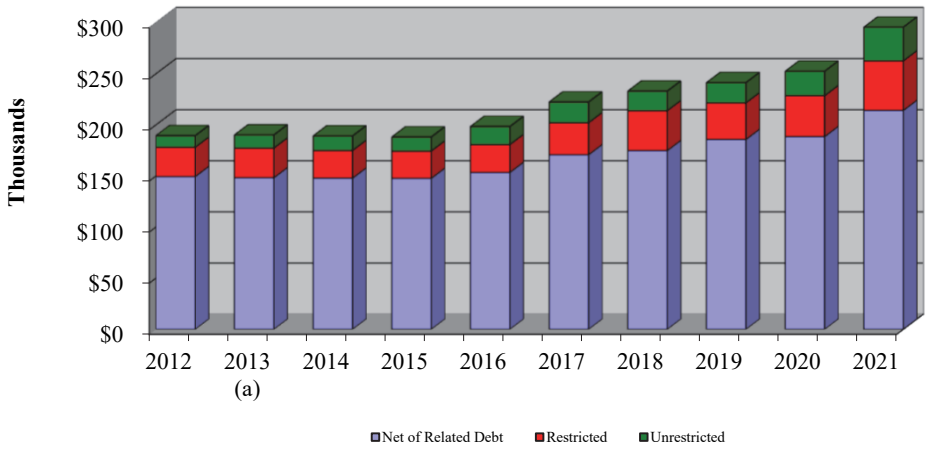
CITY OF OAKLEY
Net Position by Component (000's)
Last Ten Fiscal Years
(accrual basis of accounting)



	Fiscal Year Ended June 30,									
	2012	**2013 (a)**	**2014**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**	**2021**
Primary government										
Governmental activities										
Net investment in capital assets	$149,394	$148,296	$147,874	$147,685	$153,509	$170,799	$174,868	$185,805	$188,555	$214,187
Restricted	28,647	28,996	27,042	26,651	27,205	31,286	39,006	35,780	39,992	48,461
Unrestricted	11,462	12,975	14,338	13,898	17,784	20,395	19,286	19,877	24,020	33,049
Total governmental activities net position	$189,503	$190,267	$189,254	$188,234	$198,498	$222,480	$233,160	$241,462	$252,567	$295,697

NOTES:
(a) The City implemented the provisions of GASB Statement 63 in fiscal year 2013, which replaced the term “net assets” with the term “net position.”

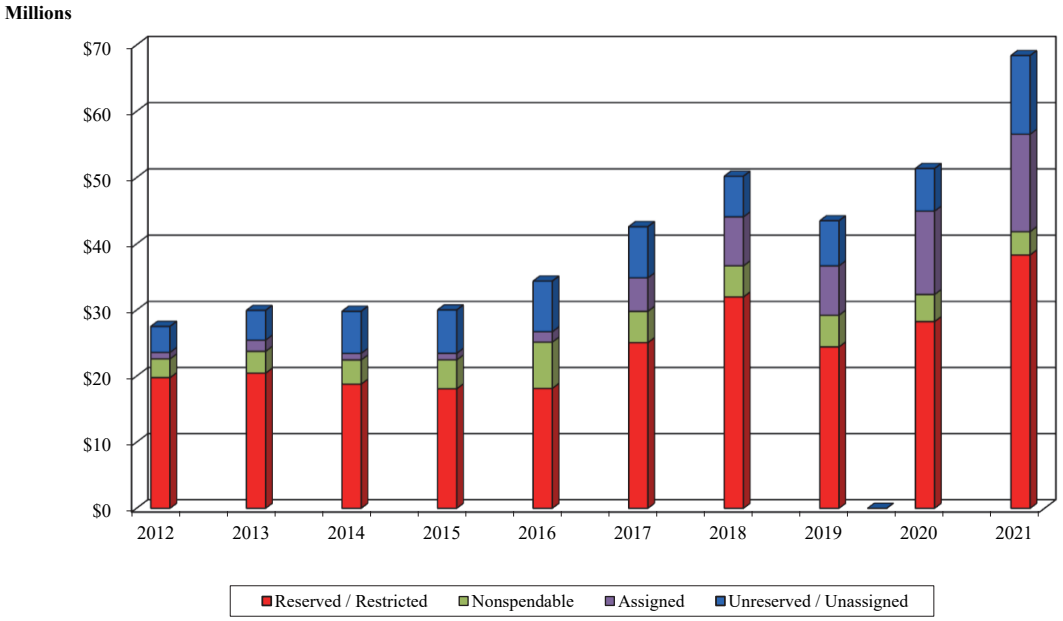
CITY OF OAKLEY
Changes in Net Position (000's)
Last Ten Fiscal Years
(Accrual Basis of Accounting)

	Fiscal Year Ended June 30,									
	2012	**2013 (c)**	**2014**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020** (f)	**2021**
Expenses										
Governmental Activities:										
Legislative	$466	$492	$446	$466	$481	$604	$641	$754	$661	$722
Administrative Services	769	973	1,301	1,341	1,220	1,855	1,877	1,971	3,197	3,056
Community Development	1,711	1,802	1,819	1,843	2,152	2,088	3,160	4,019	4,572	3,437
Public Works	12,507 (a)	9,631	10,177	10,640	11,478	11,818	12,200	12,969	13,198	21,437
Redevelopment and Economic Development	932 (b)									
Housing Programs		9	8	45	85	3	3	4	4	3
Law Enforcement	7,462	7,338	7,694	8,314	8,230	8,066	9,097	9,567	10,257	10,139
Recreation	360	420	478	524	560	562	629	771	662	653
Interest and fiscal charges	606 (b)	324	317	301	292	476	400	390	378	373
Total Governmental Activities Expenses	24,813	20,989	22,240	23,474	24,498	25,472	28,007	30,445	32,929	39,820
Total Primary Government Expenses	$24,813	$20,989	$22,240	$23,474	$24,498	$25,472	$28,007	$30,445	$32,929	$39,820
Program Revenues										
Governmental Activities:										
Charges for Services:										
Administrative Services	$154	$235	$266	$252	$395	$521	$549	$399	$889	$1,736
Community Development	1,186	1,461	1,154	1,375	2,133	2,151	3,137	2,759	3,312	4,785
Public Works	3,266	3,391	3,499	3,592	3,951	4,245	4,764	5,206	5,571	7,021
Law Enforcement	2,718	3,038	3,232	3,506	3,638	4,068	4,426	4,887	5,408	5,551
Recreation	74	54	69	73	98	126	166	189	583	281
Operating Grants and Contributions	1,630	1,371	1,503	1,714	1,356	1,309	1,619	2,090	2,246	2,895
Capital Grants and Contributions	8,433	3,360	2,625	2,715	5,040	10,324	10,562	8,430	10,090	45,155
Total Government Activities Program Revenues	17,461	12,910	12,348	13,227	16,611	22,744	25,223	23,960	28,099	67,424
Total Primary Government Program Revenues	$17,461	$12,910	$12,348	$13,227	$16,611	$22,744	$25,223	$23,960	$28,099	$67,424
Net (Expense)/Revenue										
Governmental Activities	($7,352)	($8,079)	($9,892)	($10,247)	($7,887)	($2,728)	($2,784)	($6,485)	($4,830)	$27,604
Total Primary Government Net Expense	($7,352)	($8,079)	($9,892)	($10,247)	($7,887)	($2,728)	($2,784)	($6,485)	($4,830)	$27,604
General Revenues and Other Changes in Net Position										
Governmental Activities:										
Taxes:										
Property Taxes	$5,561 (b)	$4,359	$4,499	$5,331	$5,814	$6,233	$6,918	$7,435	$7,965	$8,569
Sales Taxes	1,590	1,618	1,521	1,506	1,753	1,774	1,826	2,041	2,183	2,485
Transient Occupancy Tax	165	196	195	196	210	267	276	270	233	240
Nonregulatory Franchise and Business	1,136	1,222	1,341	1,418	1,584	1,686	1,877	1,934	2,042	2,234
Intergovernmental, unrestricted:										
Motor Vehicle In-Lieu	18	18	16	16	16	18	22	20	33	31
Other						186		2		
Interest Earnings and Use of Property	653	371	436	519	557	563	881	1,645	1,573	756
Other	873	1,058	871	1,056	1,890	1,340	1,665	1,440	1,907	1,210
Extraordinary / Special Item	(2,820) (b)			362 (d)	6,327 (e)	14,642 (e)				
Total Government Activities	9,996	8,842	8,879	10,404	18,151	26,709	13,465	14,787	15,936	15,526
Total Primary Government	$9,996	$8,842	$8,879	$10,404	$18,151	$26,709	$13,465	$14,787	$15,936	$15,526
Change in Net Position										
Governmental Activities	$2,644	$763	($1,013)	$157	$10,264	$23,981	$10,681	$8,302	$11,106	$43,130
Total Primary Government	$2,644	$763	($1,013)	$157	$10,264	$23,981	$10,681	$8,302	$11,106	$43,130

NOTES:

(a) The City conveyed a completed fire station project totaling $3.3 million to the East Contra Costa County Fire Protection District which was recorded as an expenditure in the Statement of Activities.
(b) The Redevelopment Agency was dissolved effective January 31, 2012 and its non-housing assets and liabilities were assumed by a Successor Agency.
(c) The City implemented the provisions of GASB Statement 63 in fiscal year 2013, which replaced the term "net assets" with the term "net position."
(d) Pursuant to a settlement agreement with the Department of Finance, the City transferred assets to the Successor Agency and the Successor Agency transferred assets to the City.
(e) Pursuant to the Long Range Property Management Plan, the Successor Agency transferred assets to the City.
(f) Revenues were reclassified in fiscal year 2019-20. Prior years have not been revised.

CITY OF OAKLEY
Fund Balances of Governmental Funds (000's)
Last Ten Fiscal Years
(Modified Accrual Basis of Accounting)



	Fiscal Year Ended June 30,									
	2012	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**	**2021**
General Fund										
Nonspendable	$2,843	$3,301	$3,654	$4,375	$7,000	$4,741	$4,704	$4,793	$4,104	$3,512
Restricted	559	559	560	559	559	559	202	429	644	1,110
Assigned	100	991	331	170	943	626	4,257	3,919	5,960	6,922
Unassigned	5,255	6,151	7,837	7,938	9,068	8,769	7,172	7,796	7,342	12,791
Total General Fund	$8,757	$11,002	$12,382	$13,042	$17,570	$14,695	$16,335	$16,937	$18,050 (b)	$24,335
All Other Governmental Funds										
Nonspendable										
Restricted	$19,210	$19,898	$18,233	$17,525	$17,593	$24,517	$31,783	$24,004	$27,615	$37,235
Assigned	884	698	668	829	622	4,434	3,132	3,543	6,625	7,770
Unassigned	(1,320)	(1,645)	(1,467)	(1,374)	(1,401)	(1,046)	(1,039)	(993)	(920)	(923)
Total all other governmental funds	$18,774 (a)	$18,951	$17,434	$16,980	$16,814	$27,905	$33,876	$26,554	$33,320 (b)	$44,082

NOTES:

(a) The Redevelopment Agency was dissolved effective January 31, 2012 and its assets and liabilities were assumed by a Successor Agency on February 1, 2012, which is reported as a Fiduciary Fund. As a result, governmental fund balances are lower beginning in 2012.

(b) The change in total fund balance for the General Fund and other governmental funds is explained in Management's Discussion and Analysis.

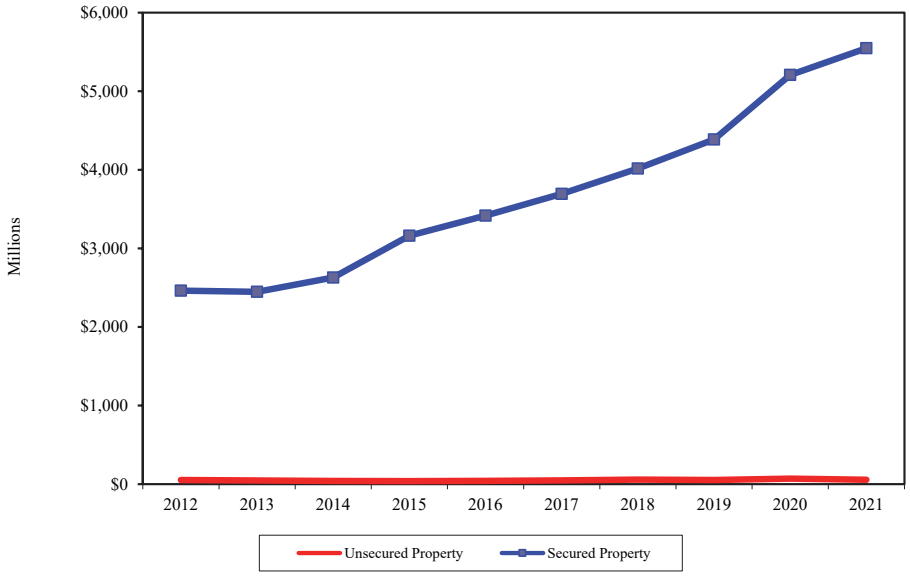
CITY OF OAKLEY
Changes in Fund Balance of Governmental Funds (000's)
Last Ten Fiscal Years
(Modified Accrual Basis of Accounting)

	Fiscal Year Ended June 30,									
	2012 (a)	2013	2014	2015	2016	2017	2018	2019	2020	2021
Revenues										
Taxes	$8,344	$7,729	$7,446	$8,331	$9,213	$10,179	$11,499	$12,484	$13,663	$15,955
Licenses, permits and fees	990	1,178	1,345	1,285	2,024	2,348	2,562	1,772	2,331	4,740
Fines and forfeitures	136	181	159	135	138	133	133	129	105	77
Use of money and property	418	121	231	319	563	366	640	1,359	1,383	509
Intergovernmental revenues	2,164	3,306	2,471	2,651	3,030	3,015	3,757	5,092	2,961	3,171
Charges for services	8,293	8,648	8,941	9,259	11,578	14,635	16,131	12,490	18,283	24,184
Other	932	1,123	971	1,116	1,867	1,320	4,835	2,578	2,563	2,938
Total Revenues	21,277	22,286	21,564	23,096	28,413	31,996	39,557	35,904	41,289	51,574
Expenditures										
Current:										
Legislative	452	481	433	449	482	614	612	730	683	728
Administrative services	766	918	1,110	1,287	1,335	1,709	1,419	1,586	3,238	2,961
Community development	1,677	1,771	1,787	1,821	2,274	2,113	3,081	3,959	4,608	4,351
Public works	3,641	4,015	4,608	4,661	5,651	5,921	6,053	6,373	6,093	8,044
Redevelopment and economic development	276									
Housing programs		9	8	5	85	3	3	3	4	3
Law enforcement	7,437	7,186	7,458	7,975	8,098	8,038	9,202	9,779	9,807	9,772
Recreation	353	414	471	522	566	575	607	750	687	660
Pass through to County and other agencies	642									
SERAF payment										
Estimated reduction in value of property held for resale				40						
Capital outlay	5,946	4,502	5,253	5,293	7,969	6,397	10,279	18,747	7,591	7,329
Debt service:										
Principal repayment	465	240	255	265	275	6,725	275	280	295	305
Interest and fiscal charges	1,159	329	318	306	299	621	417	417	403	375
Total Expenditures	22,814	19,865	21,701	22,624	27,034	32,716	31,948	42,624	33,409	34,528
Excess (deficiency) of revenues over (under) expenditures	(1,537)	2,421	(137)	472	1,379	(720)	7,609	(6,720)	7,880	17,046
Other Financing Sources (Uses)										
Transfers in	2,100	925	1,067	2,227	2,311	6,091	3,747	2,891	3,933	3,028
Transfers (out)	(2,100)	(925)	(1,067)	(2,227)	(2,311)	(6,091)	(3,747)	(2,891)	(3,933)	(3,028)
Proceeds (loss) from sale of property	(14)			10	79	50				
Tax allocation bonds issued										
Lease revenue bonds issued						10,025				
Bond issuance premium						157				
Total other financing sources (uses)	(14)			10	79	10,232				
Special item				(274)	2,904	(1,294)				
Extraordinary item	(21,734)									
Net Change in fund balances	($1,551)	$2,421	($137)	$208	$4,362	$8,218	$7,609	($6,720)	$7,880	$17,046
Debt service as a percentage of noncapital expenditures	9.6%	3.7%	3.5%	3.3%	3.0%	27.9%	3.2%	2.9%	2.7%	2.5%

NOTES:

(a) The Redevelopment Agency was dissolved effective January 31, 2012 and its assets and liabilities were assumed by a Successor Agency on February 1, 2012, therefore, activities in various areas were lower in the current year, including property taxes, community development and debt service.

CITY OF OAKLEY
ASSESSED AND ESTIMATED ACTUAL
VALUE OF TAXABLE PROPERTY (MILLIONS)
LAST TEN FISCAL YEARS



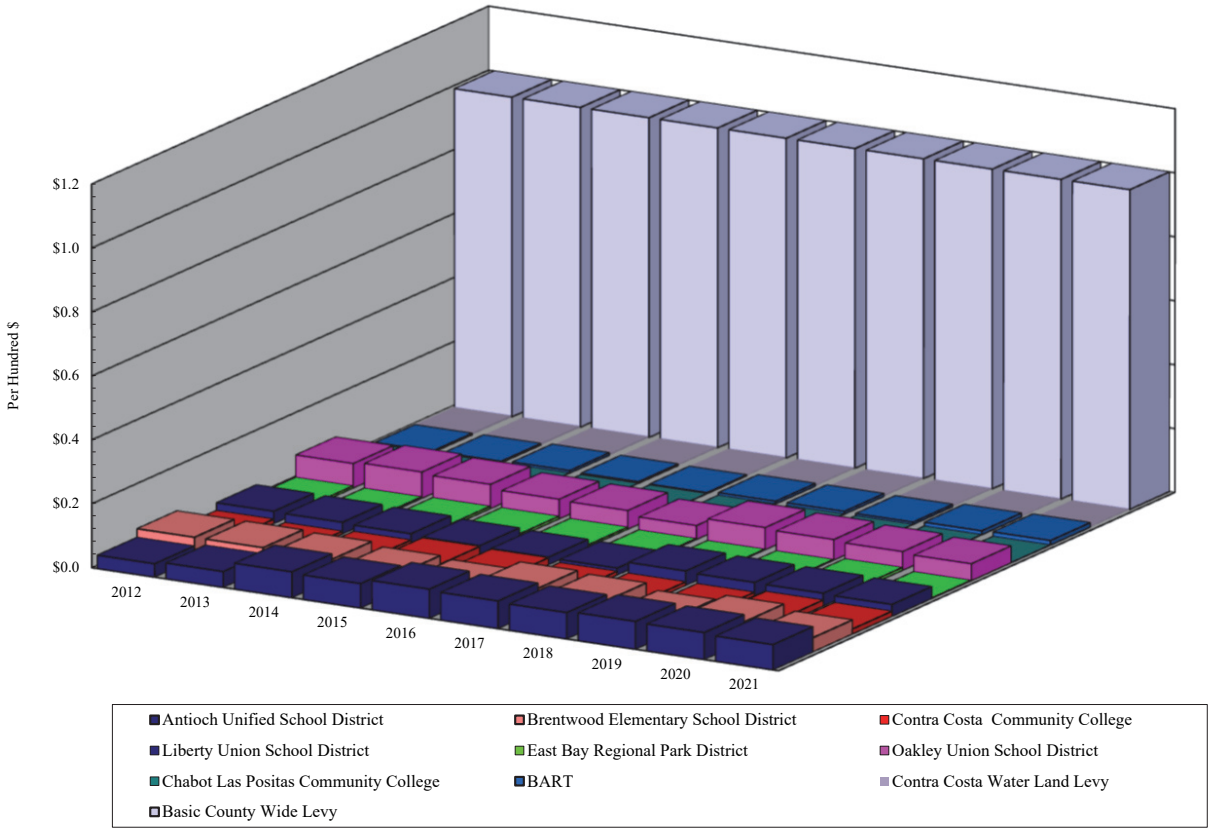
Fiscal Year	Real Property				Total Real Secured Property	Unsecured Property	Total Assessed (a)	Estimated Full Market (a)	Total Direct Tax Rate (b)
	Residential Property	Commercial Property	Industrial Property	Other					
2012	2,132	107	11	159	2,409	53	2,462	2,462	1%
2013	2,125	102	11	162	2,400	47	2,447	2,447	1%
2014	2,350	103	11	124	2,588	41	2,629	2,629	1%
2015	2,869	112	11	131	3,123	38	3,161	3,161	1%
2016	3,105	112	11	147	3,375	42	3,417	3,417	1%
2017	3,314	130	11	190	3,645	48	3,693	3,693	1%
2018	3,639	142	11	166	3,958	58	4,016	4,016	1%
2019	3,997	148	45	143	4,333	53	4,386	4,386	1%
2020	4,395	153	56	533	5,137	70	5,207	5,207	1%
2021	4,667	165	64	595	5,491	56	5,547	5,547	1%

Source: Contra Costa County Auditor Controller Office Certificate of Assessed Valuations
Notes:

(a) The State Constitution requires property to be assessed at one hundred percent of the most recent purchase price, plus the value of any new construction, plus an increment of no more than two percent annually. These values are considered to be full market values.

(b) California cities do not set their own direct tax rate. The state constitution establishes the rate at 1% and allocates a portion of that amount, by an annual calculation, to all the taxing entities within a tax rate area. The City of Oakley includes 44 tax rate areas.

CITY OF OAKLEY
PROPERTY TAX RATES
ALL OVERLAPPING GOVERNMENTS
LAST TEN FISCAL YEARS



Fiscal Year	Basic County Wide Levy	East Bay Regional Park District	Oakley Union School District	Liberty Union School District	Brentwood Elementary School District	Contra Costa Community College	BART	Contra Costa Water Land Levy	Chabot Las Positas Community College	Antioch Unified School District	Total
2012	1.0000	0.0071	0.0767	0.0386	0.0688	0.0144	0.0041	0.0051	0.0000	0.0417	1.2565
2013	1.0000	0.0051	0.0823	0.0364	0.0685	0.0087	0.0043	0.0045	0.0000	0.0495	1.2593
2014	1.0000	0.0078	0.0757	0.0328	0.0639	0.0133	0.0075	0.0042	0.0000	0.0809	1.2861
2015	1.0000	0.0085	0.0614	0.0273	0.0522	0.0252	0.0045	0.0037	0.0000	0.0764	1.2592
2016	1.0000	0.0067	0.0583	0.0237	0.0447	0.0220	0.0026	0.0035	0.0000	0.0912	1.2527
2017	1.0000	0.0032	0.0433	0.0217	0.0698	0.0120	0.0080	0.0032	0.0000	0.0864	1.2476
2018	1.0000	0.0021	0.0693	0.0450	0.0635	0.0114	0.0084	0.0030	0.0000	0.0824	1.2851
2019	1.0000	0.0021	0.0641	0.0414	0.0445	0.0110	0.0070	0.0028	0.0000	0.0870	1.2599
2020	1.0000	0.0094	0.0585	0.0399	0.0617	0.0188	0.0120	0.0026	0.0000	0.0843	1.2872
2021	1.0000	0.0014	0.0527	0.0370	0.0445	0.0161	0.0139	0.0025	0.0000	0.0789	1.2470

Source: Contra Costa County Auditor-Controller

CITY OF OAKLEY
Principal Property Tax Payers
Current Year and Nine Years Ago (000's)

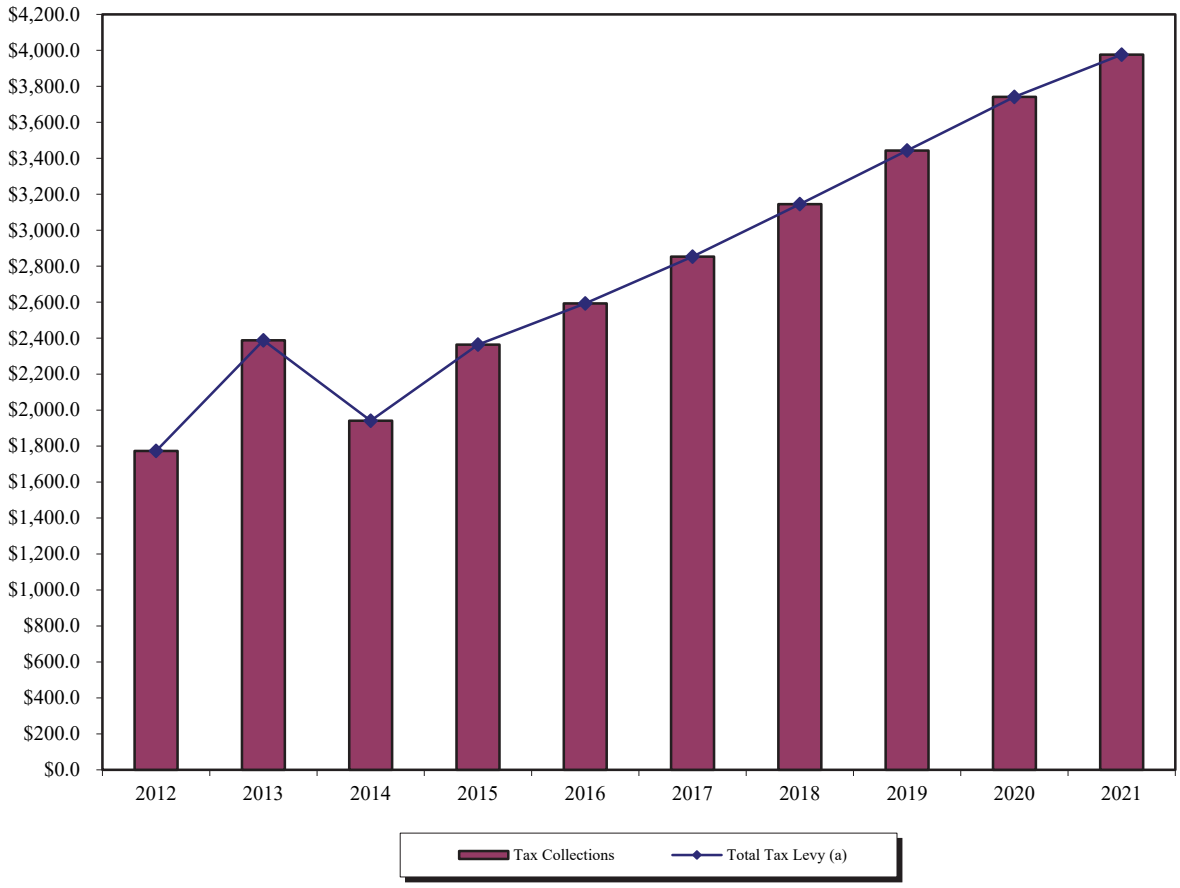
	2020-21			2011-12		
Taxpayer	**Taxable Assessed Value**	**Rank**	**Percentage of Total City Taxable Assessed Value**	**Taxable Assessed Value**	**Rank**	**Percentage of Total City Taxable Assessed Value**
TIO MR LLC	$32,362,585	1	0.64%			
OAKLEY SELF STORAGE LP	23,028,519	2	0.46%			
CYPRESS SQUARE COMMERCIAL	20,289,474	3	0.40%			
BROOKFIELD BAY AREA HOLDINGS	16,630,132	4	0.33%			
FOUNDATION CONSTRUCTORS INC	15,473,664	5	0.31%			
NEROLY SPORTS CLUB INVESTORS	15,349,298	6	0.30%	$23,505,644	1	0.95%
HPH PROPERTIES LP	11,088,910	7	0.22%	74,016,341	8	0.30%
COMCAST CORPORATION	11,040,923	8	0.22%	5,683,229	10	0.23%
CYPRESS ROAD SELF STORAGE LLC	10,666,742	9	0.21%			
RICHMOND AMERI HOMES OF MD	10,530,000	10	0.21%			
ALBERT D SEENO CONSTRUCTION				21,846,706	2	0.89%
CYPRESS SQUARE-S AND R ASSOCIATES				17,319,609	3	0.70%
SHEA HOMES LP				15,380,477	4	0.62%
NEW URBAN COMM LLC				13,382,259	5	0.54%
WESTERN OILFIELDS SUPPLY COMPANY				8,986,499	6	0.36%
LUCKY NO CALIFORNIA INVESTOR LLC				8,318,634	7	0.34%
SHURGARD STORAGE CENTERS INC				7,018,868	9	0.29%
Subtotal	$166,460,247		3.00%	$195,458,266		7.94%

Total Net Assessed Valuation (000's):

Fiscal Year 2020-2021	$5,547,000,000
Fiscal Year 2011-2012	$2,462,000,000

Source: HdL Companies (Contra Costa County Assessor 2010/2011 Combined Tax Rolls and the SBE Non Unitary Tax Roll)

CITY OF OAKLEY
PROPERTY TAX LEVIES AND COLLECTIONS (THOUSANDS)
LAST TEN FISCAL YEARS



Fiscal Year	Total Tax Levy (a)	Current Tax Collections	Percent of Levy Collected	Delinquent Tax Collections	Total Tax Collections	Percent of Total Tax Collections to Tax Levy
2012	$1,773	$1,773	100.0%	(a)	$1,773	100.0%
2013	2,388 (b)	2,388	100.0%	(a)	2,388	100.0%
2014	1,941	1,941	100.0%	(a)	1,941	100.0%
2015	2,364	2,364	100.0%	(a)	2,364	100.0%
2016	2,593	2,593	100.0%	(a)	2,593	100.0%
2017	2,853	2,853	100.0%	(a)	2,853	100.0%
2018	3,145	3,145	100.0%	(a)	3,145	100.0%
2019	3,443	3,443	100.0%	(a)	3,443	100.0%
2020	3,741	3,741	100.0%	(a)	3,741	100.0%
2021	3,976	3,976	100.0%	(a)	3,976	100.0%

Source: City of Oakley Records

NOTES: Amounts reported above include only the 1% basic property taxes allocated to the City. They do not include special taxes, assessments, or property taxes received in lieu of vehicle license fees.

(a) The County apportions taxes under the alternative method of apportionment authorized under Revenue & Taxation Code sections 4701 et seq, under which the County provides the City with 100% of its tax levy. The County retains any penalty and delinquency charges collected.

(b) $443 thousand of the decline in the 2010 tax levy was caused by the State's borrowing of property tax revenue under the provisions of Proposition 1A; and the increase in 2013 included the repayment of the loan.

CITY OF OAKLEY
Ratio of Outstanding Debt by Type
Last Ten Fiscal Years

	Governmental Activities (in thousands)						
Fiscal Year	Tax Allocation Bonds	Jurisdictional Transfer Agreement Pass - Throughs	Certificates of Participation	Lease Revenue Bonds	Total	Percentage of Personal Income (a)	Per Capita (a)
2012	$0 (b)	$0	$7,450	$0	$7,450	0.82%	$204
2013	0	0	7,210	0	7,210	0.76%	194
2014	0	0	6,955	0	6,955	0.72%	183
2015	0	0	6,690	0	6,690	0.66%	175
2016	0	0	6,415	0	6,415	0.61%	160
2017	0	0	0	9,715	9,715	0.90%	236
2018	0	0	0	9,440	9,440	0.86%	226
2019	0	0	0	9,160	9,160	0.76%	219
2020	0	0	0	8,865	8,865	0.70%	209
2021	0	0	0	8,560	8,560	0.63%	200

Notes : Debt amounts exclude any premiums, discounts, or other amortization amounts.

Sources: City of Oakley
(a) See the Demographic Statistics schedule for personal income and population data.
(b) Upon the dissolution of the Redevelopment Agency effective January 31, 2012, a Successor Agency assumed the liabilities of the former Redevelopment Agency, including the Tax Allocation Bonds.

CITY OF OAKLEY
COMPUTATION OF DIRECT AND OVERLAPPING DEBT
JUNE 30, 2021

2020-21 Assessed Valuation, Excluding the Redevelopment Agency	$4,545,871,207

OVERLAPPING TAX AND ASSESSMENT DEBT:	Net Debt Outstanding	Percentage Applicable To City of Oakley	Amount Applicable To City of Oakley
Contra Costa County Pension Debt	$44,925,000	2.235%	$1,004,028
Bay Area Rapid Transit District Bonds	289,804,873	2.235%	6,476,844
Bart Bond	328,172,932	2.235%	7,334,332
East Bay Regional Park District Bonds	125,395,149	2.235%	2,802,454
Liberty Union High School District 2001 and 2016 Bonds	200,563,926	20.348%	40,809,934
Brentwood Union School District Bonds	88,059,704	0.145%	127,564
Oakley Union School District Bonds	52,485,000	88.522%	46,461,018
Antioch Unified School District School Facilities Improvement District No. 1	117,857,208	5.485%	6,464,432
Contra Costa Community College District Bonds	939,870,000	2.242%	21,075,664
TOTAL GROSS OVERLAPPING TAX AND ASSESSMENT DEBT	$2,187,133,792		$132,556,270
DIRECT DEBT:			
City of Oakley Lease Revenue Bonds	$8,560,000	100.000%	$8,560,000
TOTAL DIRECT AND OVERLAPPING DEBT			$141,116,270 (1)

(1) Excludes tax and revenue anticipation notes, enterprise revenue, mortgage revenue and tax allocation bonds and non-bonded capital lease obligations.

RATIOS TO 2019-20 ASSESSED VALUATION:	
Direct Debt	0.19%
Overlapping Debt	2.92%
Total Debt	3.11%

Source: HdL Coren & Cone

NOTE: Overlapping governments are those that coincide, at least in part, with the geographic boundaries of the City. The percentage of overlapping debt applicable is estimated by using taxable assessed values. Applicable percentages were estimated by determining the portion of another governmental unit's taxable assessed value that is within the City's boundaries and dividing it by each unit's total taxable assessed value.

CITY OF OAKLEY
COMPUTATION OF LEGAL BONDED DEBT MARGIN
JUNE 30, 2021

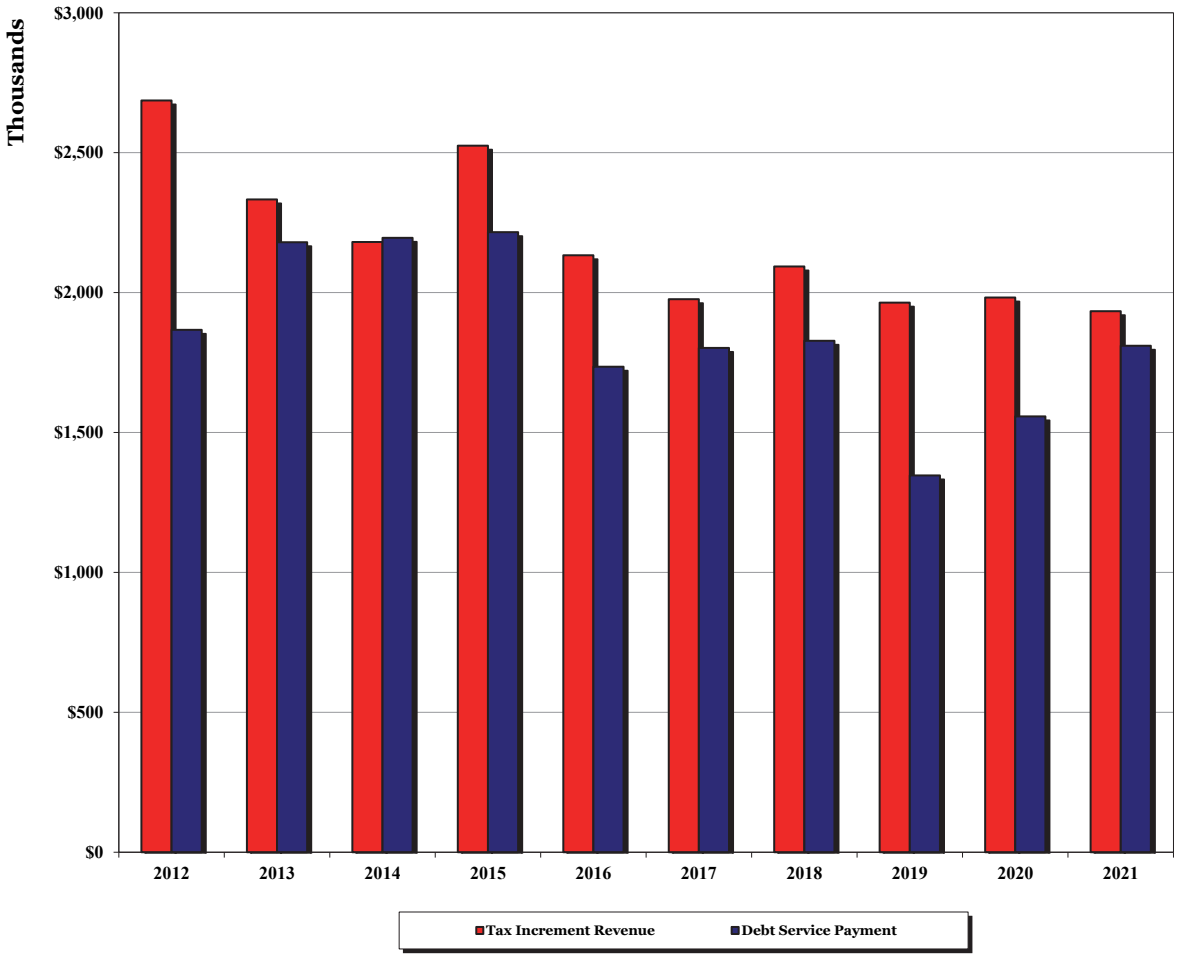
ASSESSED VALUATION:		
Secured property assessed value, net of exempt real property	$5,547,000,000	
BONDED DEBT LIMIT (3.75% OF ASSESSED VALUE) (a)		$208,012,500
AMOUNT OF DEBT SUBJECT TO LIMIT:		
Total Bonded Debt	$0	
Less Tax Allocation Bonds and Sales Tax Revenue Bonds, Certificate of Participation not subject to limit	0	
Amount of debt subject to limit		0
LEGAL BONDED DEBT MARGIN		$208,012,500

Fiscal Year	Debt Limit	Total Net Debt Applicable to Limit	Legal Debt Margin	Total net debt applicable to the limit as a percentage of debt limit
2012	$92,325,000	$0	$92,325,000	0.00%
2013	91,762,500	0	91,762,500	0.00%
2014	98,587,500	0	98,587,500	0.00%
2015	118,537,500	0	118,537,500	0.00%
2016	128,137,500	0	128,137,500	0.00%
2017	138,487,500	0	138,487,500	0.00%
2018	150,600,000	0	150,600,000	0.00%
2019	164,475,000	0	164,475,000	0.00%
2020	195,262,500	0	195,262,500	0.00%
2021	208,012,500	0	208,012,500	0.00%

NOTES:

(a) California Government Code, Section 43605 sets the debt limit at 15%. The Code section was enacted prior to the change in basing assessed value to full market value when it was previously 25% of market value. Thus, the limit shown as 3.75% is one-fourth the limit to account for the adjustment of showing assessed valuation at full cash value.

CITY OF OAKLEY
BONDED DEBT PLEDGED REVENUE COVERAGE
FORMER REDEVELOPMENT AGENCY TAX ALLOCATION BONDS
LAST TEN FISCAL YEARS



Fiscal Year	Tax Increment Revenue	Debt Service Requirements			
		Principal	Interest	Total	Coverage
2012	$2,686,625 (a) (b)	$235,000 (a)	$1,631,824 (a)	$1,866,824	1.44
2013	2,332,827 (b)	560,000 (c)	1,619,876 (c)	2,179,876	1.07
2014	2,180,805 (b)	610,000 (c)	1,585,609 (c)	2,195,609	0.99
2015	2,525,004 (b)	660,000 (c)	1,555,802 (c)	2,215,802	1.14
2016	2,133,349 (b)	425,000 (c)	1,310,054 (c)	1,735,054	1.23
2017	1,976,225 (b)	465,000 (c)	1,337,150 (c)	1,802,150	1.10
2018	2,093,153 (b)	510,000 (c)	1,317,650 (c)	1,827,650	1.15
2019	1,963,996 (b)	245,000 (c) (d)	1,101,416 (c) (d)	1,346,416	1.46
2020	1,982,174 (b)	540,000 (c)	1,017,321 (c)	1,557,321	1.27
2021	1,933,455 (b)	815,000 (c)	994,885 (c)	1,809,885	1.07

(a) The Redevelopment Agency was dissolved effective January 31, 2012, and its liabilities were assumed by a Successor Agency. Amounts reported here include tax revenue and debt service of both the former Redevelopment Agency and the Successor Agency.

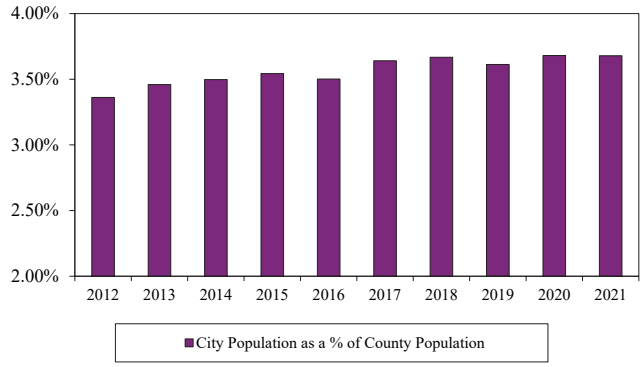
(b) Beginning in fiscal year 2012, tax increment reported in this table is the amount calculated by the County Auditor-Controller. Under the provisions of the laws dissolving the Redevelopment Agency, the Successor Agency only receives the funds necessary to fulfill its approved obligations.

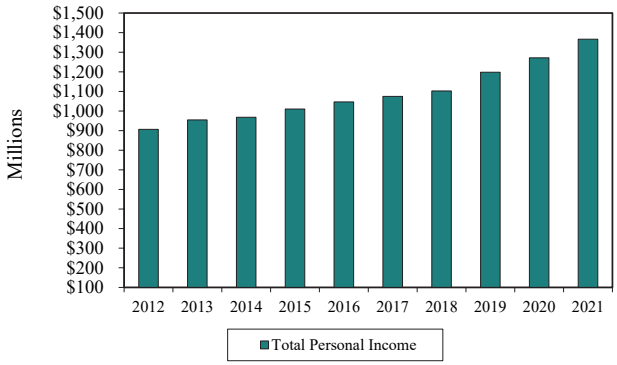
(c) Debt service is paid by the Successor Agency.

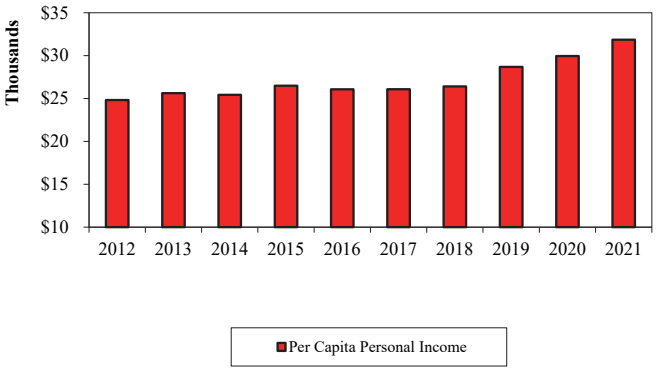
(d) The Successor Agency refunded the 2008 Subordinate Tax Allocation Bonds in fiscal year 2019 with the issuance of the 2018 Tax Allocation Refunding Bonds.

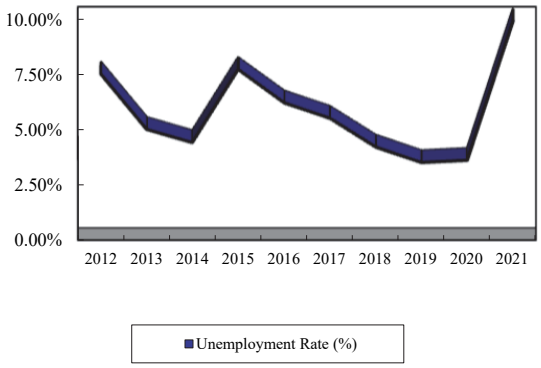
Source: City of Oakley Annual Financial Statements

CITY OF OAKLEY
DEMOGRAPHIC AND ECONOMIC STATISTICS
LAST TEN FISCAL YEARS









Fiscal Year	City Population	Total Personal Income	Per Capita Personal Income	Unemployment Rate (%) (a)	Contra Costa County Population	City Population % of County
2012	36,532	$906,688,000	$24,819	7.5%	1,056,064	3.36%
2013	37,252	954,583,000	25,625	5.0%	1,065,117	3.46%
2014	38,075	968,323,000	25,432	4.4%	1,074,702	3.50%
2015	38,124	1,010,134,000	26,496	7.7%	1,088,764	3.54%
2016	40,141	1,046,700,000	26,075	6.2%	1,102,684	3.50%
2017	41,199	1,074,714,000	26,085	5.5%	1,123,429	3.64%
2018	41,742	1,102,345,000	26,408	4.2%	1,149,363	3.67%
2019	41,759	1,197,857,000	28,684	3.5%	1,155,879	3.61%
2020	42,461	1,271,727,000	29,950	3.6%	1,153,526	3.68%
2021	42,895	1,366,625,000	31,859	9.9%	1,165,927	3.68%

(a) Data reported is for the prior calendar year.

Sources: HdL Coren & Cone

U.S. Department of Commerce, California State Department of Finance, Employment Development Department

U.S. Census Bureau latest available data

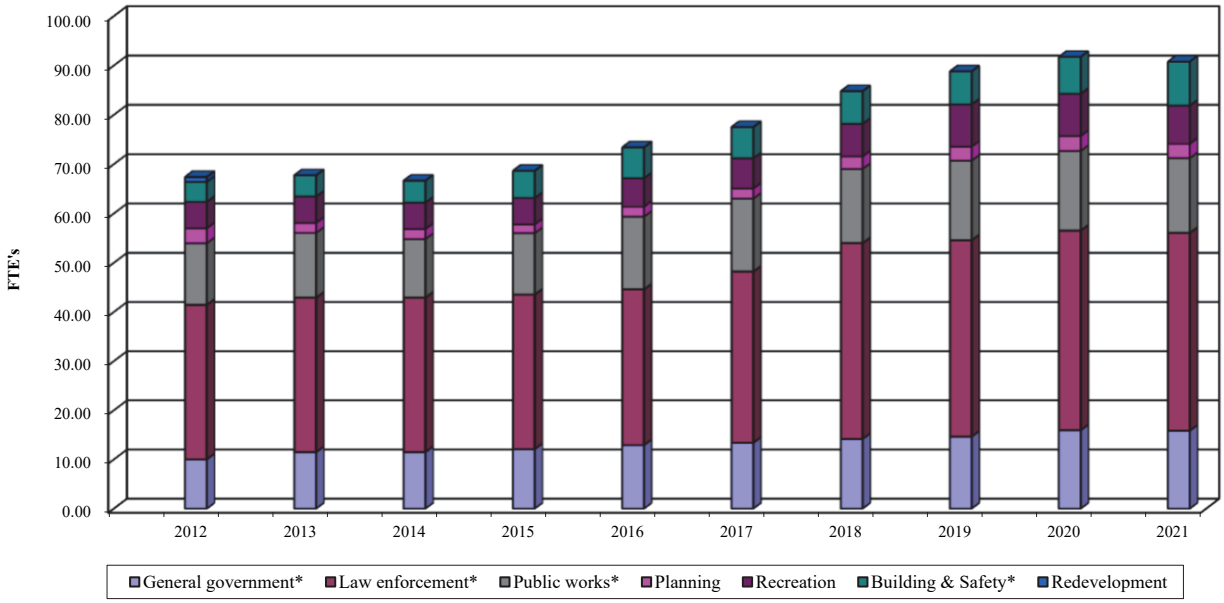
CITY OF OAKLEY
Principal Employers
Current Year and Nine Years Ago

	2020-21			2011-12		
Employer	**Number of Employees**	**Rank**	**Percentage of Total City Employment**	**Number of Employees**	**Rank**	**Percentage of Total City Employment**
Oakley Union Elementary School District	568	1	22.4%	514	1	29.2%
Lucky's	74	2	2.9%	55	3	3.1%
Diamond Hills Sports Club and Spa	61	3	2.4%	59	2	3.3%
Starbucks Coffee Store# 9330	59	4	2.3%			
McDonalds	51	5	2.0%	25	9	1.4%
Raley's	44	6	1.7%	48	4	2.7%
Round Table Development Co.	43	7	1.7%	23	10	1.3%
Dutch Bros Coffee	38	8	1.5%			
Taco Bell	36	9	1.4%			
Starbucks Coffee Store# 22433	36	9	1.4%			
Foundation Constructors Inc	32	10	1.3%	32	6	1.8%
Ironhouse Sanitary District				33	5	1.9%
Rain 4 Rent				30	7	1.7%
Continente Nut LLC				26	8	1.5%
Burger King				23	10	1.3%
Delta Black Bear Diner				23	10	1.3%
Subtotal	1,042		41.1%	891		50.5%
Total City Day Population (A)	2,534			1,763		

Source: City of Oakley Finance Department - Business Licenses

Notes:
(A) Total City Day Population is the number of employees reported on business license applications by businesses located in Oakley.

CITY OF OAKLEY
Budgeted Full-Time Equivalent City Government Employees by Function
Last Ten Fiscal Years



	Adopted for Fiscal Year Ended June 30,									
	2012	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**	**2021**
Function										
General government*	10.00	11.45	11.46	12.08	12.89	13.36	14.13	14.61	15.92	15.82
Community development:										
Public works*	12.50	13.13	11.88	12.46	14.74	14.78	15.03	16.13	16.13	15.13
Planning	3.00	2.00	2.00	1.75	2.00	2.00	2.50	2.80	3.00	2.90
Building & Safety*	4.05	4.30	4.45	5.50	6.25	6.33	6.60	6.68	7.46	8.90
Redevelopment	1.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Law enforcement*	31.48	31.48	31.48	31.48	31.73	34.88	39.88	39.98	40.63	40.26
Recreation	5.37	5.37	5.37	5.37	5.78	6.16	6.64	8.60	8.60	7.77
Total	67.40	67.73	66.64	68.64	73.39	77.51	84.78	88.80	91.74	90.78

Notes:
Amounts reported are Full Time Equivalent (FTEs).
n/a means not available.

* The City Contracts for the following services:
City Attorney and IT services are contracted with an outside firm and included in the General Government total.
Police Services were contracted with the County Sheriff through April 30, 2016 and include contracting for a specific number of officers.
Police Records Supervisory services are contracted with an outside firm.
Building Inspection and Engineering Services were contracted with an outside firm until October 2013.

Source: City of Oakley Operating Budgets

CITY OF OAKLEY
Operating Indicators by Function/Program
Last Ten Fiscal Years

	Fiscal Year Ended June 30,									
	2012	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**	**2021**
Function/Program										
Law enforcement:										
Police (a) (b):										
Violent crimes	79	85	54	46	52	54	51	59	33	29
Property crimes	526	477	468	429	615	491	511	465	537	554
Public Works:										
Street resurfacing (miles)	5.40	0.72	1.54	8.62	0.25	0.42	8.50	1.40	5.60	1.50
Leisure Services:										
Recreation:										
Recreation activities participants	13,300	16,486	22,663	29,630	32,386	36,430	35,417 (c)	33,996	36,832	8,341 (d)

Source: City of Oakley

Notes:
(a) 2009 - 2017 data is prior calendar year's; 2018 is for fiscal year end.
(b) Data from FB1 Uniformed Crime Reports (UCR)
(c) No indoor facility rentals with construction of Recreation Center
(d) Large decrease due to COVID 19 Pandemic

CITY OF OAKLEY
Capital Asset Statistics by Function/Program
Last Ten Fiscal Years

	Fiscal Year Ended June 30,									
	2012	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**	**2021**
Function/Program										
Law enforcement:										
Police stations	1	1	1	1	1	1	1	1	1	1
Police patrol vehicles	26	29	25	26	28	29	28	23	27	29
Public works:										
Miles of streets	127.70	129.12	131.00	131.00	133.00	136.00	136.00	139.00	141.00	142.00
Street lights	2,794	3,032	3,050	3,050	3,104	3,200	3,200	3,285	3,314	3,347
Traffic Signals	32	33	33	33	34	35	36	37	38	39
Recreation:										
Community services:										
City parks	29	29	30	31	32	33	34	36	37	37
City parks acreage	96.0	98.0	101.5	102.5	108.0	113.0	116.0	119.0	121.0	121.0
Community centers	2	2	2	2	1	1	0 (a)	1 (a)	1	1
Baseball/softball diamonds	8	8	8	8	8	9	9	10	10	10
Soccer/football fields	7	7	7	7	8	9	9	9	9	9
Skate features	3	3	3	3	3	3	3	3	1	1
BMX dirt track	1	1	1	0	0	0	0	0	0	0

Source: City of Oakley

Notes:
(a) Oakley Recreation Building closed for construction of Recreation Center.

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OTHER AUDIT REPORT

MAZE & ASSOCIATES

INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

To the Honorable Members of the City Council
City of Oakley, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the basic financial statements of the City of Oakley, California, as of and for the year ended June 30, 2021, and have issued our report thereon dated November 29, 2021.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the City's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance that are required to be reported under *Government Auditing Standards*.

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We have also issued a separate Memorandum on Internal Control dated November 29, 2021 which is an integral part of our audit and should be read in conjunction with this report.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the result of that testing, and not to provide an opinion on the effectiveness of the City's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Maze & Associates

Pleasant Hill, California
November 29, 2021

CITY OF OAKLEY

MEMORANDUM ON INTERNAL CONTROL

FOR THE YEAR ENDED
JUNE 30, 2021

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CITY OF OAKLEY
MEMORANDUM ON INTERNAL CONTROL

For the Year Ended June 30, 2021

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Schedule of Other Matters 3

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MAZE & ASSOCIATES

MEMORANDUM ON INTERNAL CONTROL

To the City Council of
the City of Oakley, California

In planning and performing our audit of the basic financial statements of the City of Oakley, California, as of and for the year ended June 30, 2021, in accordance with auditing standards generally accepted in the United States of America, we considered the City's internal control over financial reporting (internal control) as a basis for designing our audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the City's financial statements will not be prevented, or detected and corrected, on a timely basis.

Our consideration of internal control was for the limited purpose described in the first paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses. In addition, because of inherent limitations in internal control, including the possibility of management override of controls, misstatements due to error or fraud may occur and not be detected by such controls. Given these limitations during our audit, we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Included in the Schedule of Other Matters are recommendations not meeting the above definitions that we believe are opportunities for strengthening internal controls and operating efficiency.

This communication is intended solely for the information and use of management, City Council, others within the organization, and agencies and pass-through entities requiring compliance with *Government Auditing Standards*, and is not intended to be and should not be used by anyone other than these specified parties.

Maze & Associates

Pleasant Hill, California
November 29, 2021

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SCHEDULE OF OTHER MATTERS

NEW GASB PRONOUNCEMENTS OR PRONOUNCEMENTS NOT YET EFFECTIVE

The following comment represents new pronouncements taking affect in the next few years. We cite them here to keep you informed of developments:

EFFECTIVE FISCAL YEAR 2021/22:

GASB 87 – *Leases*

The objective of this Statement is to better meet the information needs of financial statement users by improving accounting and financial reporting for leases by governments. This Statement increases the usefulness of governments' financial statements by requiring recognition of certain lease assets and liabilities for leases that previously were classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provisions of the contract. It establishes a single model for lease accounting based on the foundational principle that leases are financings of the right to use an underlying asset. Under this Statement, a lessee is required to recognize a lease liability and an intangible right-to-use lease asset, and a lessor is required to recognize a lease receivable and a deferred inflow of resources, thereby enhancing the relevance and consistency of information about governments' leasing activities.

GASB 89 – *Accounting for Interest Cost Incurred before the End of a Construction Period*

The objectives of this Statement are (1) to enhance the relevance and comparability of information about capital assets and the cost of borrowing for a reporting period and (2) to simplify accounting for interest cost incurred before the end of a construction period.

This Statement establishes accounting requirements for interest cost incurred before the end of a construction period. Such interest cost includes all interest that previously was accounted for in accordance with the requirements of paragraphs 5–22 of Statement No. 62, *Codification of Accounting and Financial Reporting Guidance Contained in Pre-November 30, 1989 FASB and AICPA Pronouncements,* which are superseded by this Statement. This Statement requires that interest cost incurred before the end of a construction period be recognized as an expense in the period in which the cost is incurred for financial statements prepared using the economic resources measurement focus. As a result, interest cost incurred before the end of a construction period will not be included in the historical cost of a capital asset reported in a business-type activity or enterprise fund.

This Statement also reiterates that in financial statements prepared using the current financial resources measurement focus, interest cost incurred before the end of a construction period should be recognized as an expenditure on a basis consistent with governmental fund accounting principles.

SCHEDULE OF OTHER MATTERS

GASB 92 – *Omnibus 2020*

The objectives of this Statement are to enhance comparability in accounting and financial reporting and to improve the consistency of authoritative literature by addressing practice issues that have been identified during implementation and application of certain GASB Statements. This Statement addresses a variety of topics and includes specific provisions about the following:

- The effective date of Statement No. 87, Leases, and Implementation Guide No. 2019-3, Leases, for interim financial reports
- Reporting of intra-entity transfers of assets between a primary government employer and a component unit defined benefit pension plan or defined benefit other postemployment benefit (OPEB) plan
- The applicability of Statements No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement 68, and Amendments to Certain Provisions of GASB Statements 67 and 68*, as amended, and No. 74, *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans*, as amended, to reporting assets accumulated for postemployment benefits
- The applicability of certain requirements of Statement No. 84, *Fiduciary Activities*, to postemployment benefit arrangements
- Measurement of liabilities (and assets, if any) related to asset retirement obligations (AROs) in a government acquisition
- Reporting by public entity risk pools for amounts that are recoverable from reinsurers or excess insurers
- Reference to nonrecurring fair value measurements of assets or liabilities in authoritative literature
- Terminology used to refer to derivative instruments.

GASB 93 – *Replacement of Interbank Offered Rates*

Some governments have entered into agreements in which variable payments made or received depend on an interbank offered rate (IBOR)—most notably, the London Interbank Offered Rate (LIBOR). As a result of global reference rate reform, LIBOR is expected to cease to exist in its current form at the end of 2021, prompting governments to amend or replace financial instruments for the purpose of replacing LIBOR with other reference rates, by either changing the reference rate or adding or changing fallback provisions related to the reference rate.

Statement No. 53, Accounting and Financial Reporting for Derivative Instruments, as amended, requires a government to terminate hedge accounting when it renegotiates or amends a critical term of a hedging derivative instrument, such as the reference rate of a hedging derivative instrument's variable payment. In addition, in accordance with Statement No. 87, Leases, as amended, replacement of the rate on which variable payments depend in a lease contract would require a government to apply the provisions for lease modifications, including remeasurement of the lease liability or lease receivable.

The objective of this Statement is to address those and other accounting and financial reporting implications that result from the replacement of an IBOR.

SCHEDULE OF OTHER MATTERS

GASB 97 – *Certain Component Unit Criteria, and Accounting for and Financial Reporting for Internal Revenue Code Section 457 Deferred Compensation Plans*

The primary objectives of this Statement are to (1) increase consistency and comparability related to the reporting of fiduciary component units in circumstances in which a potential component unit does not have a governing board and the primary government performs the duties that a governing board typically would perform; (2) mitigate costs associated with the reporting of certain defined contribution pension plans, defined contribution other postemployment benefit (OPEB) plans, and employee benefit plans other than pension plans or OPEB plans (other employee benefit plans) as fiduciary component units in fiduciary fund financial statements; and (3) enhance the relevance, consistency, and comparability of the accounting and financial reporting for Internal Revenue Code (IRC) Section 457 deferred compensation plans (Section 457 plans) that meet the definition of a pension plan and for benefits provided through those plans.

EFFECTIVE FISCAL YEAR 2022/23:

GASB 91 – *Conduit Debt Obligations*

The primary objectives of this Statement are to provide a single method of reporting conduit debt obligations by issuers and eliminate diversity in practice associated with (1) commitments extended by issuers, (2) arrangements associated with conduit debt obligations, and (3) related note disclosures. This Statement achieves those objectives by clarifying the existing definition of a conduit debt obligation; establishing that a conduit debt obligation is not a liability of the issuer; establishing standards for accounting and financial reporting of additional commitments and voluntary commitments extended by issuers and arrangements associated with conduit debt obligations; and improving required note disclosures.

GASB 94 – *Public-Private and Public-Public Partnerships and Availability Payment Arrangements*

The primary objective of this Statement is to improve financial reporting by addressing issues related to public-private and public-public partnership arrangements (PPPs). As used in this Statement, a PPP is an arrangement in which a government (the transferor) contracts with an operator (a governmental or nongovernmental entity) to provide public services by conveying control of the right to operate or use a nonfinancial asset, such as infrastructure or other capital asset (the underlying PPP asset), for a period of time in an exchange or exchange-like transaction. Some PPPs meet the definition of a service concession arrangement (SCA), which the Board defines in this Statement as a PPP in which (1) the operator collects and is compensated by fees from third parties; (2) the transferor determines or has the ability to modify or approve which services the operator is required to provide, to whom the operator is required to provide the services, and the prices or rates that can be charged for the services; and (3) the transferor is entitled to significant residual interest in the service utility of the underlying PPP asset at the end of the arrangement.

This Statement also provides guidance for accounting and financial reporting for availability payment arrangements (APAs). As defined in this Statement, an APA is an arrangement in which a government compensates an operator for services that may include designing, constructing, financing, maintaining, or operating an underlying nonfinancial asset for a period of time in an exchange or exchange-like transaction.

SCHEDULE OF OTHER MATTERS

GASB 96 – *Subscription-Based Information Technology Arrangements*

This Statement provides guidance on the accounting and financial reporting for subscription-based information technology arrangements (SBITAs) for government end users (governments). This Statement (1) defines a SBITA; (2) establishes that a SBITA results in a right-to-use subscription asset—an intangible asset—and a corresponding subscription liability; (3) provides the capitalization criteria for outlays other than subscription payments, including implementation costs of a SBITA; and (4) requires note disclosures regarding a SBITA. To the extent relevant, the standards for SBITAs are based on the standards established in Statement No. 87, Leases, as amended.

CITY OF OAKLEY

REQUIRED COMMUNICATIONS

FOR THE YEAR ENDED
JUNE 30, 2021

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CITY OF OAKLEY

REQUIRED COMMUNICATIONS

For the Year Ended June 30, 2021

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MAZE & ASSOCIATES

REQUIRED COMMUNICATIONS

To the City Council of
the City of Oakley, California

We have audited the financial statements of the City of Oakley for the year ended June 30, 2021. Professional standards require that we communicate to you the following information related to our audit under generally accepted auditing standards and *Government Auditing Standards*.

Significant Audit Matters

Accounting Policies

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by City are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during the year, except as follows:

GASB 84 - *Fiduciary Activities*

The objective of this Statement is to improve guidance regarding the identification of fiduciary activities for accounting and financial reporting purposes and how those activities should be reported.

This Statement establishes criteria for identifying fiduciary activities of all state and local governments. The focus of the criteria generally is on (1) whether a government is controlling the assets of the fiduciary activity and (2) the beneficiaries with whom a fiduciary relationship exists. Separate criteria are included to identify fiduciary component units and postemployment benefit arrangements that are fiduciary activities.

The pronouncement became effective, and as disclosed in Note 1M to the financial statements required a prior period restatement for the cumulative effect on the financial statements.

GASB 90 - *Majority Equity Interests (an amendment of GASB Statements No. 14 and No. 61)*

The primary objectives of this Statement are to improve the consistency and comparability of reporting a government's majority equity interest in a legally separate organization and to improve the relevance of financial statement information for certain component units. It defines a majority equity interest and specifies that a majority equity interest in a legally separate organization should be reported as an investment if a government's holding of the equity interest meets the definition of an investment. A majority equity interest that meets the definition of an investment should be measured using the equity method, unless it is held by a special-purpose government engaged only in fiduciary activities, a fiduciary fund, or an endowment (including permanent and term endowments) or permanent fund. Those governments and funds should measure the majority equity interest at fair value.

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The pronouncement became effective, but did not have a material effect on the financial statements.

GASB 98 - *The Annual Comprehensive Financial Report.*

The objective of this Statement is to address references in authoritative literature to the term comprehensive annual financial report. This Statement establishes the term annual comprehensive financial report and its acronym ACFR. That new term and acronym replace instances of comprehensive annual financial report and its acronym in generally accepted accounting principles for state and local governments. The provisions of the Statement was implemented during fiscal year 2021.

The pronouncement is effective for fiscal year 2021-2022. The City chose to early implement this statement in fiscal year 2020-2021.

Unusual Transactions, Controversial or Emerging Areas

We noted no transactions entered into by the City during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the City's financial statements were:

Estimated Fair Value of Investments: Investments held by the City was measured by fair value as disclosed in Note 3 to the Financial Statements. Fair value is essentially market pricing in effect as of June 30, 2021. These fair values are not required to be adjusted for changes in general market conditions occurring subsequent to June 30, 2021.

Estimated Depreciation: Management's estimate of the depreciation is based on useful lives determined by management. These lives have been determined by management based on the expected useful life of assets as disclosed in Note 7 to the financial statements. We evaluated the key factors and assumptions used to develop the depreciation estimate and determined that it is reasonable in relation to the basic financial statements taken as a whole.

Estimated Compensated Absences: Accrued compensated absences is estimated using accumulated unpaid leave hours and hourly pay rates in effect at the end of the fiscal year as disclosed in Note 1H. We evaluated the key factors and assumptions used to develop the accrued compensated absences and determined that it is reasonable in relation to the basic financial statements taken as a whole.

Estimated Net Pension Liabilities and Pension-Related Deferred Outflows and Inflows of Resources: Management's estimate of the net pension liabilities and deferred outflows/inflows of resources are disclosed in Note 11 to the financial statements and are based on accounting valuations determined by the California Public Employees Retirement System, which are based on the experience of the City. We evaluated the key factors and assumptions used to develop the estimates and determined that they are reasonable in relation to the basic financial statements taken as a whole.

Estimated Claims Liabilities: Management's estimate of the claims liabilities payable is disclosed in Note 14 to the financial statements and is based on actuarial studies determined by the City's joint powers authority insurance provider, which are based on the claims experience of the City. We evaluated the key factors and assumptions used to develop the estimate and determined that it is reasonable in relation to the basic financial statements taken as a whole.

Disclosures

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

Professional standards require us to accumulate all known and likely uncorrected misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. We have no such misstatements to report to the City Council.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in a management representation letter dated November 29, 2021.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the City's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the City's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Information Accompanying the Financial Statements

We applied certain limited procedures to the required supplementary information that accompanies and supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the required supplementary information and do not express an opinion or provide any assurance on the required supplementary information.

We were engaged to report on the supplementary information which accompany the financial statements, but are not required supplementary information. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

We were not engaged to report on the Introductory and Statistical Sections which accompany the financial statements, but are not required supplementary information. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

******

This information is intended solely for the information and use of the City Council and management and is not intended to be and should not be used by anyone other than these specified parties.

Maze & Associates

Pleasant Hill, California
November 29, 2021

MAZE & ASSOCIATES

INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED UPON PROCEDURES FOR COMPLIANCE WITH THE PROPOSITION 111 2020-2021 APPROPRIATIONS LIMIT INCREMENT

To the City Council of the
City of Oakley, California

We have performed the procedures below, which were agreed to by the City of Oakley, on the Appropriations Limit Worksheet (Worksheet) for the year ended June 30, 2021. The City's management is responsible for the Worksheet. These procedures, which were suggested by the League of California Cities and presented in their Article XIIIB Appropriations Limitation Uniform Guidelines, were performed solely to assist you in meeting the requirements of Section 1.5 of Article XIIIB of the California Constitution. The sufficiency of these procedures is solely the responsibility of the City. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures you requested us to perform and our findings were as follows:

A. We obtained the Worksheet and determined that the 2020-2021 Appropriations Limit of $12,556,284 and annual adjustment factors were adopted by Resolution of the City Council. We also determined that the population and inflation options were selected by a recorded vote of the City Council.

B. We recomputed the 2020-2021 Appropriations Limit by multiplying the 2019-2020 Prior Year Appropriations Limit on the Worksheet by the annual adjustment factors.

C. For the Worksheet, except as noted below, we agreed the Per Capita Income, City Population and County Population Factors to California State Department of Finance Worksheets.

   Exception: The City used a City Population Factor of 1.015, rather than the actual City Population Factor of 1.0115 on the Worksheet. This resulted in a $43,298 overstatement of the Appropriation Limit when compared to the corrected amount of $12,512,986. Subsequently, the City readopted the corrected 2020-2021 Appropriations Limit through a Council Resolution on June 9, 2021.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Worksheet. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

Accountancy Corporation
3478 Buskirk Avenue, Suite 215
Pleasant Hill, CA 94523

T 925.930.0902
F 925.930.0135
E maze@mazeassociates.com
W **mazeassociates.com**

This report is intended solely for the information and use of management and the City Council and is not intended to be and should not be used by anyone other than those specified parties; however, this restriction is not intended to limit the distribution of this report, which is a matter of public record.

Maze & Associates

Pleasant Hill, California
November 29, 2021

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: December 14, 2021

TO: Joshua McMurray,
Interim City Manager

Approved and Forwarded to the City Council

FROM: Libby Vreonis, City Clerk/Paralegal

SUBJECT: **Oakley City Council Hearing for Special Assessment Regarding 87 Concannon Court (APN 037-234-033)**

Background and Analysis

This hearing is regarding a determination to impose a special assessment on 87 Concannon Court (APN 037-234-033) for costs incurred by the City associated with clean-up of refuse, trash and debris on the property.

Background

On June 15, 2020, Code Enforcement staff was completing inspections in the area surrounding 87 Concannon Court, noticed a large amount of trash and debris in front of the property (a violation of Oakley Municipal Code Section 4.29.404) as shown (Attachment 1), and issued a Notice of Violation to the property owner the following day (Attachment 2). The Notice of Violation provided June 26, 2020 as the compliance deadline.

Upon re-inspection on July 16, 2020, staff found tarps hanging up, trash and debris all over the front yard, a wood pile in between the vehicles, a mattress, and a pack rat storage container (violations of Oakley Municipal Code Sections 4.29.404 and 9.1.1802) as shown (Attachment 3). Staff issued a Notice of Violation to the property owner (Attachment 4). The Notice of Violation provided July 26, 2020 and August 15, 2020 as the compliance deadlines, respectively.

Upon re-inspection on August 13, 2020, staff found trash and debris as well as the storage container remained as shown (Attachment 5). The compliance deadline for the storage container to be removed was August 15, 2020, as noted on the Notice of Violation issued July 16, 2020; therefore, staff noted to re-inspect after that date.

Upon re-inspection on August 17, 2020, staff found violations still remained. On August 18, 2020, staff issued a first citation, Administrative Citation AC-20-000788, to the property owner (Attachment 6) imposing fines in the amount of $100 for violation of Oakley Municipal Code Section 4.29.404 and $100 for violation of Oakley Municipal Code Section 9.1.1802.

On August 24, 2020, the property owner left two voice mails for staff, indicating he and a neighbor down the street both have storage containers because they sustained significant water damage.

On September 23, 2020, staff received a complaint regarding the refuse, trash and debris in the driveway as well as the storage container. The complainant indicated the property owner was bringing in new junk daily and added to the pile. Staff inspected the property and took photos as shown (Attachment 7). Staff issued a second citation, Administrative Citation AC-20-000937, to the property owner (Attachment 8) imposing fines in the amount of $200 for violation of Oakley Municipal Code Section 4.29.404 and $200 for violation of Oakley Municipal Code Section 9.1.1802.

The property owner and staff communicated the same day by phone. The property owner indicated his wife passed away and he was going through tough times, and he also had a massive pipe break. He also indicated the items in front of his property were part of his business. Staff informed him that he would need a business license and home-based business permit, and if upon re-inspection the violations still exist, he would incur a $500 fine on each violation as well as re-inspection fees.

On September 24, 2020, staff issued a final demand for payment for Administrative Citation AC-20-000788, in the amount of $200 (Attachment 9).

On October 5, 2020 and October 8, 2020, staff received complaints regarding the property. On October 8, staff re-inspected the property and found possible effigy, along with trash and debris as shown (Attachment 10). The City Manager was informed. Staff issued a third citation, Administrative Citation AC-20-000968, to the property owner (Attachment 11) imposing a fine in the amount of $500 for violation of Oakley Municipal Code Section 4.29.404. Staff did not impose a fine in the amount of $500 for a violation of Oakley Municipal Code Section 9.1.1802 at this time because the Notice of Violation issued on September 23, 2020 provided until October 23, 2020 for removal of the storage container. Staff also issued the property owner a Notice of Violation for violations of Oakley Municipal Code Sections 4.29.404 and 9.1.1802, extending the compliance deadline to October 18, 2020 for refuse, trash and debris clean-up and maintaining October 23, 2020 as the deadline for removal of the storage container (Attachment 12).

On October 12, 2020, staff received a complaint regarding the property and concern regarding a minor possibly inhabiting the property. The matter was referred to Police.

On October 14, 2020, staff received payment in the amount of $200 (Attachment 13). This payment satisfied the amount due for the first citation issued (two $100 fines).

On October 15, 2020, Police went by the property and found no effigy in sight.

On October 19, 2020, staff received a separate complaint regarding the deterioration of the property, well-being of the property owner, and concern regarding a minor possibly inhabiting the property. The matter was referred to Police, the City Manager and Community Development Director.

On October 30, 2020, staff spoke with the property owners' son who indicated he was challenging the executor status of his mother's estate and if the executor status changes, his father would be provided a 30-day notice to leave the property. Staff extended compliance deadlines 20 days for the son to contact staff with an update regarding the executor status. A photo taken November 12, 2020 shows the debris and storage container still existed (Attachment 14).

On January 22, 2021, staff received a separate complaint regarding roaches on the property and concern regarding a minor possibly inhabiting the property. The latter concern was already being addressed by Police. On the same day, staff spoke with the property owner's son and was informed a court date had been scheduled for January 26, 2021. The son indicated he would update staff of the outcome at court and provide a timeline when he expected his father to be out of the property. Staff informed him because of the condition of the property and amount of complaints received, the City would likely have to take further action, including a possible abatement of the property.

On January 25, 2021, staff re-inspected the property and found more trash and debris had accumulated, including a pick-up truck with a full truck bed of debris. Staff issued a fourth citation, Administrative Citation AC-21-000011, to the property owner imposing a fine in the amount of $500 for violation of Oakley Municipal Code Section 4.29.404 and $500 for violation of Oakley Municipal Code Section 9.1.1802 (Attachment 15). Staff also issued the property owner a Notice of Violation for violations of Oakley Municipal Code Sections 4.29.404 and 9.1.1802, extending compliance deadlines to February 4, 2021 for both (Attachment 16).

On January 26, 2021, staff spoke with the property owner's son whom informed staff his father found a clause in his trust that allows his father to legally revoke the trust and the judge has provided time for his father to retain legal counsel and file papers by March 15, 2021. Staff informed him the City will have to move forward based on the current condition of the property. The son agreed to connect with staff after March 15, 2021.

On January 26, 2021, staff re-inspected the property and found it in worse condition as shown (Attachment 17). Staff consulted with the Community Development Director

regarding initiating the 30-day abatement process. Staff performed due diligence to confirm the correct title of the property.

On February 9, 2021, staff received three complaints regarding the condition of the property. Staff worked to prepare an Order to Abate.

On February 22, 2021, the City Manager executed the Order to Abate and it was mailed to the property owner via certified mail with return receipt (Attachment 18). The Order to Abate was also posted to the property on February 25, 2021, and staff noted the condition of the property was worse as shown (Attachment 19). On March 3, 2021, staff received the return receipt signed by the property owner. Staff worked with the City Attorney's Office to secure an abatement warrant.

On March 22, 2021, the property owner contacted the City Manager via email and requested an extension. He indicated he is a disabled-retiree and was trying to donate items to Salvation Army or Goodwill, but they were not accepting home goods or clothing during the pandemic. He also indicated he tried to find an organization to pick up the refuse, trash and debris in front of his home to deliver them to the garbage dump, but he was unsuccessful until he reached out to Vietnam Veterans of America and the earliest pick up that could be scheduled was March 29, 2021. He mentioned the storage container is scheduled for pick-up on March 31, 2021. The City Manager denied his request for an extension and suggested the property owner clean up as much as possible as the City has repeatedly requested, and if still not up to Code, the City would complete the clean-up through the abatement process.

On March 23, 2021, staff spoke with the property owner's son to receive an update on the court case. To the son's knowledge, his father had not filed with the court and a hearing was set for April 29, 2021. He indicated he would provide staff with an update after the hearing.

On March 31, 2021, staff re-inspected the property and found the storage container had been removed, but the items presumably inside the container had been removed and were in the yard, making the condition of the property worse as shown (Attachment 20). Staff worked with the City Attorney's Office to prepare a declaration and warrant application.

On April 21, 2021, staff visited other properties in the area and noticed the condition of the property was worse as shown (Attachment 21).

On April 29, 2021, a warrant was obtained. Staff scheduled the abatement with a hauling company for May 5, 2021.

On April 30, 2021, staff spoke with the property owner's son and he informed staff he is now the executor of the property and his father is now the tenant of the property.

On May 3, 2021, staff received a complaint regarding the condition of the property and that the debris has encroached onto the sidewalk.

On May 4, 2021, staff posted the warrant on the property as shown (Attachment 22).

On May 5, 2021, prior to the abatement, staff spoke with the property owner's son and he indicated he also wanted the property cleaned up. Thereafter, contracted haulers, Police, and Code Enforcement staff went to the property and the abatement was completed. While staff noted there was significantly less debris on the day of abatement than when they posted at the property the day prior, a violation still existed. Pre-abatement and post-abatement photos are provided (Attachment 23).

On May 12, 2021 and May 28, 2021, re-inspections were performed. The property remains clear and in compliance.

Analysis

As described in the background above, an ongoing accumulation of visible garbage, refuse and rubbish occurred in front of the home located at 87 Concannon Court from mid-June 2020 through the beginning of May 2021. After repeated citations, notices of violation, and extensions to correct violations, the property was still not in compliance with Oakley Municipal Code Section 4.29.404 which provides:

> It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any property to maintain such property in such a manner that any one or more of the following described conditions are found to exist:
>
> a. The accumulation of garbage, refuse, or rubbish
>
> i. in any area which is visible from a public street for a period of more than seven (7) consecutive days; or
>
> ii. in such a manner as to threaten the public health, safety or welfare; or
>
> iii. in such a manner so as to create a significant blight upon the surrounding neighborhood.

As visible from the attached photos, various wood pieces, a mattress, rods, oxygen tank equipment, coolers, boxes, full plastic bags, small containers, infant gates, miscellaneous equipment, and a shopping cart, were in clear sight from the public street for nearly an entire year, well beyond the seven day period allowed by code. Multiple complaints were received by the City from multiple parties concerned with the visible condition of the property, roaches, and debris continually added to the property, at one point encroaching onto the public sidewalk, threatening public health, safety and welfare for passerby and neighboring properties. As evidenced by multiple complaints from multiple parties and the amount of debris shown in attached photos, significant blight was created upon the surrounding neighborhood. For these reasons, the property owner was in violation of Oakley Municipal Code Section 4.29.404.

The property owner was also in violation of Oakley Municipal Code Section 9.1.1802(e)(3). This section provides:

> Shipping containers are not permitted as residential accessory structures unless the following criteria can be met, subject to the review and approval of the Community Development Director:
>
> a) The shipping container is redesigned and repurposed to appear and function as a residential accessory structure through the additional of a pitched roof that matches the color of the primary unit's roof, and the addition of texture coating or exterior veneer to disguise the industrial appearance of such structures and that matches the color of the primary unit;
> b) The shipping container is structurally modified to include at least one residential main door that can be unlocked and opened from inside the container; and
> c) Subject to review and approval of the Community Development Director, exceptions may be made for the standard in subsection (e)(3)(a) of this section if the shipping container is screened from public and private view by a solid fence as seen from adjacent ground level.

Photos taken of the property on July 16, 2020 (Attachment 2), show a Pack-Rat shipping container located in the driveway of the property. Pack-Rat is a company that provides storage containers for shipping and/or storage, therefore, the shipping container does not meet the residential accessory structure criteria as set forth above in the code as it is not a structure designed to match the home, it does not have a residential door, and it is located in the driveway (not screened from public and private view). For these reasons, the property owner was in violation of Oakley Municipal Code Section 9.1.1802(e)(3).

The shipping container existed on the property at least from the time the photos were taken on July 16, 2020 through its removal sometime between March 22, 2021 (when the property owner indicated to the City Manager it would be picked up on March 31, 2021) and the City abatement performed May 5, 2021, approximately 8-10 months. Because the shipping container was removed prior to the City abatement, it is not included in the abatement invoice; however, it is included in the Report of Costs due to staff time to re-inspect the property on numerous occasions to confirm if it had been removed.

Hearing Procedures

Oakley Municipal Code Sections 1.6.126 through 1.6.132 address recovery of City abatement costs. These sections provide that the City Manager may submit a written report of total abatement costs (Report of Costs-Attachment 24) to the City Council

for confirmation during a regular meeting following notice to the property owner. Any person affected by the proposed charge may file an objection with the City Clerk any time prior to the time the matter for the hearing on the Report of Costs. The Council may modify the Report of Costs if it deemed necessary and then, by resolution, may confirm the report as submitted or modified. After the Council has confirmed the Report of Costs, and if the costs have not been paid in full, the Report of Costs may be filed with the County Tax Collector and the amount may be added to the next regular tax bill as a special assessment to be collected at the time and manner as ordinary municipal taxes. Payment may be submitted in full to the City any time after confirmation of the report of costs by the Council and prior to the Report of Costs being filed with the County Tax Collector. The next regular tax bill will be issued for fiscal year 2022/2023. The deadline to submit the Report of Costs to the County is August 10, 2022. Staff would need time to file the Report of Costs with the County and therefore recommends August 1, 2022 as the deadline for payment.

Oakley City Council Resolution 148-16 allows the City to recover actual costs incurred for Code Enforcement abatement services and re-inspection services. Oakley Municipal Code Section 1.6.302 allows recovery of attorneys' fees by the prevailing party in a nuisance abatement action or proceeding. The abatement fee, re-inspection fees and attorneys' fees are included in the Report of Costs.

On October 14, 2021, a Notice of Hearing of Special Assessments of Costs was posted at the property, posted at City Hall and mailed to the property owner, along with the Report of Costs, as required by Oakley Municipal Code Section 1.6.126, indicating the matter would be heard by the Council on October 26, 2021, during its regular meeting (Attachment 25). The property owner informed staff he could not attend the hearing due to a conflicting medical appointment. Staff suggested to reschedule to November 9, 2021, in which the property owner indicated should work. Staff updated the Notice and Report to reflect the revised date, re-posted to the property and at City Hall, and mailed to the property owner on October 21, 2021 (Attachment 26).

During the hearing held November 9, 2021, the property owner was called upon to present any arguments or objections to the assessment and was not present. The Council granted postponement to December 14, 2021 and staff followed the same protocol for providing notice. Staff was able to contact and obtain a mailing address for the property owner's son and he was also notified by mail. No written objection to the proposed assessment has been submitted as of the time this staff report was written.

Fiscal Impact

The City has incurred costs totaling $5,798.65 as stated in the Report of Costs. This amount includes the abatement fee, re-inspection fees and attorneys' fees. The City seeks to recover these costs.

Staff Recommendation

Staff recommends the City Council review the information in the staff report and allow for the property owner to be heard and present any objection to the assessment. The Council may accept or deny the Report of Costs. If it accepts the Report of Costs, it may do so as presented or modified, and a resolution should be adopted confirming such costs.

In addition, the property owner inquired about a payment plan to satisfy the total costs. The Council may direct staff to enter into such written agreement with the property owner. Staff recommends if the Council should provide direction to staff to enter into a payment agreement, that it directs staff to include a provision in the payment agreement to provide that the total amount ($5,798.65) shall be paid prior to August 1, 2022, to meet the deadline of August 10, 2022 for the costs to be placed on the next tax roll, if necessary.

Attachments

1. Photo taken June 15, 2020
2. Notice of Violation dated June 16, 2020
3. Photos taken July 16, 2020
4. Notice of Violation dated July 16, 2020
5. Photos taken August 13, 2020
6. Administrative Citation dated August 18, 2020
7. Photos taken September 23, 2020
8. Administrative Citation dated September 23, 2020
9. Final Demand dated September 24, 2020
10. Photos taken October 8, 2020
11. Administrative Citation dated October 8, 2020
12. Notice of Violation dated October 8, 2020
13. Receipt of Payment ($200.00)
14. Photo taken November 12, 2020
15. Administrative Citation dated January 25, 2021
16. Notice of Violation dated January 25, 2021
17. Photos taken January 26, 2021
18. Notice of Violation and Order to Abate dated February 22, 2021
19. Photos taken February 25, 2021
20. Photos taken March 31, 2021
21. Photo taken April 21, 2021
22. Photos taken May 4, 2021
23. Photos taken May 5, 2021 (pre-abatement and post-abatement)
24. Report of Costs (Revised)
25. Notice of Hearing of Special Assessment of Costs dated October 14, 2021 and Report of Costs

26. Revised Notice of Hearing of Special Assessment of Costs dated October 21, 2021 and Report of Costs
27. Resolution

87 Concannon
Jun 15, 2020, 11:39 AM

OAKLEY
CALIFORNIA

NOTICE OF VIOLATION

HOPPER THOREN DAVID TRE
87 CONCANNON CT
OAKLEY, CA 94561-3004

Property Address:	87 CONCANNON CT
Parcel Number:	037-234-033
Case Number:	CE-20-1925

To HOPPER THOREN DAVID TRE,

Date: June 16, 2020

An inspection was conducted on June 16, 2020 and the property listed above has been found to be in violation of the City of Oakley's Municipal Code. The violation(s) below require immediate action by the property owner/resident.

VIOLATION AND ACTION REQUIRED

OMC § 4.29.404 - Trash and Debris states:
Property inadequately maintained (trash & debris, inoperable equipment, junk, rubbish, and building materials) in public view.

Please remove all trash and debris from the property and/or public view. Please see picture.

- **Compliance Date: June 26, 2020**

FAILURE TO CORRECT

Failure to correct the violation(s) by the compliance date(s) above may result in re-inspection fees for actual costs incurred. These costs are separate from citations and may be placed as a special assessment on the property tax rolls if not reimbursed. The City may also issue Administrative Citations, which range from a $100 to $500 fine per violation for every day the violation(s) remain and/or take other actions to compel compliance. The property owner is responsible for all costs associated with the abatement of this nuisance including inspection fees, hearing costs, and any costs incurred by the City if forced to abate this nuisance.

Thank you in advance for your prompt attention to resolving this matter.

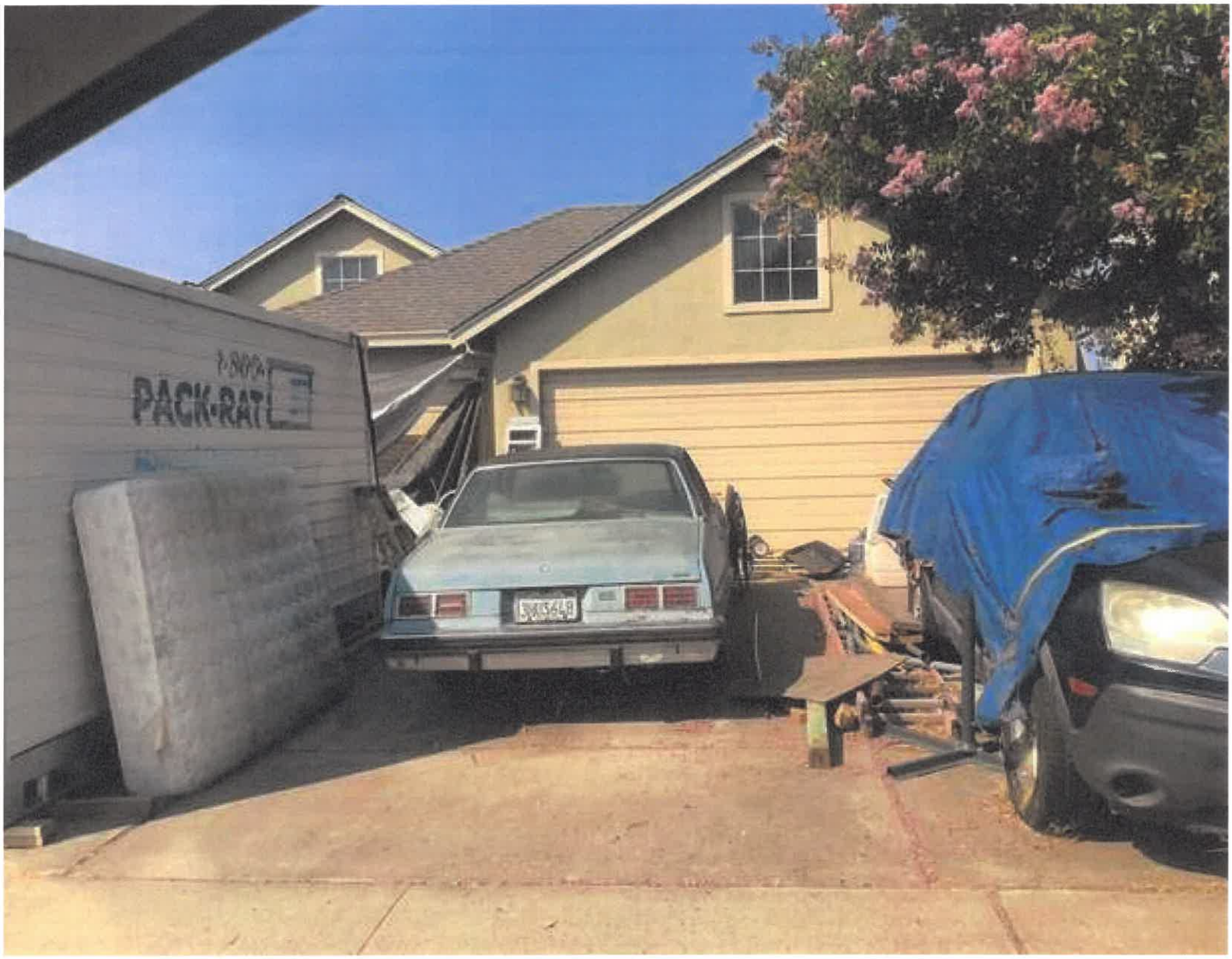
CONTACT

You may contact Code Enforcement via email at: code-enforcement@ci.oakley.ca.us or by calling (925) 625-7031. To better assist you, please reference the Case No. and/or Property Address and provide a brief explanation of your question (ie. Request for Extension, Clarification of Violation).

CITY OF OAKLEY CODE ENFORCEMENT - 3231 MAIN STREET, OAKLEY, CA 94561

PHOTO ATTACHMENTS

IMG_3340.JPG



87 Concannon
7/16/20

87 Concannon
7/16/20

OAKLEY
CALIFORNIA

Attachment 4

NOTICE OF VIOLATION

HOPPER THOREN DAVID TRE
87 CONCANNON CT
OAKLEY, CA 94561-3004

Property Address:	87 CONCANNON CT
Parcel Number:	037-234-033
Case Number:	CE-20-1925

To HOPPER THOREN DAVID TRE,

Date: July 16, 2020

An inspection was conducted on July 16, 2020 and the property listed above has been found to be in violation of the City of Oakley's Municipal Code. The violation(s) below require immediate action by the property owner/resident.

VIOLATION AND ACTION REQUIRED

OMC § 4.29.404 - Trash and Debris states:

Property inadequately maintained (trash & debris, inoperable equipment, junk, rubbish, and building materials) in public view.

FINAL NOTICE TO Please remove all trash and debris from the property and/or public view. This includes the debris in the front yard, the wood and metal in the driveway, the tarps, and the mattress.

IF VIOLATION IS NOT CORRECTED BY DUE DATE, CITATIONS WILL BE ISSUED.

• Compliance Date: July 26, 2020

OMC § 9.1.1802 - Sea Containers states:

Shipping containers are not permitted as residential accessory structures unless the following criteria can be met, subject to the review and approval of the Community Development Director:

a) The shipping container is redesigned and repurposed to appear and function as a residential accessory structure through the addition of a pitched roof that matches the color of the primary unit's roof, and the addition of texture coating or exterior veneer to disguise the industrial appearance of such structures and that matches the color of the primary unit.

b) The shipping container is structurally modified to include at least one residential man door that can be unlocked and opened from inside the container.

c) Subject to review and approval of the Community Development Director, exceptions may be made for the standard in subsection (e)(3)(a) of this section if the shipping container is screened from public and private view by a solid fence as seen from adjacent ground level.

Please remove all Shipping Containers from the property or contact the Planning Department, located in the Development Services side of City Hall (3231 Main Street), for review and approval. **Please note that redesign or re-purpose of a sea container requires applying for and obtaining a Building Permit.**

• Compliance Date: August 15, 2020

FAILURE TO CORRECT

Failure to correct the violation(s) by the compliance date(s) above may result in re-inspection fees for actual costs incurred. These costs are separate from citations and may be placed as a special assessment on the property tax rolls if not reimbursed. The City may also issue Administrative Citations, which range from a $100 to $500 fine per violation for every day the violation(s) remain and/or take other actions to compel compliance. The property owner is responsible for all costs associated with the abatement of this nuisance

including inspection fees, hearing costs, and any costs incurred by the City if forced to abate this nuisance.

Thank you in advance for your prompt attention to resolving this matter.

CONTACT

You may contact Code Enforcement via email at: code-enforcement@ci.oakley.ca.us or by calling (925) 625-7031. To better assist you, please reference the Case No. and/or Property Address and provide a brief explanation of your question (ie. Request for Extension, Clarification of Violation).

CITY OF OAKLEY CODE ENFORCEMENT - 3231 MAIN STREET, OAKLEY, CA 94561

87 Concannon

87 Concannon

OAKLEY
CALIFORNIA

Attachment 6

ADMINISTRATIVE CITATION

Mailing Date: August 18, 2020
Time of Citation: 9:50 AM
HOPPER THOREN DAVID TRE
87 CONCANNON CT
OAKLEY, CA 94561-3004

Citation No:	AC-20-000788
Responsible Party:	HOPPER THOREN DAVID TRE
Property Address:	87 CONCANNON CT
Parcel Number:	037-234-033
Case Number:	CE-20-1925

To HOPPER THOREN DAVID TRE,

Date: August 18, 2020

A Notice of Violation for the above property was issued on July 16, 2020 granting a time frame to correct the violation. That time frame has now expired and the property is still not in compliance so an Administrative Citation is being issued. **Payment of this Citation does not relieve the burden of correcting the remaining violation(s). This account will be referred to a Third Party Collection Agency upon becoming past due.**

ADMINISTRATIVE CITATION

OMC § 4.29.404 - Trash and Debris states:

Property inadequately maintained (trash & debris, inoperable equipment, junk, rubbish, and building materials) in public view.

The following corrective action was <u>not</u> completed upon re-inspection:

Please remove all trash and debris from the property and/or public view. This is including but not limited to the debris in the front yard, items in the driveway and under the tarp and mattress.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $100.00 AND ANOTHER CITATION OF $200.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

CITATION FINE IS NOW DUE AND PAYABLE		
☑ **1st Citation**	☐ 2nd Citation	☐ 3rd Citation
$100.00	$200.00	$500.00

OMC § 9.1.1802 - Sea Containers states:

Shipping containers are not permitted as residential accessory structures unless the following criteria can be met, subject to the review and approval of the Community Development Director:

a) The shipping container is redesigned and repurposed to appear and function as a residential accessory structure through the addition of a pitched roof that matches the color of the primary unit's roof, and the addition of texture coating or exterior veneer to disguise the industrial appearance of such structures and that matches the color of the primary unit.

b) The shipping container is structurally modified to include at least one residential man door that can be unlocked and opened from inside the container.

c) Subject to review and approval of the Community Development Director, exceptions may be made for the standard in subsection (e)(3)(a) of this section if the shipping container is screened from public and private view by a solid fence as seen from adjacent ground level.

The following corrective action was <u>not</u> completed upon re-inspection:

Please remove all Shipping Containers from the property or contact the Planning Department, located in the Development Services side of City Hall (3231 Main Street), for review and approval. ***Please note that redesign or re-purpose of a sea container requires applying for and obtaining a Building Permit.***

This is in reference to the Pack-Rat storage unit. Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $100.00 AND ANOTHER CITATION OF $200.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

CITATION FINE IS NOW DUE AND PAYABLE		
☑ 1st Citation	☐ 2nd Citation	☐ 3rd Citation
$100.00	$200.00	$500.00

Pursuant to Section 1.5.203(d) and 1.5.204 (c) of the Oakley Municipal Code (OMC), each day the violation continues is a separate and distinct offense and subject to additional citations. Fines per each count of the OMC Section violated are as follows: Fines are $100 for the first citation per violation, $200 for the second citation per violation and $500 for any subsequent citation violation. Notwithstanding the above, violations of local building and safety codes are punishable by fines of $500 for a second Citation and $1,000 for subsequent Citations.

Rights of Appeal

You have the right to contest this Administrative Citation at a public hearing before an **Administrative Hearing Officer**. To request a hearing, you must pay an advance deposit in the full amount of the fine and submit that amount with the written appeal either by mail to the City Clerk, 3231 Main St, Oakley, CA 94561, or in person to the City Clerk's office at City Hall, **within ten (10) working days from the date of the Administrative Citation**.

A properly filed appeal will result in written notification of the date and time set for your hearing. Failure to appear at your hearing will constitute a failure to exhaust your administrative remedies. Any person who requests an appeal of an administrative citation and is unable to make the advance deposit of the fine required, may file a **Waiver of Fine Deposit Application**. Applications may be obtained from the City Clerk's Office at the above address and must be submitted with the appeal request.

RIGHT TO JUDICIAL REVIEW: Any person aggrieved by a decision of the Administrative Hearing Officer on an Administrative Citation may obtain review of the decision by filing a petition for review with the Superior Court in Contra Costa County in accordance with the timelines and provisions set forth in the California Government Code Section 530693.4

How to Pay

Payment should be made to: City of Oakley 3231 Main St Oakley, CA 94561.

- The total fine amount is **$200.00** and must be paid by mail or in person to the City of Oakley by **September 17, 2020**, which is thirty (30) days from the date of this Citation.
- Payment may be made by personal check, cashier's check or money order, VISA or Master Card.
- Please include the citation number **AC-20-000788** on your check or money order.

If the citation is not paid within thirty (30) days or appealed within 10 days from **August 18, 2020**, you may be subject to the imposition of a twenty-five percent (25%) late payment penalty if the Administrative Fine(s) is not paid by the due date, and interest at the rate of 1.5% per month, compounded monthly, will be added to the fine amount.

Failure to Pay

The City will collect any unpaid Administrative Citation fines or late payment charges by use of all available legal means, including but not limited to those means available for the collection of judgments, special assessment liens on real property and all actions for recovery of money. The city has the authority to collect all costs and attorney fees associated with the filing of such actions.

CONTACT

You may contact Code Enforcement via email at: code-enforcement@ci.oakley.ca.us or by calling (925) 625-7031. To better assist you, please reference the Case No. and/or Property Address and provide a brief explanation of your question (ie. Request for Extension, Clarification of Violation).

CITY OF OAKLEY CODE ENFORCEMENT - 3231 MAIN STREET, OAKLEY, CA 94561

OAKLEY
CALIFORNIA

Credit Card Authorization

Property Address: _____

Company Name: _____

Cardholders Name (exactly as shown on credit card): _____

Billing Address (credit card): _____

City: _____ State: _____ Zip Code: _____

Telephone Number: (_____) _____

☐ Mastercard ☐ Visa

Card Number: _____ Card CCW/I.D. Number: _____

Expiration Date: _____ Amount Authorized: $ _____

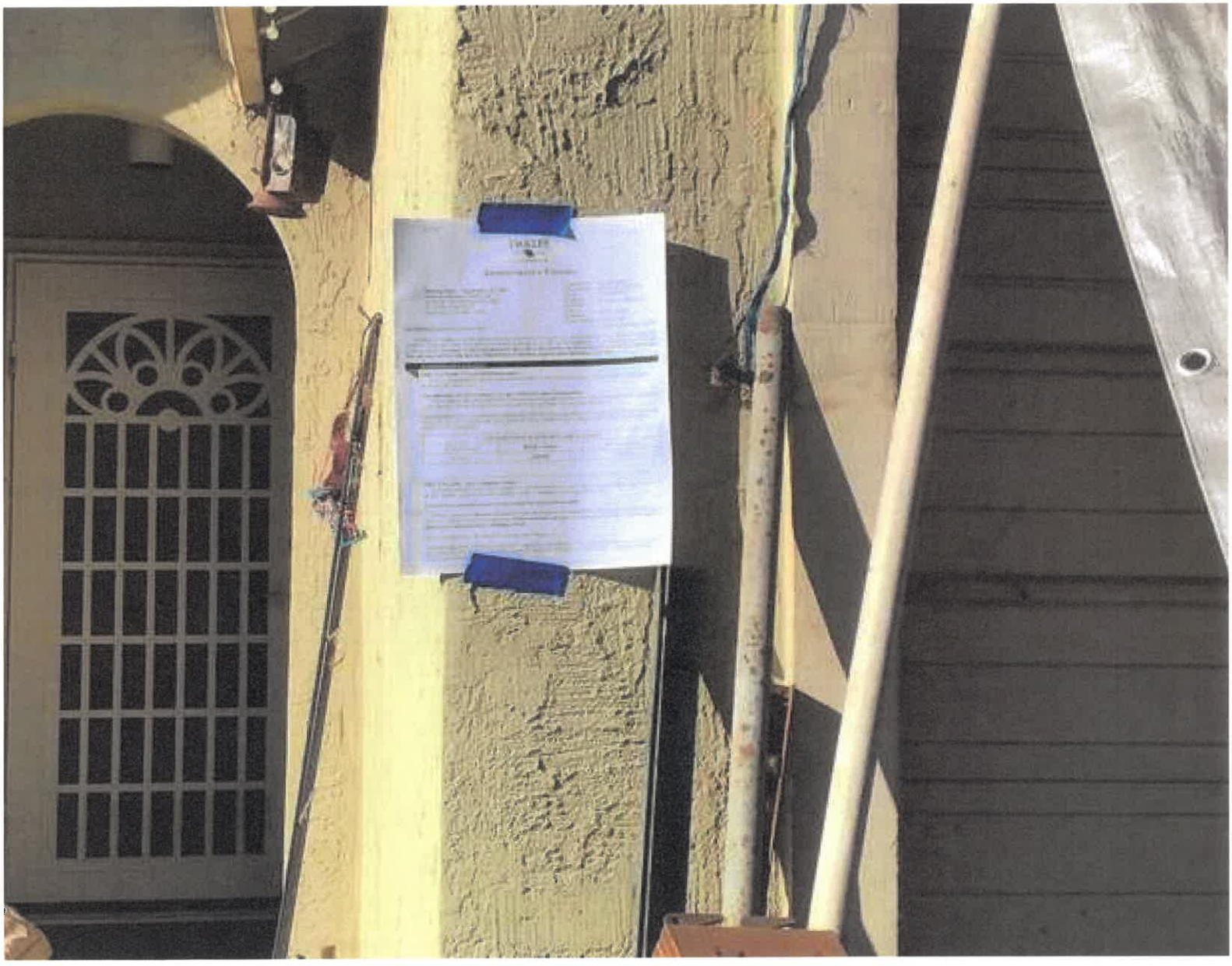
AUTHORIZED SIGNATURE _____ DATE _____

FOR OFFICE USE ONLY

Authorization Number: _____

87 Concannon 9/23/20

87 Concannon
9/23/20



87 Concannon
9/23/20

87 Concannon
9/23/20

87 Concannon
9/23/20

OAKLEY
CALIFORNIA

ADMINISTRATIVE CITATION

Mailing Date: September 23, 2020
Time of Citation: 8:04 AM
HOPPER THOREN DAVID TRE
87 CONCANNON CT
OAKLEY, CA 94561-3004

Citation No:	AC-20-000937
Responsible Party:	HOPPER THOREN DAVID TRE
Property Address:	87 CONCANNON CT
Parcel Number:	037-234-033
Case Number:	CE-20-1925

To HOPPER THOREN DAVID TRE,

Date: September 23, 2020

A Notice of Violation for the above property was issued on August 18, 2020 granting a time frame to correct the violation. That time frame has now expired and the property is still not in compliance so an Administrative Citation is being issued. **Payment of this Citation does not relieve the burden of correcting the remaining violation(s). This account will be referred to a Third Party Collection Agency upon becoming past due.**

ADMINISTRATIVE CITATION

OMC § 4.29.404 - Trash and Debris states:

Property inadequately maintained (trash & debris, inoperable equipment, junk, rubbish, and building materials) in public view.

The following corrective action was <u>not</u> completed upon re-inspection:

Please remove all trash and debris from the property and/or public view. This is including but not limited to the debris in the front yard, items in the driveway and under the tarp and mattress.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $200.00 AND ANOTHER CITATION OF $500.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

CITATION FINE IS NOW DUE AND PAYABLE		
☐ 1st Citation	☑ **2nd Citation**	☐ 3rd Citation
$100.00	**$200.00**	$500.00

OMC § 9.1.1802 - Sea Containers states:

Shipping containers are not permitted as residential accessory structures unless the following criteria can be met, subject to the review and approval of the Community Development Director:

The following corrective action was not completed upon re-inspection:

Please remove all Shipping Containers from the property or contact the Planning Department by calling 925-625-7000 for review and approval. ***Please note that redesign or re-purpose of a sea container requires applying for and obtaining a Building Permit.***

This is in reference to the Pack-Rat storage unit. Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $200.00 AND ANOTHER CITATION OF $500.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

CITATION FINE IS NOW DUE AND PAYABLE		
☐ 1st Citation	☑ **2nd Citation**	☐ 3rd Citation
$100.00	**$200.00**	$500.00

Pursuant to Section 1.5.203(d) and 1.5.204 (c) of the Oakley Municipal Code (OMC), each day the violation continues is a separate and distinct offense and subject to additional citations. Fines per each count of the OMC Section violated are as follows: Fines are $100 for the first citation per violation, $200 for the second citation per violation and $500 for any subsequent citation violation. Notwithstanding the above, violations of local building and safety codes are punishable by fines of $500 for a second Citation and $1,000 for subsequent Citations.

Rights of Appeal

You have the right to contest this Administrative Citation at a public hearing before an **Administrative Hearing Officer**. To request a hearing, you must pay an advance deposit in the full amount of the fine and submit that amount with the written appeal either by mail to the City Clerk, 3231 Main St, Oakley, CA 94561, or in person to the City Clerk's office at City Hall, **within ten (10) working days from the date of the Administrative Citation**.

A properly filed appeal will result in written notification of the date and time set for your hearing. Failure to appear at your hearing will constitute a failure to exhaust your administrative remedies. Any person who requests an appeal of an administrative citation and is unable to make the advance deposit of the fine required, may file a **Waiver of Fine Deposit Application**. Applications may be obtained from the City Clerk's Office at the above address and must be submitted with the appeal request.

RIGHT TO JUDICIAL REVIEW: Any person aggrieved by a decision of the Administrative Hearing Officer on an Administrative Citation may obtain review of the decision by filing a petition for review with the Superior Court in Contra Costa County in accordance with the timelines and provisions set forth in the California Government Code Section 530693.4

How to Pay

Payment should be made to: City of Oakley 3231 Main St Oakley, CA 94561.

- The total fine amount is **$400.00** and must be paid by mail or in person to the City of Oakley by **October 23, 2020**, which is thirty (30) days from the date of this Citation.
- Payment may be made by personal check, cashier's check or money order, VISA or Master Card.
- Please include the citation number **AC-20-000937** on your check or money order.

If the citation is not paid within thirty (30) days or appealed within 10 days from **September 23, 2020**, you may be subject to the imposition of a twenty-five percent (25%) late payment penalty if the Administrative Fine(s) is not paid by the due date, and interest at the rate of 1.5% per month, compounded monthly, will be added to the fine amount.

Failure to Pay

The City will collect any unpaid Administrative Citation fines or late payment charges by use of all available legal means, including but not limited to those means available for the collection of judgments, special assessment liens on real property and all actions for recovery of money. The city has the authority to collect all costs and attorney fees associated with the filing of such actions.

Contact

You may contact Code Enforcement via email at: code-enforcement@ci.oakley.ca.us or by calling (925) 625-7031. To better assist you, please reference the Case No. and/or Property Address and provide a brief explanation of your question (ie. Request for Extension, Clarification of Violation).

OAKLEY

CALIFORNIA

Credit Card Authorization

Property Address: _____

Company Name: _____

Cardholders Name (exactly as shown on credit card): _____

Billing Address (credit card):_____

City:_____ State:_____ Zip Code:_____

Telephone Number: (_____)_____

☐ Mastercard ☐ Visa

Card Number:_____ Card CCW/I.D. Number:_____

Expiration Date:_____ Amount Authorized: $ _____

AUTHORIZED SIGNATURE _____ DATE _____

FOR OFFICE USE ONLY

Authorization Number: _____

CITY COUNCIL
Kevin Romick, *Mayor*
Sue Higgins, *Vice-Mayor*
Randy Pope
Claire Alaura
Michael Krieg

OAKLEY
CALIFORNIA

Attachment 9

CITY HALL
3231 MAIN STREET
OAKLEY, CA 94561
925.625.7000 TEL
925.625.9859 FAX
WWW.CI.OAKLEY.CA.US

FINAL DEMAND

HOPPER THOREN DAVID TRE
87 CONCANNON CT
OAKLEY, CA 94561-3004

To HOPPER THOREN DAVID TRE,

Date: September 24, 2020

You are receiving this Final Demand letter as the Citee of administrative citation(s) that, as of this date, have gone unpaid. The citations were issued as a result of uncorrected violations occurring at 87 CONCANNON CT OAKLEY CA 94561 (APN: 037-234-033) Case CE-20-1925.

THIS IS YOUR FINAL OPPORTUNITY TO PAY BEFORE ANY BALANCE DUE IS TRANSFERRED TO A THIRD PARTY COLLECTION AGENCY. The opportunity to appeal the citation(s) has expired.

Issue Date:	Citation Number:	Amount
08/18/2020	Administrative Citation AC-20-000788	$200.00
	Total Balance Due:	**$200.00**

Accounting Code: 100-3374

Please make check payable to the **City of Oakley**. Mailing address is 3231 Main Street Oakley, CA 94561. To make a credit card payment the attached authorization form may be submitted via US Mail or electronically to: code-enforcement@ci.oakley.ca.us If you have any questions you may contact Code Enforcement at 925-625-7031.

If the invoice is not paid in full within thirty (30) days of the date indicated on this notice, the balance due will be transferred to a Third Party Collection Agency.

87 Concannon
10/8/20

87 Concannon
10/8/20

OAKLEY
CALIFORNIA

ADMINISTRATIVE CITATION

Mailing Date: October 8, 2020
Time of Citation: 4:55 PM
HOPPER THOREN DAVID TRE
87 CONCANNON CT
OAKLEY, CA 94561-3004

Citation No:	AC-20-000968
Responsible Party:	HOPPER THOREN DAVID TRE
Property Address:	87 CONCANNON CT
Parcel Number:	037-234-033
Case Number:	CE-20-1925

To HOPPER THOREN DAVID TRE,

Date: October 8, 2020

A Notice of Violation for the above property was issued on September 23, 2020 granting a time frame to correct the violation. That time frame has now expired and the property is still not in compliance so an Administrative Citation is being issued. **Payment of this Citation does not relieve the burden of correcting the remaining violation(s). This account will be referred to a Third Party Collection Agency upon becoming past due.**

ADMINISTRATIVE CITATION

OMC § 4.29.404 - Trash and Debris states:
Property inadequately maintained (trash & debris, inoperable equipment, junk, rubbish, and building materials) in public view.

The following corrective action was <u>not</u> completed upon re-inspection:
Please remove all trash and debris from the property and/or public view. This is including but not limited to the debris in the front yard, items in the driveway and under the tarp and mattress.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $500.00 AND ANOTHER CITATION OF $500.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

CITATION FINE IS NOW DUE AND PAYABLE		
☐ 1st Citation	☐ 2nd Citation	☑ **3rd Citation**
$100.00	$200.00	**$500.00**

Pursuant to Section 1.5.203(d) and 1.5.204 (c) of the Oakley Municipal Code (OMC), each day the violation continues is a separate and distinct offense and subject to additional citations. Fines per each count of the OMC Section violated are as follows: Fines are $100 for the first citation per violation, $200 for the second citation per violation and $500 for any subsequent citation violation. Notwithstanding the above, violations of local building and safety codes are punishable by fines of $500 for a second Citation and $1,000 for subsequent Citations.

RIGHTS OF APPEAL

You have the right to contest this Administrative Citation at a public hearing before an **Administrative Hearing Officer**. To request a hearing, you must pay an advance deposit in the full amount of the fine and submit that amount with the written appeal either by mail to the City Clerk, 3231 Main St, Oakley, CA 94561, or in person to the City Clerk's office at City Hall, **within ten (10) working days from the date of the**

Administrative Citation.

A properly filed appeal will result in written notification of the date and time set for your hearing. Failure to appear at your hearing will constitute a failure to exhaust your administrative remedies. Any person who requests an appeal of an administrative citation and is unable to make the advance deposit of the fine required, may file a **Waiver of Fine Deposit Application**. Applications may be obtained from the City Clerk's Office at the above address and must be submitted with the appeal request.

RIGHT TO JUDICIAL REVIEW: Any person aggrieved by a decision of the Administrative Hearing Officer on an Administrative Citation may obtain review of the decision by filing a petition for review with the Superior Court in Contra Costa County in accordance with the timelines and provisions set forth in the California Government Code Section 530693.4

How to Pay

Payment should be made to: City of Oakley 3231 Main St Oakley, CA 94561.

- The total fine amount is **$500.00** and must be paid by mail or in person to the City of Oakley by **November 7, 2020**, which is thirty (30) days from the date of this Citation.
- Payment may be made by personal check, cashier's check or money order, VISA or Master Card.
- Please include the citation number **AC-20-000968** on your check or money order.

If the citation is not paid within thirty (30) days or appealed within 10 days from **October 8, 2020**, you may be subject to the imposition of a twenty-five percent (25%) late payment penalty if the Administrative Fine(s) is not paid by the due date, and interest at the rate of 1.5% per month, compounded monthly, will be added to the fine amount.

Failure to Pay

The City will collect any unpaid Administrative Citation fines or late payment charges by use of all available legal means, including but not limited to those means available for the collection of judgments, special assessment liens on real property and all actions for recovery of money. The city has the authority to collect all costs and attorney fees associated with the filing of such actions.

Contact

You may contact Code Enforcement via email at: code-enforcement@ci.oakley.ca.us or by calling (925) 625-7031. To better assist you, please reference the Case No. and/or Property Address and provide a brief explanation of your question (ie. Request for Extension, Clarification of Violation).

OAKLEY
CALIFORNIA

Credit Card Authorization

Property Address: _____

Company Name: _____

Cardholders Name (exactly as shown on credit card): _____

Billing Address (credit card):_____

City:_____ State:_____ Zip Code:_____

Telephone Number: (_____)_____

☐ Mastercard ☐ Visa

Card Number:_____ Card CCW/I.D. Number:_____

Expiration Date:_____ Amount Authorized: $ _____

AUTHORIZED SIGNATURE _____ DATE _____

FOR OFFICE USE ONLY

Authorization Number: _____

OAKLEY
CALIFORNIA

Attachment 12

NOTICE OF VIOLATION

HOPPER THOREN DAVID TRE
87 CONCANNON CT
OAKLEY, CA 94561-3004

Property Address:	87 CONCANNON CT
Parcel Number:	037-234-033
Case Number:	CE-20-1925

To HOPPER THOREN DAVID TRE,

Date: October 8, 2020

An inspection was conducted on October 8, 2020 and the property listed above has been found to be in violation of the City of Oakley's Municipal Code. The violation(s) below require immediate action by the property owner/resident.

VIOLATION AND ACTION REQUIRED

OMC § 4.29.404 - Trash and Debris states:

Property inadequately maintained (trash & debris, inoperable equipment, junk, rubbish, and building materials) in public view.

Please remove all trash and debris from the property and/or public view. This is including but not limited to the debris in the front yard, items in the driveway and under the tarp and mattress.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $500.00 AND ANOTHER CITATION OF $500.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

• Compliance Date: October 18, 2020

OMC § 9.1.1802 - Sea Containers states:

Shipping containers are not permitted as residential accessory structures unless the following criteria can be met, subject to the review and approval of the Community Development Director:

a) The shipping container is redesigned and repurposed to appear and function as a residential accessory structure through the addition of a pitched roof that matches the color of the primary unit's roof, and the addition of texture coating or exterior veneer to disguise the industrial appearance of such structures and that matches the color of the primary unit.

b) The shipping container is structurally modified to include at least one residential man door that can be unlocked and opened from inside the container.

c) Subject to review and approval of the Community Development Director, exceptions may be made for the standard in subsection (e)(3)(a) of this section if the shipping container is screened from public and private view by a solid fence as seen from adjacent ground level.

Please remove all Shipping Containers from the property or contact the Planning Department by calling 925-625-7000 for review and approval. **Please note that redesign or re-purpose of a sea container requires applying for and obtaining a Building Permit.**

This is in reference to the Pack-Rat storage unit. Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $200.00 AND ANOTHER CITATION OF $500.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

• Compliance Date: October 23, 2020

Failure to Correct

Failure to correct the violation(s) by the compliance date(s) above may result in re-inspection fees for actual costs incurred. These costs are separate from citations and may be placed as a special assessment on the property tax rolls if not reimbursed. The City may also issue Administrative Citations, which range from a $100 to $500 fine per violation for every day the violation(s) remain and/or take other actions to compel compliance. The property owner is responsible for all costs associated with the abatement of this nuisance including inspection fees, hearing costs, and any costs incurred by the City if forced to abate this nuisance.

Thank you in advance for your prompt attention to resolving this matter.

Contact

You may contact Code Enforcement via email at: code-enforcement@ci.oakley.ca.us or by calling (925) 625-7031. To better assist you, please reference the Case No. and/or Property Address and provide a brief explanation of your question (ie. Request for Extension, Clarification of Violation).

CITY OF OAKLEY CODE ENFORCEMENT - 3231 MAIN STREET, OAKLEY, CA 94561

☐ Please check box if below address is incorrect and indicate change(s) on reverse side.

PO BOX 150
FAIRFIELD CA 94533-0150

STATEMENT DATE	09/09/2021
REFERENCE NUMBER	CE-20-1925
AMOUNT DUE	$200.00

☐ Payment in full enclosed.

☐ Please call me at: _____

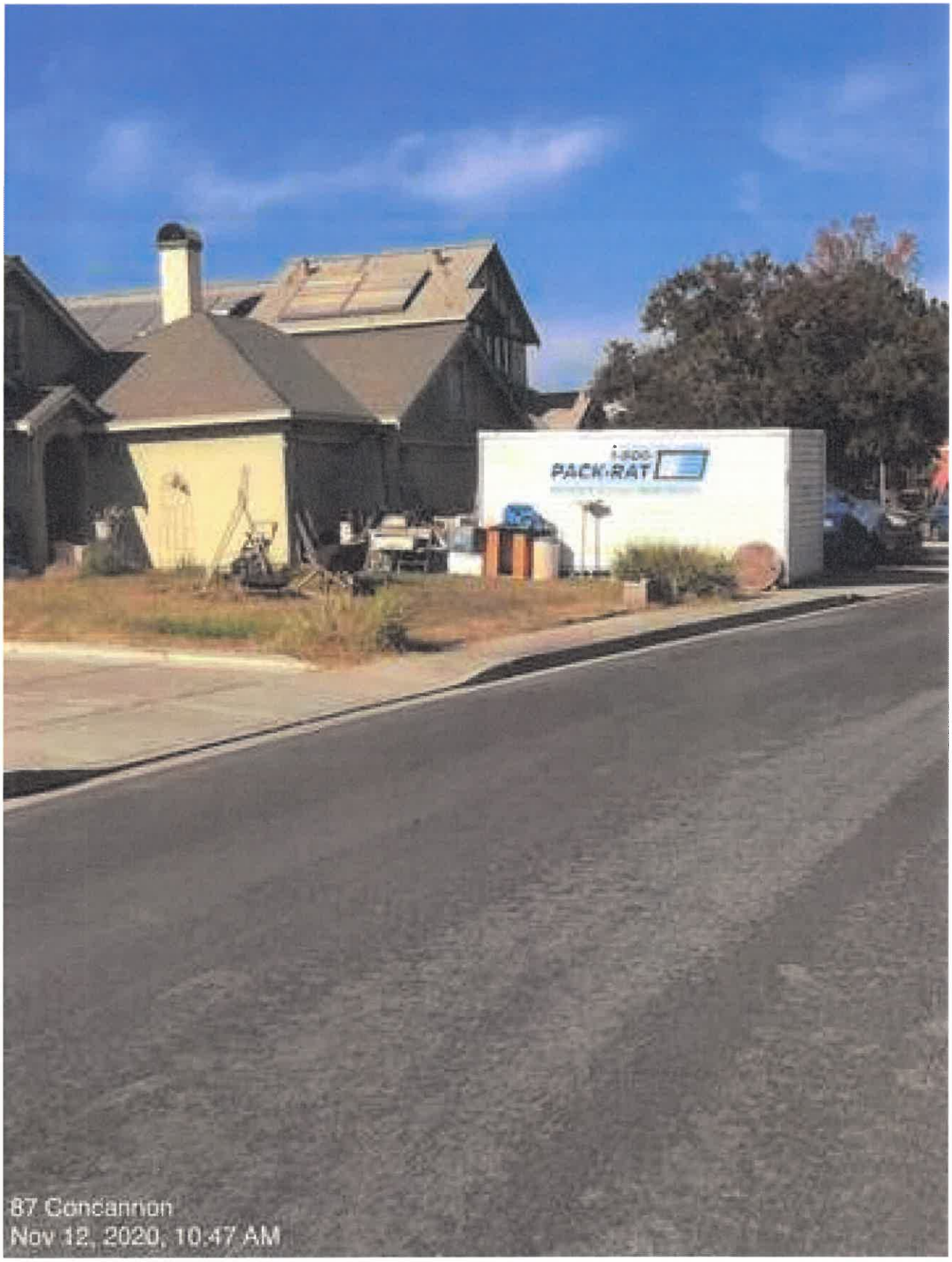
000012 - 3478

THOREN DAVID HOPPER
87 CONCANNON CT
OAKLEY CA 94561-3004

Make Checks Payable And Remit To:

CITY OF OAKLEY (PC)
3231 MAIN ST
OAKLEY CA 94561

CBA30


PACK-RAT
87 Concannon
Nov 12, 2020, 10:47 AM

OAKLEY
CALIFORNIA

Attachment 15

ADMINISTRATIVE CITATION

Mailing Date: January 25, 2021
Time of Citation: 4:21 PM
HOPPER THOREN DAVID TRE
87 CONCANNON CT
OAKLEY, CA 94561-3004

Citation No:	AC-21-000011
Responsible Party:	HOPPER THOREN DAVID TRE
Property Address:	87 CONCANNON CT
Parcel Number:	037-234-033
Case Number:	CE-20-1925

To HOPPER THOREN DAVID TRE,

Date: January 25, 2021

A Notice of Violation for the above property was issued on October 8, 2020 granting a time frame to correct the violation. That time frame has now expired and the property is still not in compliance so an Administrative Citation is being issued. **Payment of this Citation does not relieve the burden of correcting the remaining violation(s). This account will be referred to a Third Party Collection Agency upon becoming past due.**

ADMINISTRATIVE CITATION

OMC § 4.29.404 - Trash and Debris states:

Property inadequately maintained (trash & debris, inoperable equipment, junk, rubbish, and building materials) in public view.

The following corrective action was <u>not</u> completed upon re-inspection:

Please remove all trash and debris from the property and/or public view. This is including but not limited to the debris in the front yard, items in the driveway and under the tarp and mattress.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $500.00 AND ANOTHER CITATION OF $500.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

CITATION FINE IS NOW DUE AND PAYABLE		
☐ 1st Citation	☐ 2nd Citation	☑ **3rd Citation**
$100.00	$200.00	**$500.00**

OMC § 9.1.1802 - Sea Containers states:

Shipping containers are not permitted as residential accessory structures unless the following criteria can be met, subject to the review and approval of the Community Development Director:

a) The shipping container is redesigned and repurposed to appear and function as a residential accessory structure through the addition of a pitched roof that matches the color of the primary unit's roof, and the addition of texture coating or exterior veneer to disguise the industrial appearance of such structures and that matches the color of the primary unit.

b) The shipping container is structurally modified to include at least one residential man door that can be unlocked and opened from inside the container.

c) Subject to review and approval of the Community Development Director, exceptions may be made for the standard in subsection (e)(3)(a) of this section if the shipping container is screened from public and private view by a solid fence as seen from adjacent ground level.

The following corrective action was <u>not</u> completed upon re-inspection:

Please remove all Shipping Containers from the property or contact the Planning Department by calling 925-625-7000 for review and approval. ***Please note that redesign or re-purpose of a sea container requires applying for and obtaining a Building Permit.***

This is in reference to the Pack-Rat storage unit. Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $500.00 AND ANOTHER CITATION OF $500.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

CITATION FINE IS NOW DUE AND PAYABLE		
☐ 1st Citation	☐ 2nd Citation	☑ **3rd Citation**
$100.00	$200.00	**$500.00**

Pursuant to Section 1.5.203(d) and 1.5.204 (c) of the Oakley Municipal Code (OMC), each day the violation continues is a separate and distinct offense and subject to additional citations. Fines per each count of the OMC Section violated are as follows: Fines are $100 for the first citation per violation, $200 for the second citation per violation and $500 for any subsequent citation violation. Notwithstanding the above, violations of local building and safety codes are punishable by fines of $500 for a second Citation and $1,000 for subsequent Citations.

Rights of Appeal

You have the right to contest this Administrative Citation at a public hearing before an **Administrative Hearing Officer**. To request a hearing, you must pay an advance deposit in the full amount of the fine and submit that amount with the written appeal either by mail to the City Clerk, 3231 Main St, Oakley, CA 94561, or in person to the City Clerk's office at City Hall, **within ten (10) working days from the date of the Administrative Citation**.

A properly filed appeal will result in written notification of the date and time set for your hearing. Failure to appear at your hearing will constitute a failure to exhaust your administrative remedies. Any person who requests an appeal of an administrative citation and is unable to make the advance deposit of the fine required, may file a **Waiver of Fine Deposit Application**. Applications may be obtained from the City Clerk's Office at the above address and must be submitted with the appeal request.

RIGHT TO JUDICIAL REVIEW: Any person aggrieved by a decision of the Administrative Hearing Officer on an Administrative Citation may obtain review of the decision by filing a petition for review with the Superior Court in Contra Costa County in accordance with the timelines and provisions set forth in the California Government Code Section 530693.4

How to Pay

Payment should be made to: City of Oakley 3231 Main St Oakley, CA 94561.

- The total fine amount is **$1,000.00** and must be paid by mail or in person to the City of Oakley by **February 24, 2021**, which is thirty (30) days from the date of this Citation.
- Payment may be made by personal check, cashier's check or money order, VISA or Master Card.
- Please include the citation number **AC-21-000011** on your check or money order.

If the citation is not paid within thirty (30) days or appealed within 10 days from **January 25, 2021**, you may be subject to the imposition of a twenty-five percent (25%) late payment penalty if the Administrative Fine(s) is not paid by the due date, and interest at the rate of 1.5% per month, compounded monthly, will be added to the fine amount.

Failure to Pay

The City will collect any unpaid Administrative Citation fines or late payment charges by use of all available legal means, including but not limited to those means available for the collection of judgments, special assessment liens on real property and all actions for recovery of money. The city has the authority to collect all costs and attorney fees associated with the filing of such actions.

CONTACT

You may contact Code Enforcement via email at: code-enforcement@ci.oakley.ca.us or by calling (925) 625-7031. To better assist you, please reference the Case No. and/or Property Address and provide a brief explanation of your question (ie. Request for Extension, Clarification of Violation).

CITY OF OAKLEY CODE ENFORCEMENT - 3231 MAIN STREET, OAKLEY, CA 94561

OAKLEY
CALIFORNIA

Credit Card Authorization

Property Address: _____

Company Name: _____

Cardholders Name (exactly as shown on credit card): _____

Billing Address (credit card): _____

City: _____ State: _____ Zip Code: _____

Telephone Number: (_____) _____

☐ Mastercard ☐ Visa

Card Number: _____ Card CCW/I.D. Number: _____

Expiration Date: _____ Amount Authorized: $ _____

AUTHORIZED SIGNATURE _____ DATE _____

FOR OFFICE USE ONLY

Authorization Number: _____

OAKLEY
CALIFORNIA

NOTICE OF VIOLATION

HOPPER THOREN DAVID TRE
87 CONCANNON CT
OAKLEY, CA 94561-3004

Property Address:	87 CONCANNON CT
Parcel Number:	037-234-033
Case Number:	CE-20-1925

To HOPPER THOREN DAVID TRE,

Date: January 25, 2021

An inspection was conducted on January 25, 2021 and the property listed above has been found to be in violation of the City of Oakley's Municipal Code. The violation(s) below require immediate action by the property owner/resident.

VIOLATION AND ACTION REQUIRED

OMC § 4.29.404 - Trash and Debris states:

Property inadequately maintained (trash & debris, inoperable equipment, junk, rubbish, and building materials) in public view.

Please remove all trash and debris from the property and/or public view. This is including but not limited to the debris in the front yard, items in the driveway and under the tarp and mattress.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $500.00 AND ANOTHER CITATION OF $500.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

• **Compliance Date: February 4, 2021**

OMC § 9.1.1802 - Sea Containers states:

Shipping containers are not permitted as residential accessory structures unless the following criteria can be met, subject to the review and approval of the Community Development Director:

a) The shipping container is redesigned and repurposed to appear and function as a residential accessory structure through the addition of a pitched roof that matches the color of the primary unit's roof, and the addition of texture coating or exterior veneer to disguise the industrial appearance of such structures and that matches the color of the primary unit.

b) The shipping container is structurally modified to include at least one residential man door that can be unlocked and opened from inside the container.

c) Subject to review and approval of the Community Development Director, exceptions may be made for the standard in subsection (e)(3)(a) of this section if the shipping container is screened from public and private view by a solid fence as seen from adjacent ground level.

Please remove all Shipping Containers from the property or contact the Planning Department by calling 925-625-7000 for review and approval. **Please note that redesign or re-purpose of a sea container requires applying for and obtaining a Building Permit.**

This is in reference to the Pack-Rat storage unit. Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $500.00 AND ANOTHER CITATION OF $500.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

• **Compliance Date: February 4, 2021**

Failure to Correct

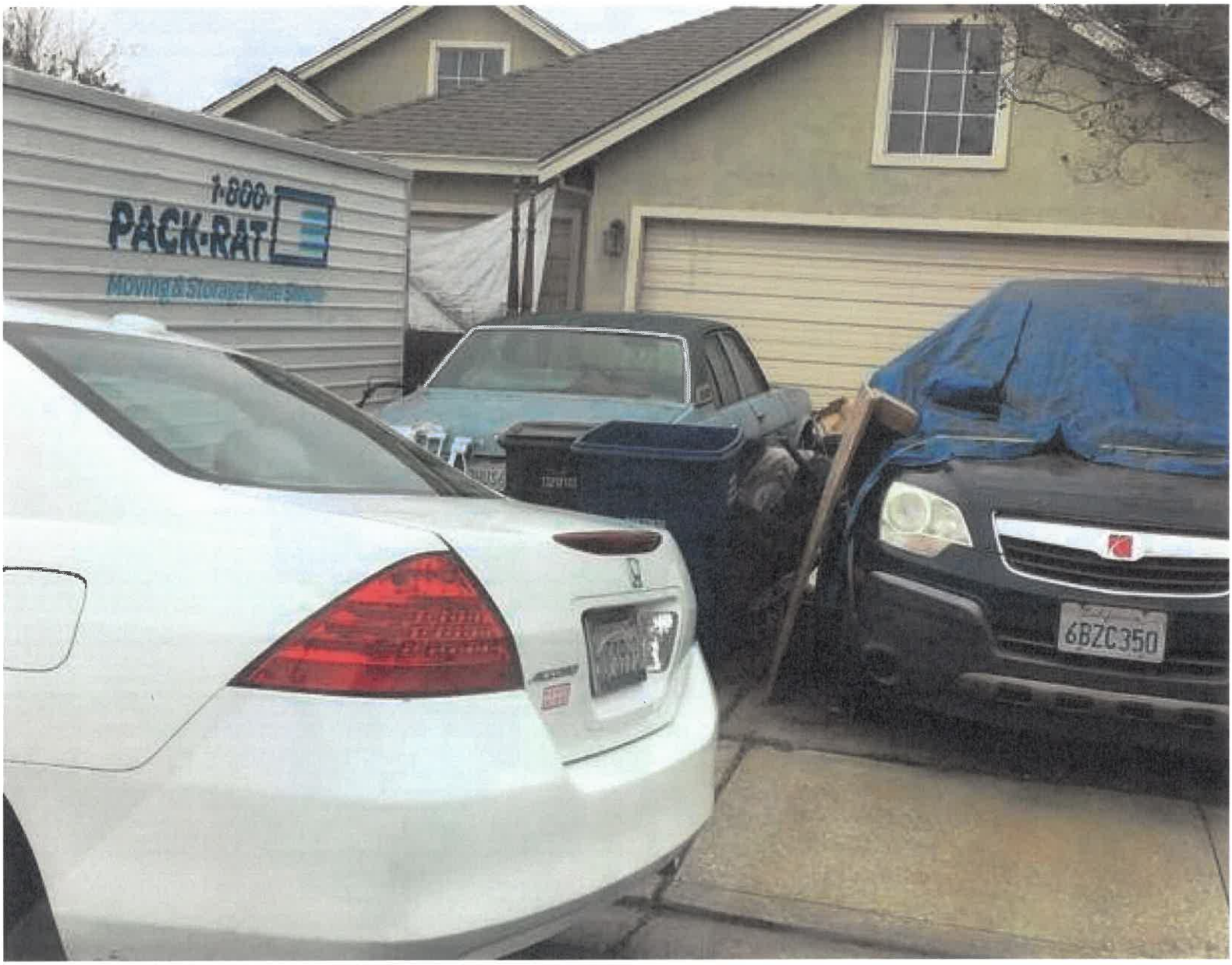
Failure to correct the violation(s) by the compliance date(s) above may result in re-inspection fees for actual costs incurred. These costs are separate from citations and may be placed as a special assessment on the property tax rolls if not reimbursed. The City may also issue Administrative Citations, which range from a $100 to $500 fine per violation for every day the violation(s) remain and/or take other actions to compel compliance. The property owner is responsible for all costs associated with the abatement of this nuisance including inspection fees, hearing costs, and any costs incurred by the City if forced to abate this nuisance.

Thank you in advance for your prompt attention to resolving this matter.

Contact

You may contact Code Enforcement via email at: code-enforcement@ci.oakley.ca.us or by calling (925) 625-7031. To better assist you, please reference the Case No. and/or Property Address and provide a brief explanation of your question (ie. Request for Extension, Clarification of Violation).

CITY OF OAKLEY CODE ENFORCEMENT - 3231 MAIN STREET, OAKLEY, CA 94561



87 Concannon
1/26/21

87 Concannon
1/26/21

87 Concannon
1/26/21

CITY COUNCIL
Sue Higgins, Mayor
Randy Pope, Vice Mayor
Aaron Meadows
Anissa Williams
George Fuller

OAKLEY
CALIFORNIA

Attachment 18

CITY HALL
3231 Main Street
Oakley, CA 94561
925.625.7000 tel
925.625.9859 fax
www.ci.oakley.ca.us

HOPPER DAVID THOREN TRE
87 CONCANNON CT
OAKLEY, CA 94561

February 22nd, 2021

Re: APN 037-234-033 (CE 20-1925): Refuse, Trash, and Debris

NOTICE OF VIOLATION AND ORDER TO ABATE

Pursuant to Oakley Municipal Code section **4.29.404**, this Notice of Violation is to inform you that conditions on the property under your ownership, management or control, and for which you have been cited under city code **4.29.404:**

"It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any property to maintain such property in such a manner that any one or more of the following described conditions are found to exist:

a. The accumulation of garbage, refuse, or rubbish
   i. in any area which is visible from a public street for a period of more than seven (7) consecutive days; or
   ii. in such a manner as to threaten the public health, safety or welfare; or
   iii. in such a manner so as to create a significant blight upon the surrounding neighborhood.."

It is the intent of the City of Oakley to abate the violation(s) by removing the refuse and debris.

You are required to remove the condition(s) causing the nuisances described above from the property. Correction of the condition(s) which give rise to the nuisance must be completed by **March 25th, 2021**. If corrections are not commenced within the time specified, and the City performs the abatement work, the owner shall be charged for the City's costs, including administrative and legal expenses. If the owner fails to compensate the City for its costs of performing the abatement work within thirty (30) days of the City billing the owner, the costs shall become an assessment against the property to be collected at the same time and in the same manner as other City taxes. Citations may continue to accrue during this period until the nuisance is abated.

Any person having any record title or legal interest in the parcel of land may appeal from this notice and order to the City Council, provided the appeal is made in writing and filed with the Office of the City Manager within 30 days from the date of service of this notice and order. The failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

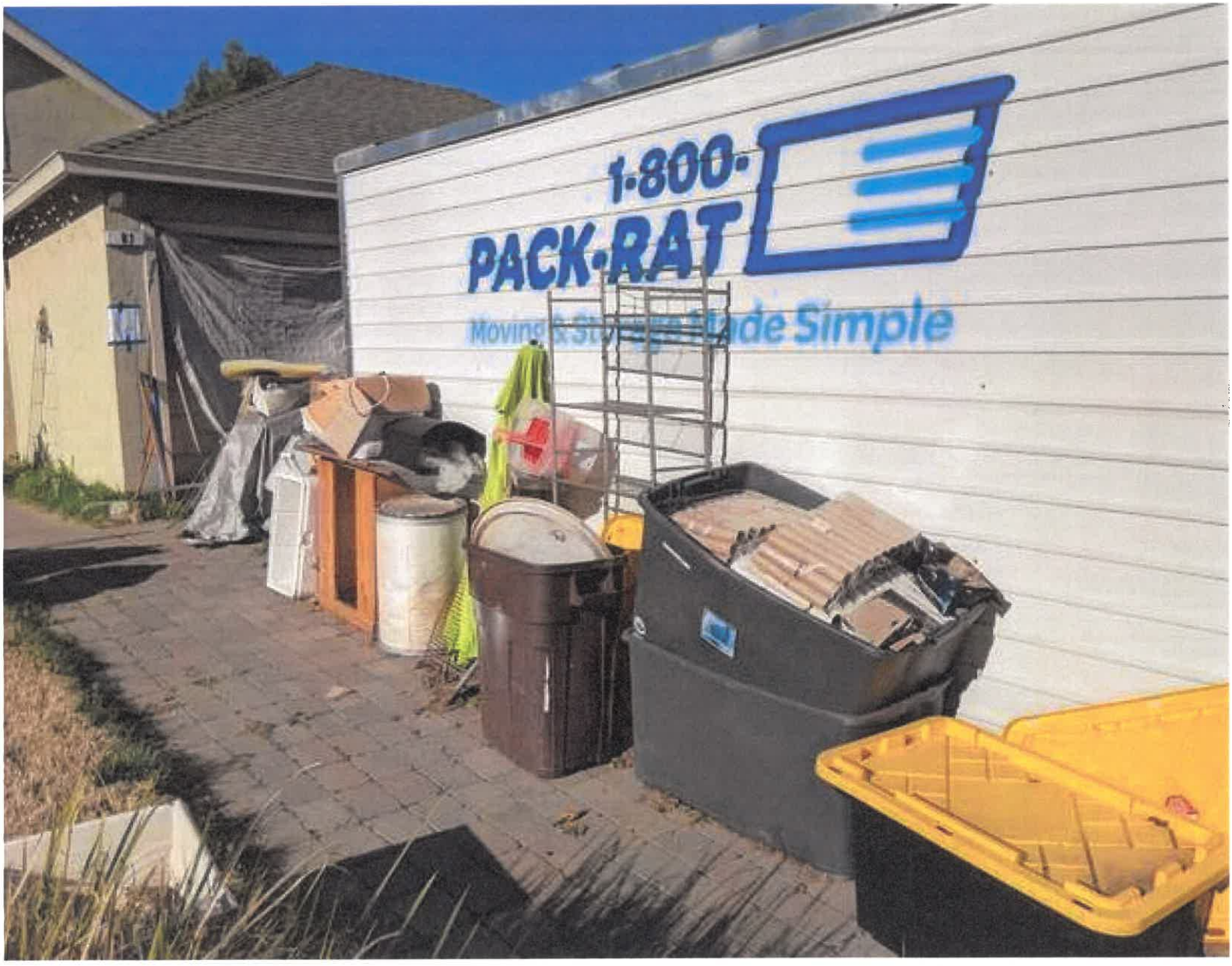
Sincerely,

Bryan Montgomery, City Manager

87 Concannon
2/25/21

87 Concannon
2/25/21

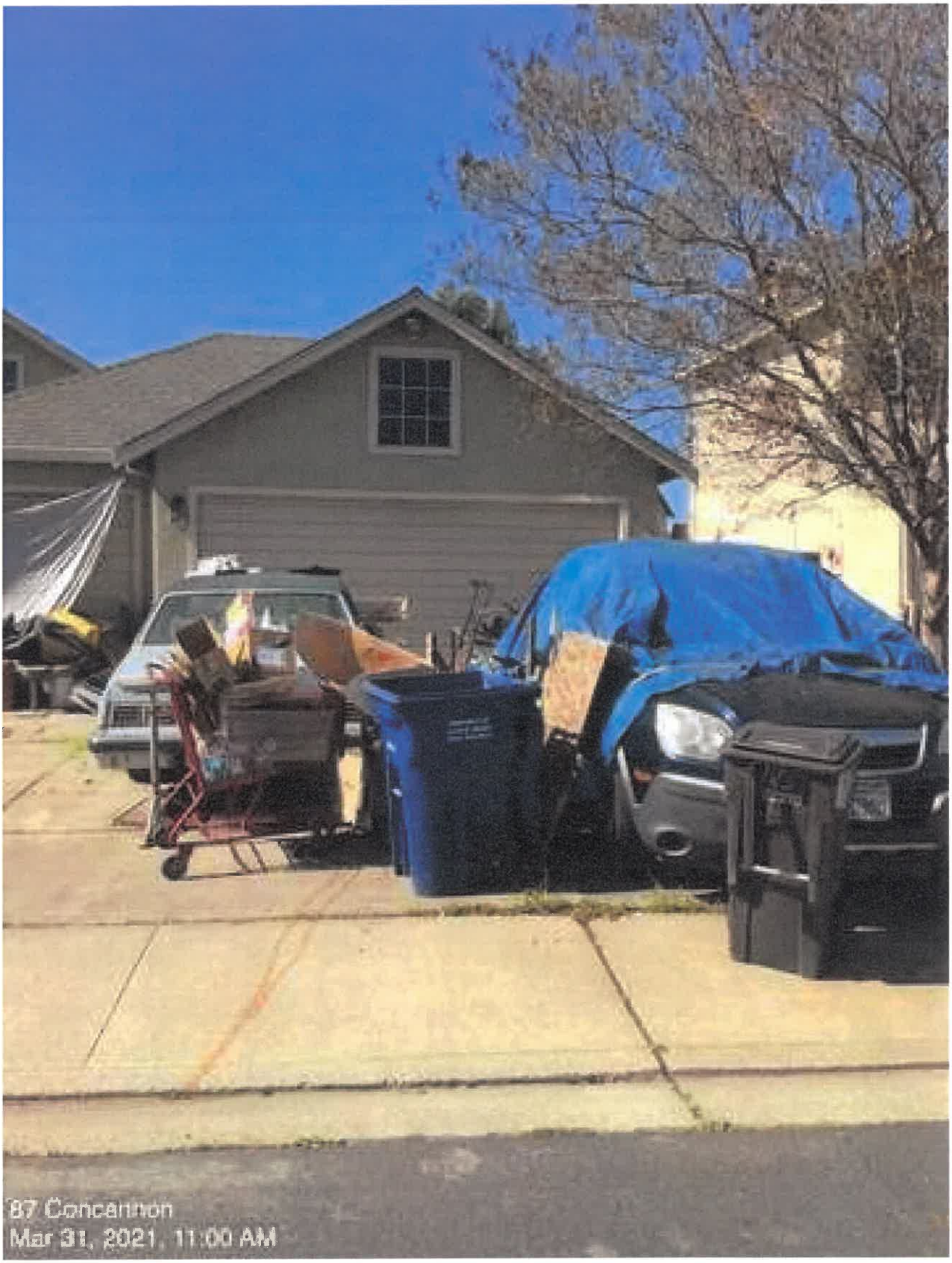
87 Cinnamon
2/25/21



87 Cinnamon
2/25/21

87 Concannon
2/25/21

87 Concannon
Mar 31, 2021, 11:00 AM


87 Concannon
Mar 31, 2021, 11:00 AM

87 Concannon
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87 Concannon
Mar 31, 2021, 11:00 AM

87 Condennon
Mar 31, 2021, 11:00 AM

2021, 11:00 AM

87 Concannon
Mar 31, 2021, 11:00 AM

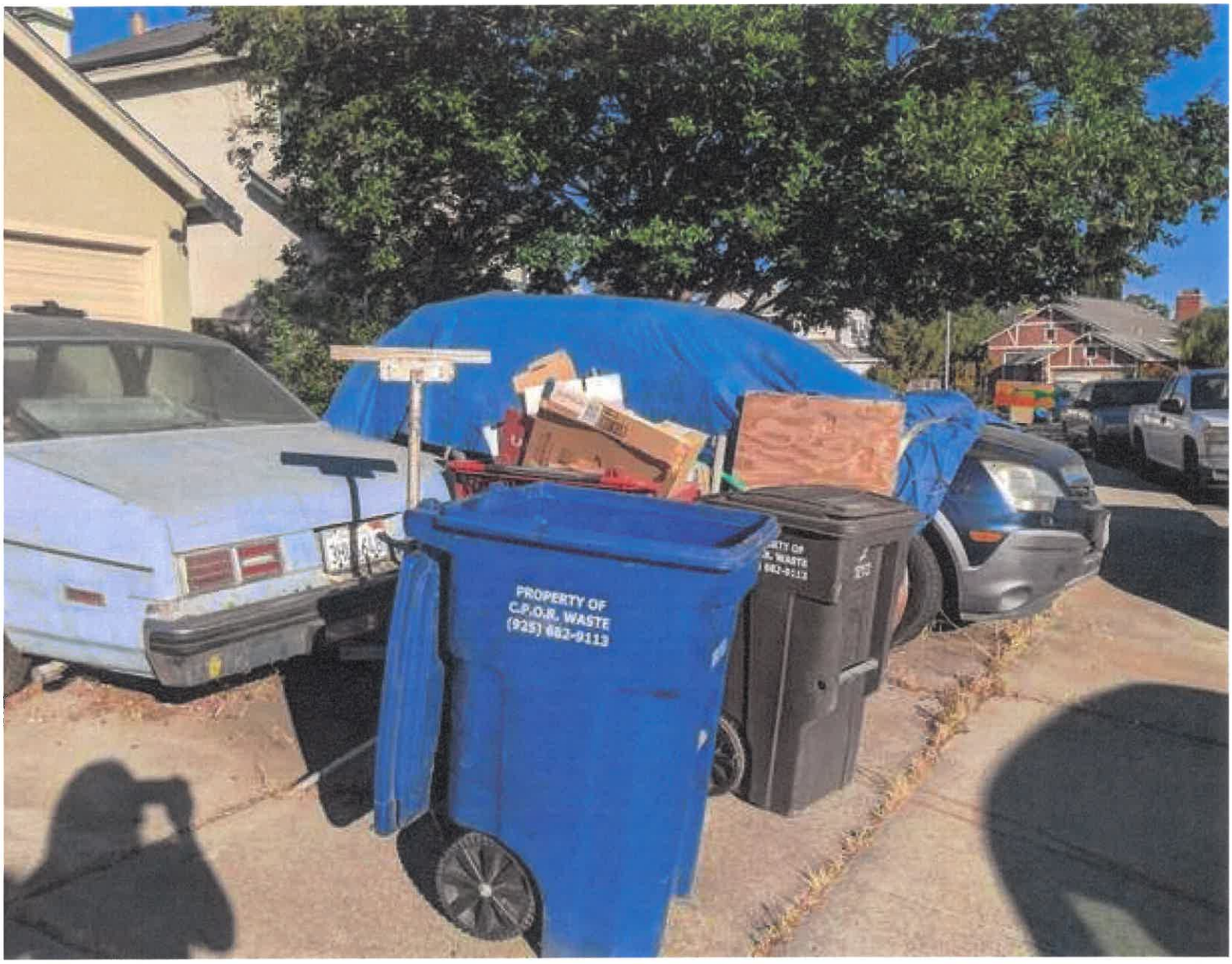
87 Concannon
Mar 31, 2021, 11:00 AM

87 Concannon

87 Concannon 5/4/21

87 Concannon
5/4/21

87 Concannon
5/4/21



87 Concannon
5/4/21

87 Corcannon
5/4/21

87 Concannon
5/5/21
Pre-Abatement

87 Concannon
5/5/21
Pre-abatement

87 Concannon
5/5/21
Post-abatement

87 Corcannon
5/5/21
Post-abatement

CITY COUNCIL
Sue Higgins, Mayor
Randy Pope, Vice Mayor
Aaron Meadows
Anissa Williams
George Fuller

OAKLEY
CALIFORNIA

Attachment 24

CITY HALL
3231 Main Street
Oakley, CA 94561
925.625.7000 tel
925.625.9859 fax
www.ci.oakley.ca.us

HOPPER THOREN DAVID (TRE)
87 CONCANNON CT
OAKLEY, CA 94561

REPORT OF COSTS

(REVISED TO REFLECT NEW HEARING DATE)

In accordance with City of Oakley Resolution 148-16, actual costs incurred for Code Enforcement abatement services and re-inspection services, and attorneys' fees in accordance with Oakley Municipal Code Section 1.6.302, at 87 CONCANNON CT., Oakley, CA 94561 (APN: 037-234-033), Case CE 21-0050, are being charged and will be heard by the Oakley City Council as a proposed special assessment on the property during its regular meeting to be held **November 9, 2021,** beginning at 6:30 p.m. in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California.

Date	Description	Total Cost
1/25/21	Re-inspection fee: CE OFC 20 mins	$24.75
1/25/21	Re-inspection fee: CE TECH 30 mins	$28.16
2/22/21	Re-inspection fee: CE OFC 60 mins	$74.31
2/25/21	Re-inspection fee: CE OFC 30 mins	$37.16
3/17/21	Re-inspection fee: CE OFC 15 mins	$18.58
3/23/21	Re-inspection fee: CE TECH 15 mins	$14.08
3/31/21	Re-inspection fee: CE OFC 30 mins / TECH 30 mins	$65.32
4/1/21	Re-inspection fee: CE OFC 45 mins	$55.73
4/29/21	Re-inspection fee: CE OFC 30 mins	$37.16
5/4/21	Re-inspection fee: CE OFC 30 mins	$37.16
5/5/21	Re-inspection fee: CE OFC 75 mins	$92.89
5/5/21	Abatement Costs	$490.00
5/27/21	Re-inspection fee: CE OFC 75 mins	$92.89
2/15 – 5/27/21	City Attorney Fees	$4,730.46

Accounting Code: 100-5201

TOTAL COST PROPOSED AS ASSESSMENT	**$5,798.65**

CITY COUNCIL
Sue Higgins, Mayor
Randy Pope, Vice Mayor
Aaron Meadows
Anissa Williams
George Fuller

OAKLEY
CALIFORNIA

Attachment 25

CITY HALL
231 Main Street
Oakley, CA 94561
925.625.7000 tel
925.625.9859 fax
www.ci.oakley.ca.us

HOPPER THOREN DAVID (TRE)
87 CONCANNON COURT
OAKLEY, CA 94561

NOTICE OF HEARING OF SPECIAL ASSESSMENT OF COSTS

NOTICE IS HEREBY GIVEN that the City of Oakley has caused to be removed on May 5, 2021, from 87 Concannon Court, certain garbage, refuse and rubbish, which constituted a public nuisance. An itemized written report showing the costs of such removal is enclosed and is on file with the City Clerk's Office. Reference is hereby made to such report for further particulars. It is the intention of the City Council of the City of Oakley to make the costs of such removal a special assessment against the property on which said nuisance was maintained or from which said nuisance extended, said assessment to be collected at the same time and in the same manner as ordinary municipal taxes. The property to be assessed is described as follows:

87 Concannon Court, Oakley, California
(Contra Costa County Assessor's Parcel Number 037-234-033)

In accordance with Oakley Municipal Code Section 1.6.128, the City Council shall hear any objections of the owner(s) of the property to be assessed for the removal/abatement costs. Any person filing any protest or objection who is affected by the proposed assessment may file a written report of the objections with the City Clerk at any time prior to the time set for the hearing on the report of costs. Each such objection must contain a description of the property in which the signer thereof is interested and the grounds of the objection.

Any person filing any protest or objection as provided above is invited to attend the hearing of special assessment costs to be considered by the City Council of the City of Oakley on Tuesday, October 26, 2021, during its regular meeting to be held beginning at 6:30 p.m. at the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. Objections will be heard and given due consideration.

Joshua McMurray
Interim City Manager

Dated: October 14, 2021

Enclosure: Report of Costs

CITY COUNCIL
Sue Higgins, Mayor
Randy Pope, Vice Mayor
Aaron Meadows
Anissa Williams
George Fuller

OAKLEY
CALIFORNIA

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OAKLEY
CALIFORNIA

Attachment 26

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HOPPER THOREN DAVID (TRE)
87 CONCANNON COURT
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Joshua McMurray
Interim City Manager

Dated: October 21, 2021

Enclosure: Report of Costs

CITY COUNCIL
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CALIFORNIA

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(REVISED TO REFLECT NEW HEARING DATE)

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2/15 – 5/27/21	City Attorney Fees	$4,730.46

Accounting Code: 100-5201

TOTAL COST PROPOSED AS ASSESSMENT	**$5,798.65**

RESOLUTION NO. ___-21

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY CONFIRMING THE COST FOR ABATEMENT OF A PUBLIC NUISANCE AND DIRECTING SPECIAL ASSESSMENT UPON PROPERTY LOCATED AT 87 CONCANNON COURT, OAKLEY, CALIFORNIA (APN 037-234-033)

WHEREAS, the Oakley Municipal Code establishes standards in law to protect the health, safety and welfare of the community and the City's Code Enforcement Department is tasked with addressing violations of the Code, so as to ensure the health, safety and welfare of the community; and

WHEREAS, a public nuisance in violation of the Code was found to exist at property located at 87 Concannon Court, Oakley, California (APN 035-552-119) and abatement of such nuisance was conducted; and

WHEREAS, in accordance with Oakley City Council Resolution 148-16 and Oakley Municipal Code Sections 1.6.126 and 1.6.302, the cost incurred by the City to abate the nuisance, including the abatement, re-inspection fees and attorneys' fees have been documented on the Report of Costs on file with the City Clerk's Office in the total amount of $5,798.65, and

WHEREAS, such Report of Costs was posted and mailed to the property owner for payment and such cost remains unreimbursed by the property owner to date; and

WHEREAS, City staff seeks to confirm such cost, and if such cost remains unpaid after August 1, 2022, staff seeks confirmation to collect the amount via direct assessment for collection on the Contra Costa County Fiscal Year 2022-2023 property tax roll as authorized by Oakley Municipal Code Section 1.6.132.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that it hereby confirms the cost for abatement of a public nuisance in the amount of $5,798.65 and directs the special assessment of $5,798.65 upon property located at 87 Concannon Court, Oakley, California (APN 035-552-119) for collection on the Contra Costa County Fiscal Year 2022-2023 property tax roll, if the cost remain unpaid to the City of Oakley after August 1, 2022.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Oakley held on the 9th day of November, 2021 and adopted by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED: ATTEST:

Sue Higgins, Mayor Date: Libby Vreonis, City Clerk

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: December 14, 2021

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

FROM: Libby Vreonis, City Clerk

SUBJECT: **Adopt a Resolution Approving the 2022 City Council Committee Appointment List**

Summary and Background

Each year after the Oakley City Council reorganizes, the City Council reviews the City Council Committee Appointment List for the upcoming year to decide which local and regional committees each Councilmember shall serve. Traditionally, the Mayor and Vice Mayor are appointed to represent the City of Oakley on the Contra Costa County Mayors' Conference, East County Mayors and City Managers Meeting, and CalCities, unless the City Council should approve otherwise. Attached is the proposed list for 2022.

Fiscal Impact

None.

Recommendation

Staff recommends that the City Council adopt a resolution approving the 2022 City Council Committee Appointment List, including any revisions.

Attachments

1. Proposed 2022 City Council Committee Appointment List
2. Resolution Approving the 2022 City Council Committee Appointment List

2022 City Council Committee Appointment List

Higgins, Sue
Tri-Delta Transit
Ad Hoc Fire District Subcommittee
Ad Hoc Project Labor Subcommittee
CalCities East Bay Women's Caucus (League appointment)

Pope, Randy
CCC Mayors Conference
East County Mayors and City Managers
CalCities East Bay Division, *Voting*
Habitat Conservation Plan Exec. Committee/HCP Conservancy
Ad Hoc Parks Subcommittee
Ad Hoc Agricultural Conservation Subcommittee
MCE Board, *Alternate*

Meadows, Aaron
East County Mayors and City Managers, *Alternate*
CCC Mayors Conference, *Alternate*
TRANSPLAN/ECCRFFA/St. Route 4 Bypass (CC Rep)
MCE Board
Ad Hoc Project Labor Subcommittee
Ad Hoc Parks Subcommittee
Ad Hoc Agricultural Conservation Subcommittee
You, Me, We Oakley Project Committee
Oakley Inter-agency Subcommittee (Public School Liaison)

Williams, Anissa
Tri-Delta Transit
Oakley Inter-agency Subcommittee (Public School Liaison)
Ironhouse Sanitary District Liaison
Ad Hoc Fire District Subcommittee
TRANSPLAN (PC rep)
ABAG, *Alternate*

Fuller, George
Diablo Water District Liaison
You, Me, We Oakley Project Committee
CalCities East Bay Division, *Alternate*
ABAG, *Voting*
East Bay Leadership Council (liaison)
East Contra Costa Fire Protection District Board (liaison)

RESOLUTION NO. _____-21

RESOLUTION OF THE OAKLEY CITY COUNCIL APPROVING THE 2022 CITY COUNCIL COMMITTEE APPOINTMENT LIST

BE IT RESOLVED by the City Council of the City of Oakley that the attached 2022 City Council Committee Appointment List is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Oakley City Council held on the 14th day of December, 2021, by Councilmember _____, who moved its adoption, which motion being duly seconded by Councilmember _____, was upon voice vote carried and the resolution adopted by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

_____
, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date